



BORAH DELIVERS GREAT ORATION

Marshals Evidence Against Haywood.

MASTERLY APPEAL TO JURY

Senator Traces Every Step of Conspirators.

JUDGE'S CHARGE TODAY

Case of Accused Federation Leader Will Be in Jury's Hands by 11 o'Clock This Morning—Verdict Possibly by Tonight.

BORAH'S POINTED SENTENCES.
Why is Pettibone not here to deny it? Pettibone's absence is an absolute corroboration of Orchard's story. With such men as Engley within her borders, I am not surprised that Colorado has had hell within her borders for the past 10 years. It is for you men to determine whether industrial warfare shall be carried out on the principle of murder. We put Orchard and Simpkins and Meyer and Haywood and Pettibone together in Denver. Watch them now; watch the five conspirators; Steuenberg is to die in 30 days and they are moving to the scene. Scarcely had the news of Tom Hogan's arrest been flashed to the world than attorneys for the Western Federation of Miners flocked into Caldwell from three directions. They killed Steuenberg to show to the world that they never forgot an enemy. Why always back to Denver, unless it was to find there the protection and the pay of his employers? In every home throughout this broad land men and women tonight look to you (the jury) as the brave who stand for right and the flag.

BOISE, Idaho, July 26.—Evidence and argument is at an end and tomorrow morning the jury will be left to decide what penalty, if any, William D. Haywood shall pay for participation in a criminal conspiracy resulting in the assassination of ex-Governor Frank Steuenberg, with which he is charged. United States Senator William E. Borah, engaged by the State of Idaho as special counsel for the prosecution, spoke the last word tonight. Tomorrow morning Judge Fremont Wood will charge and instruct the jury, which, it is expected, will retire to consider its verdict at about 11 o'clock. The crowd seeking admission to the courtroom tonight broke all records in a murder trial in Idaho. Two hundred people remained in the grounds when the doors were closed after the morning session and hours before they opened again all approaches were blocked. When, finally, every inch of space within the court room was filled, several hundred stood on the lawn under the open windows, that they might catch sentences from the impassioned pleading of the Senator.

Tracing the Murderers' Trail.
Mr. Borah laid the foundation for his argument last night. This morning he began an analysis of the evidence, but he confined himself to the murder of Steuenberg and the conspiracy. He linked Orchard to Haywood, Haywood to Simpkins, Simpkins to Meyer and Meyer to Pettibone. Then, selecting only the evidence of witnesses for the defense, and leaving Orchard's confession out, he wove the lives and movements of the five men together. Without departing from the record and incidentally clearing up a number of situations left somewhat clouded, he brought these officers and members of the Western Federation of Miners together. Then he took Orchard away from Denver and back again to Denver, to the headquarters of the Western Federation. This was done carefully and almost monotonously—the quiet before the storm. Then Mr. Borah's voice and manner changed. He sprang into action. His voice quivering and hand upraised, fingers outstretched, he shouted:

"Watch them now; watch the five conspirators; Steuenberg is to die in 30 days and they are moving to the scene." The dramatic utterance and tense figure of the pleader sent a thrill through the court room. For the space of ten seconds there was silence. Then relaxing, Mr. Borah continued with his merciless logic. He brought Davis, Copley, Adams and Eastery, all officers or members of the Western Federation of Miners, into touch with Orchard, without a pause he drew picture after picture of the men, associating together at various points. From each place and fresh from every crime he brought Orchard back "home to Denver," and then, smiling, leaned toward the jury to ask:

Why Always Back to Denver?
"Why? Why? Ask why? Why always back to Denver, unless it was to find there the protection and the pay of his employers?" All those things which were denounced or sneered at by counsel for the defense found a bold and brilliant paragraph of defense in Mr. Borah's intemperate and counsel for the defense were driven into

a murmur of protest, now under the lash of pointed sarcasm and again when under a tirade of indignant reproach, culture, Christianity, law and order, refinement, the climate of the country found a ready champion. The State of Idaho, its people and its chief executive, each in turn, were given brilliant eulogy.

