

HAYWOOD UNDER FIRE FROM BORAH

Two Theories of Defense Conflict.

HIRED LAWYER FOR ORCHARD

Yet Insist He Executed Private Vengeance.

REBUTTAL BEGINS TODAY

Jaywood Admits Intimacy With Orchard, but Denies Paying for Crime—Witness Arrives to Disprove Mullan Poker Story.

BOISE, Idaho, July 12.—(Special.)—On his cross-examination W. D. Haywood sought to restrict the operation of the rule heretofore announced under which the Western Federation of Miners aimed to defend its members anywhere who might be accused of crime. He stated that it applied only to cases in which the organization had an interest by reason of being charged with some measure of responsibility. Later on, when, near the close, Senator Borah propounded a question whether, if Orchard and Simpkins had killed Steuenerberg for personal reasons, the Federation would have taken up the defense, Haywood with hesitation replied in the negative. As it has been stated very insistently throughout the trial that Orchard committed the murder because of having lost his interest in the Hercules mine, the answer left the two subjects much entangled and hung in the air.

Rises to Bother Defense.

Another matter that constantly arises to bother the defense is the employment of Fred Miller to go to Caldwell to defend Thomas Hogan, by which name Orchard was then known. Haywood testified about the matter today, going into the subject of the telegram sent by Simpkins on January 4, announcing he could not get an attorney at Spokane to defend Hogan. Mr. Borah asked him why it was that he sent such a dispatch, when he had secured Miller the day before, and Haywood did not attempt to answer.

Disprove Poker Game Story.

It developed today that the man who was Orchard's partner in the notorious business in the Coeur d'Alene, in 1895, was Dan Gainer, of Walla Walla, the man who had both feet blown off at the Independence depot. He is the man who wrote the remarkable letters to Orchard after his confession. Mr. Gainer is here to impeach Dominick Flynn, one of the men who testified that Orchard was playing poker at Mullan on the day of the destruction of the Bunker Hill & Sullivan mill. He will testify he asked Flynn shortly after that date about Orchard and Flynn told him he had not seen Orchard for many weeks.

There will be no motion on the part of the state to strike out any part of the testimony, and the rebuttal will begin as soon as one more witness has been heard for the defense in the morning.

HAYWOOD STANDS FIRE WELL

Admits Knowledge of Orchard, Denies Complicity in Crime.

BOISE, Idaho, July 12.—William D. Haywood, the defendant charged with the murder of Frank Steuenerberg, left the witness chair this afternoon. He had been under examination six hours, the time being equally divided between his own counsel and Senator Borah, who conducted the cross-examination. Haywood's testimony in his own behalf practically closes the side for the defense. One witness will be called tomorrow morning and his examination will take up about 15 minutes. Counsel for the defense will then announce their case, and the state will begin the rebuttal, unless motions to strike out certain parts of the evidence should be brought forward by the defense. Counsel for the state announce their willingness to abide by the instructions of the court to the jury and will occupy time with arguments on motions to strike out. There is now a prospect that the case may be brought to a conclusion within two weeks.

Faces Borah's Rapid Fire.

The announcement that Mr. Borah would cross-examine Haywood brought out an unusually large attendance. When Clarence Darrow, Haywood's counsel, closed the direct examination of his client and quietly remarked: "You may cross-examine," the prisoner-witness turned in his chair and faced Mr. Borah, his face pale and jaws firm-set. There was a stir in the courtroom and then an absolute silence. Mr. Borah's cross-examination, always rapid-fire, was more than usually quick today, but from first to last, Haywood preserved complete self-possession and control. At times his replies came as quickly as the questions were flung at him. Again he would hesitate and speak slowly with a marked emphasis. His voice, low and musical, was seldom raised except once or twice, when a flat denial was given.

Mr. Borah's manner was courteous throughout, but now and then a tinge of sarcasm or of sternness appeared as he insisted on a direct answer and Haywood appeared reluctant. Haywood, in turn, was as courteous as the cross-examiner,

Invariably he addressed Mr. Borah as "Senator" and repeatedly asked permission to explain when he thought there might be some misunderstanding. Once, when Mr. Borah pressed Haywood as to his sentiment toward ex-Governor Steuenerberg, Haywood said quietly and with a smile:

"I felt no different towards Steuenerberg. Senator, than I do towards you or any of those people."

Mr. Borah looked up quickly, but he did not smile. He said very quietly:

"Yes, I have been given to understand something of that sort," and did not pursue the subject.

Admissions and Denials.

