

BORAH SCORES IN HAYWOOD TRIAL

Admissions by Hostile Witnesses.

ORCHARD AND HAYWOOD CHUMS

Accused Paid Visits to Confessed Assassin.

DAVIS MADE TO SQUIRM

Man Orchard Accuses of Leading the Wardner Mob Makes Bad Impression—O'Neill Is Proud of His Savage Editorials.

BOISE, Idaho, June 26.—(Special.)—This was a field day for the state in the Haywood case. Four witnesses were put on the stand for the defense. Of these, two were utterly discredited and from the other two the state got far more than the defense itself. Mr. Hawley and Senator Borah went after the witnesses hammer and tongs and opened many interesting passages in which they stumbled miserably. As the net result of the day's work, the state's case was strengthened, and it is declared by all of the friends of the prosecution to have been one of the very best days of the trial from the state's standpoint.

Mrs. Lottie Day, of Denver, who first took the stand, had made a statement to the state before the case started and was willing to appear for the prosecution, but the state's attorneys found she was not a reliable person, and after considering the matter some time they declined to call her and she went over to the defense.

Shows Intimacy of Accused.

Though this woman testified that Orchard told her he had a grudge against Steuenerberg, she gave testimony on a cross-examination of the highest value, further establishing the intimacy between Haywood and Orchard. She was on terms of intimate friendship with Pettibone, a point in itself of some interest. She also knew Orchard well under the name of Dempsey. While she and Dempsey were sitting in the parlor of the Belmont House, Haywood came in and was introduced to her by Dempsey. Haywood was looking for Dempsey and said he wished to have a talk with Dempsey. They went to Dempsey's room and remained for a long time. The importance of such testimony coming from a witness for the defense cannot be overestimated. It shows that Haywood was not only on close terms with Orchard, but that he sought Orchard out at his hotel and held a long conference with him in his room.

This conference between Haywood and Orchard was on the Thursday after the meeting of the Federation that year. The date of that meeting was May 25. It is interesting in connection with Mrs. Day's statement to recall the fact that the exposition at the Independence station was on June 5.

Tilt About Witnesses.

A most interesting tilt arose just before Mrs. Day was excused. Mr. Hawley brought out the fact that the state has a written statement made by Mrs. Day to W. A. Stone, of counsel for the state. He wished to have the witness held until Mr. Stone could be in court. Thereupon Mr. Richardson announced in a lordly manner that the witnesses for the defense would go home when the defense was through with them. Mr. Hawley suggested the court had something to say about that, and Judge Wood himself stated the witnesses were under the jurisdiction of the court. Mr. Richardson sullenly repeated that the witnesses would go home when the defense was through with them, but the judge stated there was a way to settle the matter. Later on he announced that all witnesses whom the state wished to retain after being dismissed by the defense would stay and that the state would pay their per diem. That will hold Mrs. Day and probably some others. It is understood that Dr. McGee will be called back also.

Witness Geis Confused.

John D. Elliott, who followed Mrs. Day on the stand, proved a weak old fellow, who has been twice in the insane asylum. He had a story to tell about having talked with Orchard on the train in the Fall before the murder, but he was badly mixed about many matters. One feature of his testimony was that the train on which he rode was a day train passing Weiser in the afternoon, he having come down on the P. & I. N. road. The afternoon train does not make connection with the train on the P. & I. N. road. Again, he testified positively that Orchard wore a moustache at that time. This was in face of the fact that the defense has pictures of Orchard showing how he appeared at that time, these being shown all witnesses for the purpose of identification.

Proud, Firing Editor.

When John M. O'Neill, editor of the Miners' Magazine, took the stand, the state scored finely. Though he testified that he heard Orchard say he would get Steuenerberg, he admitted that he had often seen both Orchard and Adams about Federation headquarters. The most important part of his testimony, how-

ever, was in connection with the articles from the magazine. He testified positively on cross-examination that the articles written by him were approved by Moyer and Haywood and that the sentiments expressed were their sentiments. He spoke with a manifest feeling of pride when he referred to his work and to having written the articles read to him by Mr. Borah.