Under it all, Haywood himself was, perhaps, the one man in the room who showed the least emotion. At times his face flushed and more than once paled under the attack as Mr. Borah, reaching the climax of the conspiracy, pointed an accusing finger at the man, who he said, "was the criminal force behind the Western Federation of Miners."

Mrs. Steuenberg, widow of the dead Governor, attended the morning session, but left early, almost prostrated by the emotion awakened by Mr. Borah's vivid oratory. Haywood's mother also left the courtroom in tears, but soon returned to take her usual place beside the invalid wife.

Fervent Appeal to Jury.
Mr. Borah's oration was delivered in quiet, almost pleading tones, in strong contrast to the harsher voice in which he spoke of Clarence Darrow's argument of justification. He said:

The state has pointed out to you the men who were concerned in and executed this awful crime, then in the name of manhood and the womanhood of Idaho, do your duty without fear of any man or favor to any man. As I listened to the eloquent voice of counsel pleading for their client, there came to me the memory of another scene and now I am reminded of a night in the dark December in 1905—a night that added ten years to the lives of some here now in this room. I felt again the icy chill and the face of the dead. And I stood beside the body of my dead friend, whose lifeblood stained the snow. I felt again the disgrace that had come to Idaho. I saw a murdered man that meant more than murder, for it meant the first blow that anarchy had aimed at my state. And on that night I said to myself, can I ever have faced a duty that required a higher courage than now. In every home in Idaho the thoughts of our people are with you, mingling with the thoughts of the things that made the homes possible, and in every home throughout this broad land men and women tonight look to you as the brave who stand for right and the flag.

Duty to Home and the Flag.
You have a higher duty to perform than ever was asked of a jury in Idaho. Some of you men have stood the test in the past in protection of your homes and your flag. You have never faced a duty that required a higher courage than now. In every home in Idaho the thoughts of our people are with you, mingling with the thoughts of the things that made the homes possible, and in every home throughout this broad land men and women tonight look to you as the brave who stand for right and the flag.

At the close of Mr. Borah's address and the adjournment of court, he was surrounded and congratulated by nearly all those in the courtroom, including counsel for the defense. Mr. Borah began by reviewing the points made in the opening of his address last night. Then he said the Pinkerton detectives had nothing to do with the Steuenberg murder, saying that charge was the most absurd of the many absurd things said by counsel for the defense. He pointed out that Orchard went straight from Denver to Caldwell, fresh from association with the officers of the Federation, who regarded Steuenberg as an enemy and he referred to the admission of Marion Moore, an officer of the Federation, that he agreed with Orchard to desert the state's wife, which Orchard wished to desert her. Then he said:

Why Did Not Pettibone Testify?
"Harry Orchard left Denver with crime in his heart. The impelling, compelling force came from showing the details of murder in his trunk. Why is Pettibone not here to deny it? His silence is a confession of his guilt. Pettibone's absence is an absolute corroboration of Orchard's story."

He disposed of the theory that Orchard killed Steuenberg by gratifying personal vengeance by showing the jury the deed by which Orchard sold his interest in the Hercules mine, 14 months before the Federal troops were called into the Coeur d'Alenes. Then he said:

"This deed, the letters, telegrams and all the other evidence not subject to being tampered with in this case, corroborate Harry Orchard and fit in precisely with the story that I have told you. Governor Steuenberg did not cause Orchard to lose his interest in the mine, so how could he have entertained a murderous grudge?"

Defense Corroborates Orchard.
He argued that each witness for the defense proved a criminal conspiracy and corroborated Orchard, for they had protected Orchard until he confessed and implicated Haywood.

Among these were "Bill" Eastery, the member of the Western Federation of Miners, who heard Orchard's threat and to whom Orchard telephoned from Caldwell before the murder. W. E. Davis, president of the Western Federation of Miners in the Coeur d'Alenes, who heard Orchard make threats against Steuenberg and who swore the passing of the armed and masked mob in possession of a train did not interest him when he saw it; David Coates, the ex-Lieutenant-Governor of Colorado and friend of the Western Federation of Miners, with whom Orchard discussed the stealing of Paulsen's child, Lottie Day, who was introduced to Haywood by Orchard, and who saw Orchard and Haywood in private consultation; General Eugene Engley, the former Attorney-General of Colorado, who of all men, in an officer of the law, should not have kept these direful threats a secret looked within his breast, when the State of Idaho was looking for evidence against Orchard, the suspect.