Haywood made no effort to deny his knowledge of Orchard and his affairs or his connection with Simpkins. He was pressed closely as to the passage of telegrams relating to the engagement of counsel to defend Orchard, and in this connection admitted that he knew Simpkins had retained counsel, but that there was no record of any report from Simpkins to the officials of the Western Fed-



Gifford Pinchot, Chief Forester of United States.

eration. Haywood explained the draft sent to Simpkins for \$100 on December 21, 1905, on the ground that Simpkins had left money with him for safe keeping. He had no acknowledgment of the receipt of the money, and has not heard from Simpkins since that time.

Haywood in many particulars confirmed Orchard, but where Orchard connected Haywood or the Western Federation with crime, the witness was very emphatic and prompt in his denial. He showed no hesitation or desire to conceal the fact that Orchard had visited him at his house or that he on different occasions had intimate conversations with Orchard. Throughout Haywood rang the note of antagonism to what he calls the capitalistic class and his confirmed view that only by such methods as those followed by the Western Federation can the workingmen hope to control the situation.

Dominick Flynn, one of the defense witnesses, was recalled by the state when the case opened. He was asked as to a conversation he had with Daniel Gainer at Mullan, Idaho, in 1895. The questions were evidently for the purpose of impeachment. After Flynn left the stand, Haywood was recalled and the direct examination was continued.

Orchard at Haywood's House.

Haywood said that Orchard had been at his house three or four times. Most of the members of the union when they were in Denver called at his home, the witness declared.

"Did you ever call on Orchard?" asked Mr. Darrow.

"No sir, never."

"Did you ever have anything to do with"

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ENEMY WILL MAKE ATTACK BY NIGHT

Tug Playing Role of Torpedo Flotilla.

TRYING TO PASS THE FORTS

If Boat Gets Into Harbor Fort Stevens Is Taken.

TROOPS ASLEEP AT GUNS

Practical Demonstration of What Might Happen in Case of War. Soldiers Keep Up Successful Attack on the Invaders.

TUG HAS PIT TO SEA.

FORT STEVENS, July 12.—(Staff Correspondence.)—The government tug Guy Howard is leaving her moorings below Fort Stevens at 11 o'clock tonight to steam out to sea and attempt to slip in past the batteries during darkness. Flashlights are playing the harbor and ocean in every direction and the forts are determined that the tug shall not get by.

The little vessel is about the size of a torpedo boat, which it will represent. Its success in gaining the harbor would seem to indicate that an enemy might perform the same feat.

All the primary stations at the forts are manned and the artillery force is sleeping at the guns. The tug is in command of Captain Gordon. Captain Doble and Lieutenant Crouch, representing the National Guard, and an Oregonian representative are aboard.

FORT STEVENS, Or., July 12.—(Staff Correspondence.)—Simulated war is on at the mouth of the Clumbia River. A hostile fleet is, in theory, out at sea, waiting a favorable chance to fight its way past the land defenses and lay tribute on Astoria, Clatskanie and other river cities.

Since 8 o'clock this morning, when war was declared, the batteries have repulsed seven gunboat attacks and driven half a dozen jangling parties to their fleet. Attacks from the sea have been made at unexpected periods through the day, each vessel poking its nose across the bar being designated as a fleet of belligerent cruisers. Mortars and coast rifles have been booming a deafening welcome to all these theoretical fleets. Men have been kept on the run answering the shrill, quick notes of the call to arms, and getting into position for each succeeding brush with the enemy. Had the guns been loaded with projectiles the mouth of the Columbia River would have been so studded with topmasts tonight as to resemble the remnant of a forest which has been swept by fire.

Tonight's maneuvers are occupying

the greatest interest, from the fact that the tugboat Guy Howard will make an actual attempt to escape the batteries and gain the harbor. The swift little tug represents a flotilla of torpedo boats and destroyers. The garrison is determined that it shall be sighted and winged before it gets within 10,000 yards of the harbor. The harbor will be watched as carefully tonight as if an enemy were actually at hand. The success of a flotilla of torpedo boats in getting into the harbor and behind the batteries would be fatal to Forts Columbia and Stevens.

The searchlights will be manned throughout the night, as it is not known at what hour the tug will attempt to creep into the harbor. The attack may come at 10 o'clock, at midnight or not until 2 o'clock in the morning. The artillerymen are sleeping behind the coast guns and the infantry supports are sleeping on their arms, fully dressed and ready to take the field at a second's notice.

Governor's Welcome Interrupted.