These were the articles published after the death of Steuenerberg, which Judge Wood excluded when the state offered the entire batch in evidence. They are now in the record, having been read by Mr. Borah as part of his question as to the authorship. The articles in question spoke in the most inflammatory manner of Steuenerberg, showing that the death of the ex-Governor gave great joy to those controlling the policy of the magazine. Mr. O'Neill proudly said he had selected and printed an article which read as follows:

"A chap by the name of Steuenerberg was blown up the other day at Caldwell. He came into fame as the inventor of that revered institution known as the



W. B. Easterly, who Declined Orchard's invitation to Help Him in Blowing Up Steuenerberg.

bullet. It seems a bomb was carelessly left at his gate, presumably by some Russian revolutionist. Such carelessness should be frowned down. The gate was completely wrecked."

Davis Squirms Under Fire.

W. F. Davis, known as "Big Bill Davis," was on the stand all the afternoon. The feature of his testimony was the grilling that Mr. Borah gave him on cross-examination. He was one of the men so badly wanted by the state after the destruction of the Bunker Hill & Sullivan mill and the murder of two men in 1899. He was also one of the gang of leaders of the lawless element who at once went over the trail to Montana when they heard the troops were coming.

While Mr. Borah shot questions at him about his connection with that affair and his subsequent actions and observation, "Big Bill" squirmed about in the witness chair like a man in torment. He could not escape in any direction. Mr. Borah was always on hand with a new question to confound him, and he was utterly discredited by the manner in which he stuck to his story that he knew nothing about the explosion, about the train or about anything connected with the doings of that day of lawlessness. His cross-examination was not completed when court adjourned and in the morning he will give another "roast."

DENIES HE LED WARDNER MOB

Davis Contradicts Orchard's Story. O'Neill's Inflammatory Articles.

BOISE, Idaho, June 26.—William F. Davis, of Goldfield, Nev., one of the most important witnesses for the defense of William D. Haywood, accused of the murder of Frank Steuenerberg, was called to the stand at noon today and his cross-examination had not been completed when court adjourned this evening. Harry Orchard testified that Davis led and commanded the mob that destroyed the Bunker Hill & Sullivan mill in 1899; inspired, as the agent of Haywood and Moyer, the vindicator explosion and the train-wrecking plot at Cripple Creek, and was an accomplice in the Independence station crime.

On direct examination by Clarence Darrow, he went over the story of his working life, including the pathetic story of the death of his wife and babe at Cripple Creek, at which he wept, and made positive denial of every statement of Orchard that involved him or his associates in any form of crime. He denied that he was even a member of the union when the Bunker Hill & Sullivan mill was blown up and at the conclusion of his general story said that at Cripple Creek during the strike Orchard told him of the Hercules mine affair and threatened to kill Steuenerberg.

Denies He Was at Wardner.

The cross-examination of Davis by Senator Borah was severe and searching and was chiefly devoted, as far as it proceeded, to the Bunker Hill & Sullivan affair and the circumstances under which Orchard made the threat against Steuenerberg. Davis asserted that he remained at Gem the day the Bunker Hill mill was blown up and, while he said he saw the train in charge of the masked mob arrive at and depart from Gem, he could not name any one on the train except the engineer, Hutton. He said there was no excitement and he made no inquiry about the mob.

He said that he remained in hiding after the mill was blown because he did not want to be deported or thrown into the "bullpen" and that he changed his name when he departed for Butte shortly after, because he feared the mineowners' blacklist, made up from a petition that the employees of the Bunker Hill mine had sent to Governor McConnell protesting against the unsafety of the mine. Mr. Borah showed that the petition had been presented six years before and that Butte was a member of the union when the blacklist was ineffective. Passing to the threat

MOST POPULAR MAN IN WORLD

Roosevelt Is Admired Everywhere.

COL. HARVEY RETURNS HOME

Finds Sentiment Abroad Favors Re-election.