"But," said Mr. Borah, "General Engley does not believe in law. He is not even a Socialist; he is an anarchist. You heard the speech he made here in the witness-chair. Nobody could stop it."
Engley Preacher of Anarchy.
"With such men as Engley in office, I am not surprised that Colorado had hell within her borders for the past ten years." The Senator next read effectively to the jury the articles denouncing Steuenberg in the Miners' Magazine, and said:

HOT WORDS PASS ABOUT COLUMBIA

Hawse Charged With Cruelty to Women.

DENIES CURRAN TELLS TRUTH

Hansen Tells Why He Refused More Passengers.

HIS OWN SHIP IN DANGER

Inquiry Into Disaster by Bermingham Brings Out Charges Each Vessel Was to Blame—Life-Preservers Stand Test.

SAN FRANCISCO, July 26.—The investigation into the sinking of the steamer Columbia, whereby, according to the latest figures, 81 lives were lost, was resumed today by Captain John Bermingham, United States Supervising Inspector, Officers and members of the crew of both vessels were examined and the depositions of Captain Hansen of the San Pedro and his first officer read.

The testimony brought out the statement from Captain Bermingham that it was the first time he had ever known that life-preservers had actually been effective in saving life, qualifying it by adding that people were usually frightened to do them correctly. Captain Hansen, in his report, denied that he had been unnecessarily cruel in refusing to take any more survivors on board after he had rescued 75, giving as a reason for his action that his own vessel was in such a condition that it was dangerous to approach her, and therefore ordered the other boats to keep off.

Chief Engineer Arthur V. Williams testified that the San Pedro did not lower all her boats because the vessel was undermanned with his campaign speech. The alleged action of Third Officer Hawse, of the Columbia, in refusing to give his coat to a woman was brought out in the testimony of Quartermaster Curran. The latter testified that there were unclimbed women in the boat, and when Hawse was asked to give his coat to one of them he had refused, saying that the coat belonged to him. The women, said Curran, had been exposed for an hour before Hawse covered them up with a piece of sail.

Hawse interrupted the proceedings by interposing an indignant denial, and for a few moments counter-denials flew back and forth between the two officers. Hawse was placed on the stand and testified that the coat belonged to him. The women, said Curran, had been exposed for an hour before Hawse covered them up with a piece of sail.

Captain Hansen's Report.
Captain Hansen in his written report says: "Within 20 minutes after the time No. 1 lifeboat left the San Pedro's side she returned with 30 survivors, who were taken on board; and then went back for more, the other two boats also bringing in all they could pick up, so that by the time the deckload began to give way and it began to be dangerous to approach the ship's side I had about 75 people on

board. I then gave orders to the boats not to come too near, but to stand by with those on board of the boats." First Officer Hendrickson's report corroborates that of Captain Hansen. His statement of the reason for ordering the boats away is as follows:

"The vessel was lying in the trough of the sea and began to relieve herself of her deckload. It was then very dangerous for the metallic boats to come too near. The captain ordered the boats to stay back."

Evidence of Engineers.
Chief Engineer Williams, of the San Pedro testified that he first heard the Columbia's whistle three minutes before the collision. The San Pedro, he said, ploughed into the Columbia fully six feet and hung on until the Columbia swung away. Only two boats were lowered from the San Pedro.

Assistant Engineer Thomas, of the Columbia, testified that he heard the



Louis Glass, Whose Case Is in Hands of Jury to Decide Whether He Bribed Boxton.

whistle of the San Pedro from the starboard bow, which would indicate that the latter vessel was on the wrong course.

MRS. WINSLOW'S BODY FOUND

Daughter Starts From Omaha to Take It Home.

OMAHA, Neb., July 26.—Relatives in Omaha of Mr. and Mrs. C. A. Winslow, victims of the Columbia disaster, on the Pacific Coast, today received a telegram from Eureka stating that the body of a woman had been picked up, on which tickets were found issued to the Winslows. It is supposed to be the body of Mrs. Winslow, and a daughter has gone to Eureka to bring the body to Omaha.