The first artillery duel of today occurred at 11:15 this morning, just as Governor Chamberlain, his staff, Adjutant-General Finneer and Colonel Jackson were arriving at camp from Seaside to witness the maneuvers. The eight-pounders were just firing a salute in the Governor's honor, when the lookout in the primary stations sighted a steamer off the bar. Call to arms was sounded, the men rushed to their places and the honorary salute had to be left half finished. Under the conditions of war the first and most important duty was to put the approaching fleet out of commission. The mortar battery, manned by a mixed crew of Oregon reserves and regular coast artillerymen, opened fire at 11,000 yards. As the steamer crept in closer, the 10-inch rifles were trained on it, and a steady fire kept up for 15 minutes.

Governor Chamberlain and party were driven to the front and witnessed the engagement until the invading fleet was put, theoretically, out of existence. Half an hour of quietude followed, during which the visitors were shown about the fortifications. Then the observers in the primary stations sighted a sailing vessel headed in. Call to arms passed from battery to battery, the sharp staccato notes of the trumpets giving an impression not unlike that produced by a pack of watchdogs that have suddenly discovered a prowler. The 10-inch battery dealt with this attack, firing a dozen rounds of blank ammunition, until the squadron was declared at the bottom. The batteries at Fort Columbia joined in the bombardment.

Governor on the Firing Line.

Not until afternoon did another alarm sound. Governor Chamberlain and party were entertained at Lieutenant-Colonel Poorman's headquarters in the rear of the 10-inch batteries, where they were joined by the officers of the garrison. Following mess, Colonel Jackson inspected the infantry supports, after which the Governor's party was taken aboard the Guy Howard, which then steamed across the harbor to Fort Columbia, the return to Astoria being made in time for the late Portland train.

While at Fort Stevens the Governor and party had an opportunity of observing the work of the Oregon militia behind the coast defense guns with the regulars. That the guardsmen had become skilled in handling the big machines of war during the brief week of drill was the subject of considerable surprise. The men worked side by side with the expert regulars in the primary stations; they assisted in finding the range and azimuth of approaching vessels at the batteries; they helped operate the heavy artillery, adjusting the pieces, loading and firing.

At 2 P. M. the briefest skirmish of the day occurred, when two steamers appeared in the harbor at one time. One steamer was outward bound and the

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FAIRBANKS TALKS TO ENDEAVORERS

Crowd of 12,000 Hear His Address.

LAUDS CHRISTIAN WORKERS

Nation's Destiny, He Says, Is Guided by Christian People.

WINS HEARTS OF AUDIENCE

Oregon Delegation at Seattle Puts in Another Busy Day—Some Noted Men at the Convention Are Speakers.

ENDEAVOR TRAGEDY AVERTED.

SPokane, July 12.—(Special.)—Fire was discovered under the Northern Pacific bridge east of Hatton, Wash., this afternoon by section hands. Flaggmen were sent out to stop all trains, meet the Christian Endeavor special, which was coming at full speed, just in time to stop it within a few feet of the burning structure.

It is presumed that ashes from a fire box of some engine was dropped between an opening in the track, setting fire to the dry timbers beneath. A stiff wind which had been blowing caused the flames to ignite the entire length of the bridge before the fire had gained an opening through the dirt covering.

BY REV. MYRON L. BOOZER.

SEATTLE, Wash., July 12.—This has been the high day of the convention. Seattle has discovered the convention and the convention has come into its own. Never has Christian Endeavor seemed stronger nor been supported by more ample proof of its effectiveness. The great attraction tonight is the visit of Vice-President Fairbanks, genial, popular and a great Christian. The Endeavorers gave him such greetings as any man might covet. In turn he delivered an address to the 12,000 delegates assembled. Oregon delegates led a strenuous life today and with scant time for meals and none for rest they stored away much knowledge for future use. Early in the morning the delegates began to gather at headquarters, and armed with flags and badges they soon made themselves conspicuous. With the Oregon state song ringing and their delegation yell resounding, they had a short state rally. More are coming in every day from Oregon and the state may well take pride in the representatives gathered here. A large section of seats to the right of the speak-

ers' stand is reserved for their exclusive use, and no seat is left vacant.

Some of the Great and Good.

He who delights in striking personalties will find his cup of joy brimming over if he chances to be so fortunate as to be at the Seattle Convention. No one religious gathering brings together such a company of men great and good from the ends of the earth as Christian Endeavor gatherings in the international conventions. Here are found the men whose high privilege it is to shape religious and intellectual life for a vast portion of the civilized people and these same men, great and good, are here freely to give of their rich treasures for the training of the young people.

And it is a good investment, as is witnessed by the thousands of trained intelligent citizens whose first lessons were learned in Endeavor schools. One hesitates to select from so large a company of men, all with equal claim for pre-emi-

HARRIMAN MUST DIVORCE PACIFICS

Commission Will Report Against Him.