APPLAUD PRESIDENT'S ACT

Commercialism in Europe No Longer Fears American Invasion of Trade Conditions or Domination of the Markets.

NEW YORK, June 26.—(Special.)—Colonel George Harvey, editor of Harper's Weekly, returned to New York today after five weeks spent in England and France. Colonel Harvey said: "One cannot remain abroad a fortnight without being forced to realize that President Roosevelt is far and away the most popular man in the world. King Edward and the Kaiser are much loved and admired by their own people, but the President's popularity is literally universal, pervading all classes.

Greatest American Universal.

"Royalty, led by the Kaiser himself, who pronounced Mr. Roosevelt the greatest of American Presidents, without exception, is particularly desirous of his reelection as tending to indicate that, so far from being doomed, autocracy may still hold popular favor if the personality of the ruler be sufficiently vivid and his acts shrewdly beneficial. It is a peculiarly pleasing sign at this time, when a wave of democracy seems to be sweeping over Europe, to appear in the land whose dedication to personal liberty has caused so much anxiety in royal breasts for more than a century.

"No less ardent in support of Mr. Roosevelt is the commercialism of England, France and Germany. The panic of five years ago among the business men of all three nations over American trade expansion was very real. Our concentration of effort and superior methods seemed likely to dominate all markets within ten years, and New York was regarded as the certain and almost immediate successor of London as the financial center of the world.

Applaud Roosevelt Crusade.

"But there is no longer any fear, or even talk, of the once dreaded American invasion. Impairment of credit has throttled American enterprise so effectually as to give our competitors probably a score of years in which to recover ground that seemed to have been lost forever. Nowhere, not even in our own haunts of populism, was the President's crusade against great American corporations so heartily welcomed, as in England and Germany.

"The staggering blow administered by the President to American railway securities is heralded with complacency amounting almost to glee."

Oklahoma Republicans to Meet.

OKLAHOMA CITY, Okla., June 26.—

J. L. Harmon, chairman of the Republican State Committee, issued a call today for a State Convention to be held in Tulsa, July 12, for the nomination of a state ticket. According to a statement made to-day, speeches will be made by Secretary Taft, Congressman Landis and Speaker Cannon.

USED MAILS TO DEFAUD

Mine Promoters Make False Claims to Property.

DENVER, Colo., June 26.—Charged with using the mails to defraud, A. D. Goodale, J. F. Manning, John J. Hoban, J. D. Williamson, C. D. Campbell and Everett Bell, officers and directors of the Gold Leaf Consolidated Mines Company, it was authoritatively announced today, were indicted by the Federal grand jury. Those who are in this city appeared in court today and furnished bail for their appearance for trial. The Gold Leaf Consolidated Mines Company was the holding company for the



W. F. Davis, who Denied Orchard's Charge That He Led Mob Which Blew Up Bunker Hill and Sullivan Mill.

Gold Leaf Mining, Milling & Drainage Company, the Grass Roots Gold Development & Mining Company and the Gold Leaf Ore Reduction Company, stock in which, it is charged, was sold on false claims to the ownership of valuable mines in the Clear Creek (Colorado) district.

The Department of Justice at Washington has sent Harry J. Bone, United States District Attorney for Kansas, to Denver to conduct the prosecution of the mining promoters who have been indicted on charges of fraud. The first case to be brought to trial will be that of the Lost Bullion Spanish Mines Company, whose promoters are charged with having sold much stock in the same by means of false statements concerning a property near Silver City, N. M.

SLIPPED MONEY IN POCKET

Insurance Man Says He Bribed Minnesota Official.

MINNEAPOLIS, June 26.—That he slipped an envelope containing \$300 into the pocket of Elmer H. Dearth in 1904, when the latter was insurance commissioner of Minnesota, was the statement made on the stand by William S. Bechtel, former president of the Northwestern National Life Insurance Company, Dearth is on trial charged with attempting to bribe Bechtel was recently convicted of grand larceny in connection with the affairs of the Northwestern National Life Insurance Company.