WARDAMAN TALKS SEDITION

MAKES RABBIT SPEECH BEFORE HOWLING MOB.

Stands Up for Confederacy and Stars and Bars—Prefers Rebel Rule to Roosevelt.

BROOKHAVEN, Miss., July 26.—(Special.)—"The Stars and Bars for me. Away with the Stars and Stripes." This statement was made by Governor James K. Wardman here today before a howling, howling audience that apparently coincided with his campaign speech. "I had rather be living under the Stars and Bars today with Jefferson Davis as President than in the United States with President Roosevelt at the head of the Nation," continued the Governor. "The Rebel rule was preferable to trust dictation. The man behind the plow is a nobler creature than the crooked politicians who panders to wealth. Political opponents who heard Governor Wardman declare that he is guilty of sedition in putting the Stars and Bars above the American flag."

JURY NOW HOLDS FATE OF GLASS

Bribery Trial Reaches Final Stage.

HENEY'S ATTACK ON DELMAS

Refers With Scorn to Defense of Harry Thaw.

SAYS CHARGE IS PROVED

Prosecutor Declares Only Man Highest Up Buys Officials and No Other Than Glass Could Have Bribed Boxton.

SAN FRANCISCO, July 26.—The case against Louis Glass, first vice-president and general manager of the Pacific States Telephone and Telegraph Company, charged with the crime of bribing Supervisor Charles Boxton in the sum of \$5000 to vote against an ordinance granting the Home Telephone Company a rival franchise in San Francisco, went to the jury this evening after 14 days of actual trial and a day and a half of arguments by Assistant District Attorney Heney for the people and T. C. Coogan and Delphin M. Delmas for the defense.

The reading of Judge Lawlor's charge to the jury consumed one hour. At its conclusion the courtroom was cleared, the jury was given in charge of two Deputy Sheriffs and by them conveyed in a tally-ho to the Fairmount Hotel. The entire morning session, from 10 o'clock until a few minutes past 12, was occupied by Mr. Delmas in the closing argument for the defense.

Mr. Heney, in the judgment of able observers, exceeded his powerful effort in closing for the prosecution in the Mayor Schmitz extortion case.

Direct Proof Not Needed.
Judge Lawlor, in his charge to the jury, said:

It is not necessary that there should be direct evidence of expressed agreement of alleged conspiracy. It is competent to prove the commission of the crime by circumstantial as well as by direct evidence. The prosecution must prove beyond a reasonable doubt: First, the bribing of Boxton; second, the connection of the defendant with the giving of that bribe, even if the bribing of Boxton is proved to your satisfaction; still, if the prosecution has failed to prove the connection of the defendant with that crime, your verdict should be "Not guilty."

HeneY's Closing Argument.
Mr. Heney began his closing argument at 2:05 P. M. He said that the arguments of the defense aptly illustrated the truth of the adage "a drowning man will grasp at a straw." Without another preliminary word Mr. Heney jumped into the midst of his argument. He ridiculed the contention of Mr. Delmas, that because President Fish or Assistant President Fickernell of the American Bell Telephone Company, or President Scott or Auditor Zimmer of the Pacific States Company, "might have ordered the drawing of the bribery checks, Glass must be innocent."

"I will show you," cried Mr. Heney, "before I am through—I will demonstrate to you briefly beyond the last possibility of a doubt—that one man, and one man only, Louis Glass, had the power to au-

thorize the \$50,000 bribery disbursement at the time the bribes were paid."