HIS ROADS ARE COMPETITORS

Union Pacific Must Sell Southern Pacific.

HARRIMAN'S PLANS MADE

Attorney-General Advised That Competition Is Killed Between Mississippi and Pacific—Harriman to Form Company.

NEW YORK, July 12.—(Special.)—Wall street was agitated late this afternoon by a rumor that the Interstate Commerce Commission, which has been investigating the Harriman control of the Union and Southern Pacific, will make public its report within a day or two and that it will recommend a separation of the Southern Pacific and Union Pacific railroads on the ground that they are competing lines and that their operation as one system is against public policy and a direct violation of the Sherman law. At the office of E. H. Harriman the statement was made that Mr. Harriman had no advance knowledge of the Commission's recommendation and had received no intimation as to when it would be made public.

The Wall-street story declared that the commissioners had unanimously advised the Attorney-General to begin an action to force the Union Pacific to divest itself of all its Southern Pacific stock of which it holds 60,000 shares. According to the report, so the story went, the two systems are in direct competition from the Mississippi Valley to the Pacific Coast and arbitrarily fix rates in restraint of trade. The Commission believes, this story continues, that there is simple law to break up this combination.

It has been known for several months that Mr. Harriman expects that some attempt will be made to prevent the Union Pacific from holding the stocks of competing lines, and it is said that his lawyers have been at work upon a plan to enable the Union Pacific to divest itself of these securities voluntarily and thereby prevent long and expensive litigation, such as occurred in the Northern Securities case. It is said that Mr. Harriman's plan is to form a holding company similar to the Railroad Securities Company, which he organized several years ago to hold his Illinois Central stock. The legality of this company has never been attacked.

Must Not Charge Tolls

Commission Decides Against Harriman on Coast Line Traffic.

WASHINGTON, D. C., July 12.—A case of particular importance to San Francisco and the Pacific Coast generally was decided today by the Interstate Commerce Commission. It was what is known as the San Francisco toll case, which involves the right of the Southern Pacific Company to charge as a part of its rate to San Francisco a state toll of 5 cents per ton.

The Southern Pacific reaches San Francisco by two lines, the Oregon route, the traffic by which is ferried from Oakland to San Francisco, and the Coast Line, which enters the city by an all-rail route. The waterfront of the city has its title in the State of California, and the State Harbor Commissioners have fixed a schedule of tolls upon merchandise passing over these state piers. On all freight entering San Francisco by Oakland, the toll charge has to be paid to the state. The Southern Pacific Company, however, charges the same toll on freight which reaches San Francisco by the all-rail route, on which the toll does not have to be paid to the state.

The defendant contended that it was entitled to make the toll charge upon shipments which did not cross the bay, because it might properly impose on transcontinental business any rate, not unreasonable in itself, which it could get in competition with water-carriers and therefore might include in its rate an amount equivalent to the state toll.

In its decision the Commission dissents and orders that the defendant, the Southern Pacific Company, shall strike from its tariffs applicable to Coast line business that paragraph quoted in this opinion entitled "Toll at San Francisco, Cal.," and shall cease and desist from making any charge for toll at San Francisco, Cal., when such toll charge is not actually paid by the carrier.