Overseers of Harvard Elected.

CAMBRIDGE, Mass., June 26.—The annual election of Harvard overseers today resulted in the choice of Bishop N. Lawrence, '71, Cambridge; Robert F. Peabody, '86, Boston; William A. Gaston, '80, Boston; George D. Markham, '81, St. Louis; William Endicott, Jr., '87, Boston. A gift of over \$100,000 to Harvard University from the class of 1883, which is celebrating its 5th reunion this June, was announced today by President Elliot.

DEMANDS FACTS FROM STANDARD

Judge Landis Calls Trust to Time.

SWEEPS ASIDE OBJECTIONS

Wants to Know All About Oil Dividends.

CALLS MORE WITNESSES

Rockefeller, Rogers and Archbold Must Explain—Railroad Officials Who Gave Rebates Grilled. Fines Not to Be Nominal.

CHICAGO, June 26.—(Special.)—High officials of the Standard Oil Company were ordered today to appear before Judge Landis, of the United States District Court, in Chicago, July 6. Under the court order, John D. Rockefeller, H. H. Rogers, John D. Archbold and other heads of the gigantic corporation may be summoned. Among those for whom subpoenas were ordered to be issued are the president, secretary and treasurer of the Standard Oil Company, the officers of the Union Tank Line and the officers and directors of holding companies.

The refusal of the oil trust to answer the questions of Judge Landis relating to its financial resources and the dividends paid to its stockholders aroused the anger of the court. The clash between the Judge and John S. Miller, chief counsel of the trust, came to a climax, and Judge Landis met the defiance of the corporation with the announcement that he would use the power of the law to secure the information which the Standard Oil officials were attempting to keep out of the court records.

Will Not Spare Trusts.

The unexpected action of the court, which caused a sensation in the legal right of the Government against the oil company, followed another crushing defeat for the trust, with prospects of more serious trouble ahead. Judge Landis, of the United States District Court, denied a new trial to the oil trust and overruled 14 motions made by its chief counsel, John S. Miller. In quick succession every technical point raised by Mr. Miller in the big case was decided against the corporation in blows that staggered the defense. Every effort to minimize the \$29,250,000 fine, which Judge Landis has the power to impose, to a fine of \$20,000 failed and was turned into victory for the Government.

Judge Landis not only ruled against the oil trust on every point, but subjected officials and employees of the Chicago & Alton Railroad to a severe grilling on the witness stand to learn the secret of the special rate given to the corporation for oil shipments. Mr. Miller objected to the court hearing, declaring that it was improper and had no relation to the trial, but again he was overruled by the court.

When Judge Landis learned that the 6-cent rate given to the Standard Oil

Company for shipments from Chapelto to East St. Louis had not been made known to the railroad freight agents generally, while a 10-cent rate was in force, the court ordered that a subpoena be issued for F. L. Wann, former general freight agent of the road, who is now in California.

"Have him here by July 5," Judge Landis directed.

Admission was made by F. S. Hollands, chief rate clerk of the railroad, that railroads had frequently quoted special rates to shippers and this opened a new line of investigation, to which Mr. Miller objected. The attorney declared that "it was not a grand jury investigation" and showed his displeasure at the broad scope of the inquiry.

Impose Fine on Each Count.

After the motion for a new trial and a motion for an arrest of judgment had been denied, Mr. Miller sought to limit the impending fine to a maximum of \$29,000 by a technical escape from



Max Malisch, One of Chief Witnesses for Defense in Haywood Trial.

the 1462 counts. Judge Landis indicated that he must impose the fine on each of the 1462 counts.

SUMMONS ON COAL TRUST

Three Companies Ordered to Explain Relation With Railroad.

SCRANTON, Pa., June 26.—Summons charging violations of the Interstate Commerce laws and the Sherman act were served on three of the big coal companies of this region today. It is the first move taken by the Government against the coal-carrying roads to compel them to explain their relations with the Philadelphia & Reading Company.

