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RED SOCIALISM TALKED TO JURY

Stump Speech by Witness for Haywood.

ENGLEY'S TONGUE RUNS WILD

Tells Horrors of Telluride and Deportation.

MALICH IN PREDICAMENT

Denies Suggesting Bomb-Throwing to Orchard, but Grows Confused About Burning of Store—Alken Answers Orchard's Story.

BOISE, Idaho, July 2.—(Special).—Today in the Haywood case the jury listened to a stump speech by Eugene Engley, the man who was elected Attorney-General of Colorado on the ticket that was headed by "Bloody Brides" Waite, and the speech was one that would have made Waite or any other extremist feel joyful. It came about during the cross-examination of Mr. Engley by Senator Borah.

The fire-eater had been telling a long story of his experiences in Telluride, where he lived. He had insisted on making an address every time he was asked a question, answering right over objections and launching out into all manner of statements. Mr. Borah tried again and again to stop him and the Judge admonished him several times, but Mr. Engley paid little attention. He was there to describe the "horrors" at Telluride after the district was put under martial law, and he proposed to do so. He ran on and described his deportation. Continuing, he told the jury of his second deportation and was obliged to admit it was at the hands of his neighbors, the people among whom he had lived so long.

Borah Lets His Tongue Run.

Mr. Borah evidently concluded that, as Mr. Engley was determined to talk, he might as well start the witness off upon something that might prove interesting. So, as the cross-examination drew toward a conclusion, the Senator casually asked if he were a Socialist. Mr. Engley made a long speech in reply, saying if it was meant that he was for the initiative and referendum, the Government ownership of railroads, or the imperative mandate, he was not a Socialist, but "if you mean that I favor the restoration to the human family of a planet now largely confiscated by a few, I am a Socialist."

Mr. Borah was about to ask a new question, when the witness proceeded: "I might add that I am not riding around in the golden chariot of the Republican party or bumping about in the garbage cart of the Democracy."

"Are you on the band wagon with Eugene V. Debs?" asked Mr. Borah.

"Well, I guess I will have to answer that question in the affirmative."

Debs Too Mild for Him.

"In other words, you are a Debs Socialist?"

Mr. Engley was not prepared to say he was a Debs Socialist. Mr. Debs was too mild for him. He said Mr. Debs was a most admirable man and had written many good things, but he was altogether too inactive. Mr. Debs was a man of words and not of action; he never carried out any plan; he would not go far enough. Mr. Engley continued at much length, referring to the moneyed classes and the plutocrats in bitter terms and announcing his advocacy of the plan of making an end of their way; he would restore the property to the people. Whenever he showed signs of coming to a period, Mr. Borah would drop in another question and Mr. Engley would start out anew and give another chapter.

This continued for 15 or 20 minutes, and when the witness finally determined he had expounded his views sufficiently Mr. Borah announced "That's all," and the former Attorney-General stepped down from the chair as proud as a peacock. He had secured an opportunity to talk Socialism of the rank kind, but he had been weaving threads into the rope by which the man at the bar is manacled, for he was giving the jury an idea of the kind of doctrine which the friends of Haywood preach.

Witness Badly Confused.

Of the six witnesses on the stand today, four were saloonmen, the exceptions being Mr. Engley and Edward McFarland, a brother of the famous detective. There have been many of the class on the stand since the defense began.

Two of those on the stand today

were Austrians, Max Malich and Joe Melezech. These men, as well as "Billy" Alken, all of whom Orchard had implicated in many matters of a criminal character, each denied every statement Orchard had made, but some of them became dreadfully confused on cross-examination. Mr. Malich was willing to admit there was talk with Orchard of blowing up a hotel at Globeville, in which several hundred non-union smelters lived, but he charged it was Orchard who proposed the thing. It was the same with the proposed murder of William McDonald, manager of the company store running in opposition to Mr. Malich. The witness had indignantly refused to listen to such plans. Further, he heard

Orchard announce his purpose of killing Steubenberg.

On cross-examination Mr. Borah drew from him the fact that he had, after hearing all those statements by Orchard, offered to back the latter to go into the saloon business. The business establishment conducted by Mr. Malich burned down. His proprietor took care to explain he was on his ranch 400 miles away at that time. On cross-examination he got mixed sadly in trying to explain how he got the news in time to reach Denver at the time given by him, for his ranch was far away from telegraph lines.

Makes Malich Turn Red.