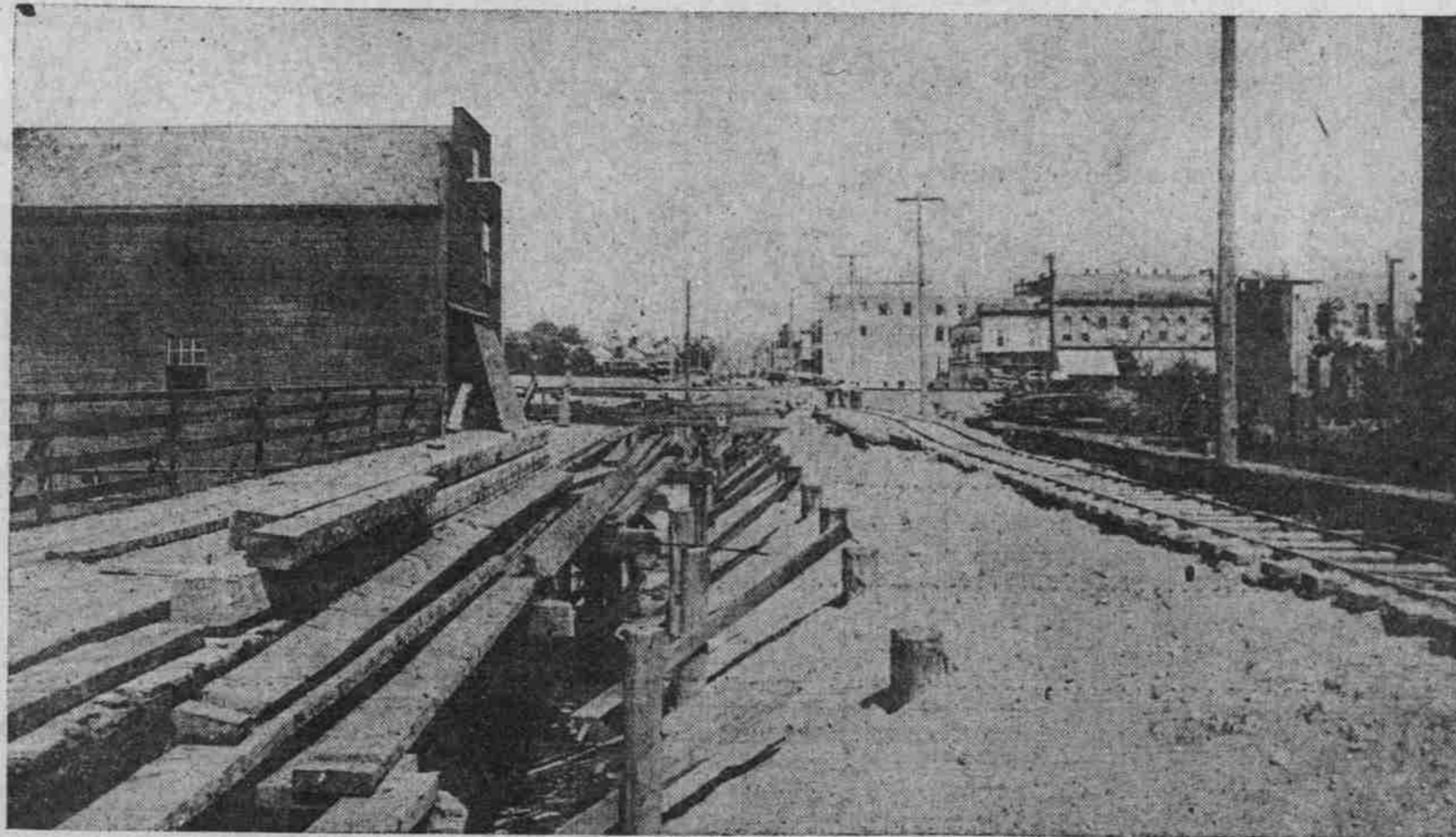
Cruel Experiment With Pups.

NEW YORK, July 12.—The City Humane Society has obtained summons for Dr. O. B. Lawson and Dr. C. R. Brown of the Kings County Hospital, who recently sewed two living puppies together. The doctors will have to appear in court today. They have also been suspended from duty by the city hospital authorities. The doctors asserted that they had sought to ascertain whether blood could be transferred from one body to another, and if skin could be correctly grafted in such a manner. The experiment was not successful.

Train Wreck in Mississippi.

HATTIESBURG, Miss., July 12.—In a head-on collision between a Gulf & Ship Island work train and an incoming passenger train on the Mobile, Jackson & Kansas City Railroad, Engineer Harnes was killed and nine others were injured.

PICTURES OF PROGRESS IN THE MAKING OF A GREATER PORTLAND—No. 3



EAST STARK STREET, WHICH IS BEING FILLED AT A COST OF \$120,000, AND WHICH WILL BE AN IMPORTANT THOROUGHFARE BECAUSE OF ITS CONNECTION WITH THE BASE LINE ROAD.

Few factors in the present upbuilding of Portland are more important than the filling in of the low land on the East Side of the river. During the past year many streets have been filled to grade and low land in the business center has been brought up to basement level. While a great deal of this work has already been accomplished, resulting in solid streets in place of elevated roadways, and substantial foundations for business buildings, there are still other extensive projects of the same kind soon to be taken up.

One of the important fills now being made is that of East Stark street, from East Water to East Seventh and from East Ninth to East Twelfth. Of this stretch the street has already been filled by private contract from East Second to East Water, and gangs are now at work between Union avenue and East 12th brought in dumpers from North Mount Tabor.

When this improvement is completed, East Stark street will be filled to grade from East Water to East Twelfth, and beyond that filling is not needed. The Base Line Road is a direct continuation of East Stark, and the thoroughfare will be an important one as soon as the fill is completed. From East Twelfth out the street will be well improved.

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