The Delaware, Lackawanna & Western Company, the Erie Company and the Lehigh & Wilkesbarre Coal Company are the three on which papers were served. The specific charge against them is that they are parties to an alleged combine, formed for the purpose of restraining trade and fixing an arbitrary price upon a commodity. The subpoenas demand that they be represented at the United States Circuit Court in Philadelphia, August 1.

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AMERICA LEADS AT CONFERENCE

Offers Plan to Limit Bombardments.

HOSPITAL SHIPS MADE SAFE

Exempt From Capture, but Subject to Search.

MUST ASSIST BOTH SIDES

General Porter's Proposition to Protect Unfortified Towns—France and Germany Both Propose Schemes of Arbitration.

THE HAGUE, June 26.—The text of the American proposition presented to the peace conference June 24, says that the bombardment of unfortified towns, villages or buildings is forbidden, although such towns, villages or buildings are liable to damages incidental to the destruction of military or naval establishments, public depots of munitions of war or vessels of war in port, and such towns, villages or buildings are liable to bombardment when reasonable requisitions for provisions and supplies at the time essential to the naval force are withheld, in which case due notice of the bombardment must be given.

"The bombardment of unfortified and undefended towns and places for the nonpayment of ransom is forbidden."

Hospital Ships Exempt.

The German proposition for adapting the Red Cross convention to naval warfare, which was presented June 24, says that hospital ships cannot be captured, not being considered as warships. Private hospital ships will enjoy the same treatment if authorized by their own government and on condition that they are certified to the other belligerent. They must assist the wounded without distinction of nationality, and must never be employed for military purposes or interfere with military operations. They are subject to search and can be ordered by either belligerent to take certain positions. All hospital ships must hoist the Red Cross flag.

The protest granted hospital ships ceases if they are employed against the enemy, but the crews of such ships may employ arms in their own defense and in defense of the patients. Such ships can also carry small artillery.

Arbitration and Mediation.

The German proposition of June 22 adds three new articles to the convention of 1864. It establishes that, if any two signatory powers are agreed to have a special treaty of arbitration they can have recourse to a permanent court at The Hague of 15 members, each party to the agreement choosing one and the remaining three being chosen by three disinterested powers.

France presented two propositions for the peaceful regulation of international conflicts. The first says that in international disputes, not involving their honor or essential interests, the signatory powers may decide to appoint an international commission of inquiry according to a convention agreed on by the conflicting parties. The second deals with the formation of this commission.

Three Powers United.

The abstract of the documents cabled to the Associated Press last night and tonight constitutes the whole material distributed among the members. Discussion of them will begin Thursday.

The British proposition regarding the laying of floating mines made to the first committee of the peace conference will be supported by the United States and Japan.

William T. Stead's paper, the Conference Courier, says the text of propositions "is mysteriously cabled to America while they should be kept secret until the discussion is over."

Andrew Carnegie having approved the site and plans for the Palace of Peace building, left this afternoon for Scotland.

CUBAN DELEGATE RESIGNS

Yields to the Persistent Demands, Though Magoon Objects.