Then he did not know the state had reason to believe the place was burned for the insurance and that the liquor had all been taken out and stored at Globeville some before the application of the match. When Mr. Borah began to inquire about those features of the matter, he got red in the face and, though he denied the allegations vigorously, he was completely discredited by his manner. The other Austrian likewise denied what Orchard had said about him. Mr. Malich and Mr. Engley were of the impeaching witnesses and both declared they heard Orchard threaten to kill Steubenberg.

The other testimony of the day was relative to conditions in the Colorado mining districts before and after the calling in of troops, special attention being given to the deportations. That kind of testimony may have some effect if some jury should be drawn into sympathy with the deported men and thus become a partisan of the defense, but when the state shows on rebuttal why drastic measures were necessary, the impression that may have been made on the jury is likely to be swept away.

SAY ORCHARD PROPOSED PLOT

Witnesses Contradict Informer—Engley Turns His Tongue Loose.

BOISE, Idaho, July 2.—Max Malich, Joe Melezech and Billy Alken, three of the men variously implicated in alleged misconduct at Globeville, Denver and Cripple Creek on the word of Harry Orchard, went to the stand today as the cross-examination drew toward a conclusion. Mr. Engley was the first to make denial of Orchard's testimony. Malich swore that Orchard, and not he, suggested the inhuman plot of dynamiting a boarding-house full of non-union smelters at Globeville, and that Orchard originated the idea of killing William McDonald, one of Malich's business rivals.

He said he had been burned by some mysterious acid thrown into his house by an unknown hand, but he denied that this acid was really "Petitbone dope" that had been left in his room by Steve Adams. He also denied that the "Petitbone dope" had been used in burning his store, and testified that he was at his ranch when the fire occurred. He also swore that Orchard had told him that, but for Governor Steubenberg, he (Orchard) would be rich, and that he intended to kill Steubenberg.

McFarland's Brother a Witness.

Melezech on cross-examination also made positive and circumstantial denials of all the things Orchard swore they did with him. The cross-examination of all three witnesses showed a purpose on the part of the state to further deal with the testimony when the case in rebuttal is reached. When Orchard is recalled, he will be asked to give his version of the alleged use of the "Petitbone dope" in burning Malich's store at Globeville.

Another witness who was introduced to this unusual case with its background of plots and counter-plots, criminal, industrial and political, by the appearance as a witness for the defense of W. H. McFarland, a brother of Detective James McFarland, who worked up the case against Haywood, Moyer and Pettibone and obtained Orchard's confession. This McFarland is a shoemaker at Manitou and he came to tell that, while he was following the peaceful line, the victim of the strike, he was unceremoniously taken from his home by the militia, thrust into the "bullpen" and then deported.

Hard to Check His Tongue.

Eugene Engley, ex-Attorney-General of Colorado, swore that Orchard told him of the loss of a rich share in the Hercules mine and of his intention to kill Steubenberg. Mr. Engley told at great length how the military authorities at Cripple Creek defied the processes of the civil court, how he was himself deported from Telluride, where he went as counsel for the Federation, and how he was later deported from Cripple Creek the day the mob destroyed the union store at Goldfield. His entry into extended descriptions and minute details brought repeated objections from the prosecution, and finally the Judge intervened to limit him to the material facts to save the time of the court and jury.

The defense also produced Thomas C. Foster, now a bartender of Blaine, Ariz., who, as a union miner, was tried and acquitted at Cripple Creek on the charge that he had attempted to wreck a train on the Florence & Cripple Creek Railroad. Mr. Foster told of his experience in the "bullpen," an attempt of Detective D. C. Scott and Mr. Sterling to force a confession from him, which was followed by 17 days of solitary confinement and his final flight from the district, when he walked 30 miles and fasted for over 30 hours.

Refused to Blow Up Hotel.

Max Malich, an Austrian, who was a smelterman at Globeville, Col., during the strike of 1905, but afterwards became proprietor of a small hotel and is now a carpenter and miner, testified that he was introduced to Orchard by Tom Hogan, in February, 1905, by A. W. Gratias, who has since proved to be a Pinkerton detective. At that time Orchard was living with Steve Adams and his wife. The witness denounced as false Orchard's statement that he had suggested that they blow up a hotel occupied by 150 non-union miners and that Mr. Malich had helped him to steal 100 pounds of dynamite from the Union Pacific powder-house. He said Orchard or Hogan came to him one day and said:

"What is the matter with you folks out here, the scabs are getting the

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ADD NO FUEL TO JAPANESE FLAMES

Will Not Strengthen Pacific Fleet.

NO BATTLESHIPS ARE COMING

Government Denies Alarmist War Rumor.

CAME FROM NAVAL EXPERT

Only Two Ships Ordered to Pacific. Aoki Says Japan Would Not Regard Large Fleet on Pacific With Alarm.

OREGONIAN NEWS BUREAU, Washington, July 2.—This Government is not going to throw fuel on the anti-American flames now burning in Japan by ordering 15 battleships from the Atlantic to the Pacific, as has been reported in some dispatches. Assistant Secretary Newberry of the Navy Department said today that no large movement of warships from the Atlantic to the Pacific was contemplated. The Washington and Tennessee, now in Bordeaux, are under orders to join the Pacific squadron later on, but aside from that no general movement is contemplated. His statement is substantiated by an official announcement made today at Oyster Bay.

It is pointed out in diplomatic circles that the Japanese government does not countenance the anti-American agitation that is in progress in that country, and this Government, as such, entertains the most friendly feeling for Japan. It therefore being mutually understood that the relations of the two governments are most amicable, there could be no reason for now moving 15 battleships to the Pacific.

Some naval experts who can scent war every time they smell firecrackers are responsible for sensational reports that have been in circulation, but these experts are not speaking by authority. There is to be no general change in the stations of our warships. Ultimately the Pacific fleet will be strengthened, as it needs to be, but there is no intention of unnecessarily exposing the Atlantic Coast with its many great cities at a time when it is believed there is no danger of war on the Pacific.

NOT REGARDED AS A MENACE

Aoki Says America Is at Liberty to Strengthen Pacific Fleet.

WASHINGTON, July 2.—"No, the Japanese would not regard it as an unfriendly act if the American Government saw fit to increase her naval representation in her territorial water upon the Pacific Coast, or even if she sent additional men-of-war to the Asiatic station. She would not look upon it as a menace or regard it with regret."

These were the words of Viscount Aoki, the Japanese Ambassador to the United States, whose attention was called today to published reports that the General Board of the Navy had recommended to

the President that the battleships of the American fleet be sent around to the Pacific Coast. At the same time, the Ambassador expressed a great deal of interest in the stories printed and asked if they were true. He disliked, he said, to appear in the public prints, when there was no reason for it, but he felt at perfect liberty to say what he did on this subject.

JAPANESE DENY MISSTATEMENT

Those of San Francisco Show Fair Spirit to Americans.

SAN FRANCISCO, July 2.—The Japanese Association of America has issued the following statement:

"Five of the principal chambers of commerce in Japan recently addressed a communication to chambers of commerce in America setting forth the grievances of Japanese residents in San Francisco and including among such grievances the denial of the right of education. This particular portion of the communication reads as follows:

The right of education has been denied the Japanese Association of America, which has its headquarters in San Francisco, believes that in justice to the people of California and the whole country an erroneous statement should be corrected and false impressions removed. Japanese children

in making this correction, the Japanese Association of America wishes to show its desire for fairness, and it hopes that its efforts to bring about friendly relations between the Japanese and the people of San Francisco and the State of California will have the sympathy and support of the merchants and business men of the state.

SAYS ACTION IS UNBEARABLE

Japanese Paper Demands Action Against San Francisco.

TOKIO, July 2.—The Nichi Nichi in a leader regrets the necessity of being compelled to write again on the American question in defense of the rights of the Japanese compatriots in San Francisco. "Developments in the anti-Japanese sentiment," says the paper, "show signs of progressive and systematic movements aiming at the deprivation of the sources of livelihood of our compatriots. The last clause of article 2 of the treaty can properly be called into operation only after a law has been passed, but no legal step has been taken by the Federal Government disabling the Japanese from engaging in the employment agency business."

"The action of the San Francisco authorities is unbearable. Neither the Washington nor the Tokyo government can remain inactive in view of the latest action of the San Francisco authorities

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In San Francisco are not now denied the right of education. On the contrary, there are as many Japanese scholars in the public schools as there were before the earthquake and fire of April 18, 1906, and they are receiving the same treatment and same advantages that are given to the pupils of other nationalities and are admitted to the same schools.

CAUSES OF THE CRASH.

If one chooses to believe that the machine fell of its own weight, he will argue that, like the house of cards, it had been built too high, that its foundation was a morass of corruption and at the first hard blow it must crumble. If one chooses to believe that it was the fusion movement which destroyed Ruff, he will argue that, when the joint ticket entered the field with Henry Brandenstein as the nominee for District Attorney and Mr. Ruff as the nominee for Mayor, the fusion movement of the Democrats and Republicans in 1905, and again it may be said the suicide of Jeanie McNeil, a pretty schoolgirl of 16, were the causes. But whichever it was, it was through Mr. Ruff and his associates that the work was accomplished.