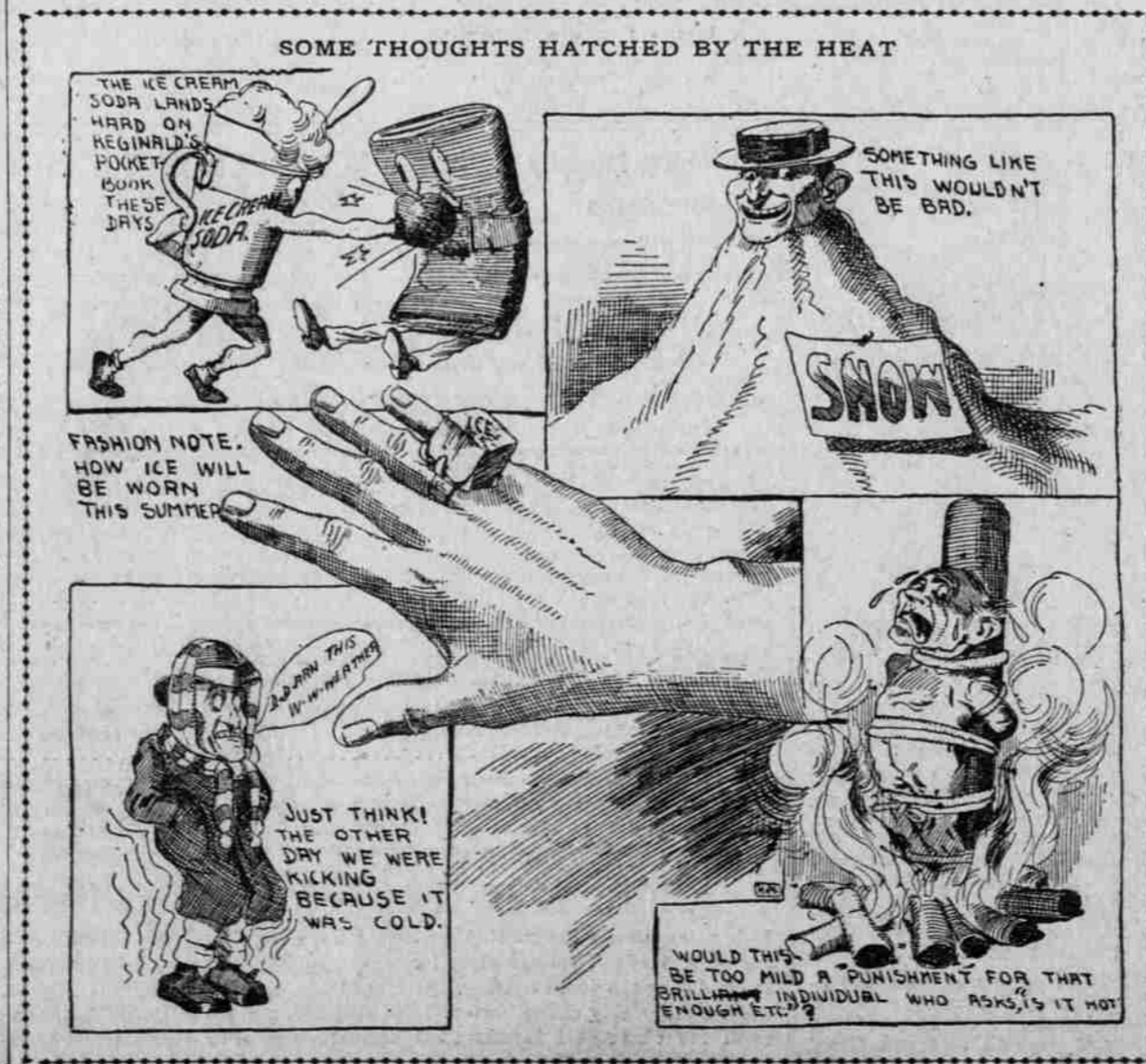
THE HAGUE, June 26.—Colonel Orestes Ferrara, secretary of the Cuban delegation to the peace conference, today confirmed the report that he has tendered his resignation to Governor Magoon. The latter replied that he has only acceded to this request at the Colonel's insistent demand.

Colonel Ferrara said that the only solution which he could see out of the difficulties which had arisen owing to the attacks upon him, was withdrawal from the delegation.

DYNAMITE KILLS EIGHT

Premature Explosion on Virginia Railroad Work.

HOUSTON, Va., June 26.—The premature explosion of a box of dynamite near Toia, Charlotte County, yesterday killed eight persons and injured six others. Two Americans were killed, Edward Clarke, of Charlotte county, a fireman, and Cornelius Sullivan, of Lamont, Ill., foreman for the McDermott Construction Company, of Chicago, which has the contract for the construction of a part of the Tidewater railway. The other victims were Italians.



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