If, finally, one chooses to believe that it was suicide of the schoolgirl that brought ruin to Ruff and Brandenstein, he will argue that, had she not killed her

RISE AND FALL OF RUFF'S MACHINE

Several Causes Contribute to Crash.

ONE WAS SUICIDE OF A GIRL

Ruff's Bold Scheme Put Schmitz on Pinnacle.

HENEY DRAGGED HIM DOWN

With Each Successive Victory Grafters Became Bolder Until Their Own Acts Betrayed Them and Henehy Got to Work.

BY P. A. SINSHEIMER.

SAN FRANCISCO, July 2.—(Special Correspondence).—Events of such magnitude have followed each other with such rapidity in San Francisco that one at a distance may be inclined to ask, "How did it all happen? What will it all come to?" In the midst of all the unusual happenings, during all the excitement, the San Franciscan has remained cool, blessed with the old-time American assurance, "Oh, it will all come out all right."

It may be interesting at this time to review the situation and to trace in outline the work accomplished by Francis J. Henehy and his co-workers. This letter will confine itself to a statement of conditions that led up to the investigation. Subsequent letters will deal with the investigation, the labor, financial and other problems.

It is as difficult to say where it all began as it is to say where it will end. What brought the Ruff-Schmitz machine to its ruin? With some truth it may be answered that it fell from its own weight. Again it might be said that the fusion movement of the Democrats and Republicans in 1905, and again it may be said the suicide of Jeanie McNeil, a pretty schoolgirl of 16, were the causes. But whichever it was, it was through Mr. Ruff and his associates that the work was accomplished.

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If, finally, one chooses to believe that it was suicide of the schoolgirl that brought ruin to Ruff and Brandenstein, he will argue that, had she not killed her

self, the means of detecting Ruff and his crew in their criminal work would not have been opened. Jeanie McNeil, it should be explained, was the daughter of a well-known physician. She was in the habit of visiting the skating rinks and, when her school friends spoke unkindly of her, she killed herself. An indignant public demanded that the skating rinks be subjected to legal restrictions and in the ordinances proposed to effect this reform, William J. Burns found the opportunity to trap three Supervisors while accepting a bribe.

Fiddler and His Boss.

The story of the fiddling Mayor has been told and reprinted all over the world. Schmitz was not only a fiddler, but a bad fiddler. True, he was paid \$150 a month to lead the orchestra at the Columbia Theater, but the orchestra never ranked high in the political world. Schmitz and Abe Ruff, his lawyer friend, were closely associated in many enterprises. They were as inconspicuous as any other orchestra leader and young politician in any other large city. They entered politics together. They went in as reformers—they all do. Ruff and Schmitz were co-workers in the Republican primary league, which numbered in its membership the best men of the party. Ruff and Schmitz displayed some ability as organizers and they did well in their district.

Shortly before the nominating convention in 1901, Schmitz, the musician, in one of his confidential talks with Ruff, the lawyer, stammered out a confession. "Ruff," said Schmitz, "I've been thinking that I'd like to run for Tax Collector."

"Tax Collector be damned," swiftly replied Ruff. "Gene, I'm going to make you Mayor."

Schmitz colored under his smile heard and asked Ruff to stay on the earth. Then it was that Ruff for the first time, explained to Schmitz the future he had mapped out.

"I'm going to organize a labor party," said Ruff. "Things are ripe for it with this teamsters' strike raising hell and, Gene, you're going to be nominated for Mayor, and you're going to be elected."

The rest is history. Schmitz was nominated, elected and became Mayor of prosperous, buoyant San Francisco on New Year's day, 1901. He flushed with a pride almost girlish the first morning he found himself Mayor of the city, and the newspaper men showered their good wishes upon him.

Henehy's Prophetic Speech.

Soon the famous letter from Schmitz to Ruff was made public, which has since been termed "a letter of marque." It was not long before the game of graft was put into operation, but carried on in the creases of the labor wave. Schmitz was swept into office again in 1903 and 1905. With each succeeding success the pair became bolder until at last they were thieves in the open.

It was in the campaign of 1905 that Mr. Henehy, fresh from his victories in Oregon, came to San Francisco and entered the battle against Schmitz. Brandenstein, and it was his desire to defeat Mr. Langdon as District Attorney and elect Mr. Brandenstein, who had mapped out a legal campaign against the grafters that brought him into the political battle. It was in the Mechanics' pavilion three days before the election that Mr. Henehy made the prediction that, if elected, Schmitz, backed by Ruff, would stop at nothing, finally bringing matters to such a pass that Mr. Henehy himself would return and send them both to prison. How true this prediction was, the history of the last few weeks has told.

Pirates Capture Everything.

It was a wild night in November, 1905, that Ruff swept into office not only his puppet Mayor, but carried every office and buried into power a Board of Supervisors recruited from the lower end of the city. Ruff never expected to elect them, and was the most astounded man in the city when he found that he had inflicted the Lomergans, the Gallaghers and the Colemans upon the city. In their excess of joy, the newly elected howled with glee when flames shot Heavenward from the Chronicle tower, little guessing that in a few months a mightier flame would sweep the city and lay bare their infamy.

The assortment of human cattle which composed this Board of Supervisors has been described too often to need further mention at this time. Suffice it to say that on the night of election one of them was heard to say to his fellow, "They tell me there's \$15,000,000 in bonds just voted. Now there are just 15 of us on the board. That means \$1,000,000 apiece. Think of it, kid, \$1,000,000 apiece!"

Secret caucuses became the rule. The board met every Monday afternoon. Regularly every Sunday night Ruff, Schmitz and the members of the board gathered in secret caucus and arranged the programme for the week. Each man was told how to vote. In many cases it was arranged who should oppose and who should favor a measure, what arguments were to be used in debate and what the final vote should be.

Ruff and Schmitz said they simply desired to train the Supervisors in matters of legislation. The good citizenship of San Francisco was disgusted, but powerless. The newspapers thundered, but the administration forces, under the reassuring declaration from Ruff, "Let them bark," kept on their way.

Fight on Trolley Franchise.

In the Spring of last year Rudolph Spreckels with James D. Phelan and other prominent San Franciscans made strenuous objection when Patrick Calhoun, of the United Railroads, announced that he would insist that the Supervisors allow him to convert his cable roads into overhead trolley lines. Mr. Phelan and Mr. Spreckels at that time were enthusiastic advocates of the Burnham plans for the adornment of San Francisco, and they figured that an overhead trolley system not only lacked the advantage of modernity, but would mar the scheme devised for the adornment of the city.

When Mr. Spreckels and Mr. Phelan

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"UNWRITTEN LAW" RECEIVES REBUKE

Supreme Court of Iowa Scoffs at Theory.

COUNTY ATTORNEY CENSURED

Accused Man Is Released on Serious Charge.

WRONG PLEA BY LAWYER

Encourages Jury to Sympathize With Person if He Had Murdered the Alleged Offender in Cold Blood.

DES MOINES, Iowa, July 2.—The Supreme Court of Iowa has no patience with the "unwritten law." In a decision delivered this morning, the court repudiates the doctrine and administrators of the doctrine and administrators of the doctrine. The decision is in the case of Dr. P. M. Harmann, a physician of Dubuque, who was charged by his wife with adultery.

Mrs. Mamie Kiefer, of Dubuque, was named in connection with the case. The prosecution attracted wide publicity at the time of the trial in the lower court, and resulted in a conviction of the physician.

During the trial the County Attorney said: "Instead of trying a case of adultery here, gentlemen of the jury, you should be here for the purpose of determining whether or not Jacob Kiefer would have been guilty of murder if he had exercised his manhood and taken a gun and shot through the heart of Dr. Harmann."

The Supreme Court says: "This statement has no foundation in law or fact, and it is highly important that no such appeals be made. There is enough of a disposition for unthinking and unreasonable persons to take the law into their own hands, without having it encouraged by the ministers of the law. It was the duty of this County Attorney to discourage the very thing which he was countenancing, and there was no other reason in making the statement than to inflame the passions and induce the jury to right a supposed wrong which a party had neglected to perform on his own behalf. This attorney was not even appealing to the so-called 'unwritten law' of the land, for no one contends that Kiefer found his wife in flagrant delicto, and it was improper to suggest such a remedy as he here proposed."

The Supreme Court reverses the verdict of the jury on adultery and appeals made by the County Attorney, and holds that the evidence would be insufficient to support a conviction.

More Time Allowed Bidders.

WASHINGTON, D. C., July 2.—Acting Secretary Newberry today announced that the time allowed for the presentation of bids for torpedo-boat destroyers would be extended to September 3 next.

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