None but Glass Could Do It.
Mr. Heney argued that no one but Glass could have been guilty of the crime charged. He denied that he had told the jury he intended to indict a man for that crime and he declared unqualifiedly his belief in Glass's complicity. He admitted that Zimmer could have signed the bribery checks, but he denied that Zimmer could have done so on his own initiative and without instructions from Glass. He said:

"That \$5000 could have been obtained from the treasury in no other way than by Glass and Scott signing. Scott tells you he did not sign any of those checks. Zimmer tells you he is not afraid of incriminating himself. Who had a motive in getting Zimmer not to testify? Anybody but Glass? Unquestionably no." Continuing Mr. Heney said:

Direct Attack on Delmas.
When the time came for me to die, I would 10 times rather have built up a reputation for fighting the battles of the people for right and honesty and decency and justice than to have it said of me that I had done this and that. I had crossed this great continent to prosecute my gift of defense to a man who had shot down one of his fellow-men in cold blood in a public theater. As Mr. Heney shouted his defiance, he faced Mr. Delmas squarely and pointed at him a finger of scorn. The veteran of the Thaw defense did not lift his eyes from the manuscript he was reading or give any other token that he heard.

In the midst of a fierce period in which Mr. Heney undertook to explain to the jury the motives of the prosecution in granting immunity to the Supervisors in order to convict their corruptors, Mr. Delmas interrupted. He complained that Mr. Heney was arguing outside of the evidence. This Mr. Heney denied, and a sudden dropping of his voice to a conversational level exposed better than any other words could have done the tremendous intensity of his speech. The pro-secution stood on his brow in great beads and the hand that raised the handkerchief to wipe it away trembled as with the palsy.

Judge Lawlor instructed the jury that statements of facts made by counsel of matters not included in the evidence must not be accepted by the jury as facts.

Man Highest Up Does Bribery.
Proceeding, Mr. Heney asked:

In a big company of this kind, who would look after the money as those who are related to opposition telephone companies? Why, the man in charge. The man highest up in the company. If those Supervisors \$50,000 if they would refuse the franchise to the Home Telephone Company and promised an additional \$25,000 if those Supervisors would continue friendly to the Pacific Company for the next two years. Nobody but the general manager would attend to such important matters.

When a great corporation wants something to which it is not entitled, there comes a time when a man high up has the thing passed up to him where he will violate the laws of the country and the profit of his company. You can send to the penitentiary the bribings of those companies and you can take their places for the sake of the reward.

Mr. Heney concluded his argument with an appeal for a conviction, bearing reasonable doubt. "At your hands we ask a verdict of guilty," he said, "in order that the dignity of the law may be upheld and San Francisco may stand once more as a city where the laws can be enforced against any criminal, no matter how high he may be, nor how low, and poor or rich. We ask at your hands a verdict of conviction in order that it may be published abroad that San Francisco can furnish that quality of citizens for jurors who by their fearless performance of duty serve notice on the world that San Francisco has redeemed herself."

Mr. Heney concluded at 4:30 o'clock, having talked little more than the hour of original limitation.

Delmas Denies It's Proved.
Mr. Delmas began his argument for the defense by assuring the jury that, if he thought public clamor would weigh with it, he would scorn to address it. He then asserted that the only proof that money was ever paid to Boxton was the unsupported testimony of Boxton himself. He called attention to the legal requirement that a conviction could only be had on the testimony of a single witness when that witness was entitled to a verdict. He then attacked Boxton's credibility on the ground that Boxton's immunity depended on his telling the truth as the prosecution saw it and that Boxton admitted having perjured himself in the Langdon outer proceedings. He proceeded:

"Boxton was bribed he is as much guilty of the crime as is the man who bribed him. That he was an accomplice, if the crime was committed, is admitted by the prosecution. You have then, the sole testimony of a man who has lied; he sold himself over and over again—a man whom the law stigmatizes as unworthy of belief in himself and whose testimony must be corroborated by other and uncontaminated evidence tending to connect the defendant with the commission of the crime, before a conviction can be had. Where is that testimony, gentlemen? The one person by whom the testimony is sought to be corroborated is—Mrs. Boxton."

He said Mrs. Boxton testified that she was bribed by the \$5000 bribe, counted it in her presence and gave it to her. But did that connect Glass with the crime? He then discussed the alternative before Mrs. Boxton of either by contradicting her husband sending him to state's prison or by corroborating him saving him from a felon's cell. He left it to the jury to show that the alternative she had chosen, but whether Boxton was bribed or not, there was no evidence to connect Glass with the crime.

Shows Scott Might Be Guilty.
Mr. Delmas then analyzed the evidence by elimination that Glass bribed Boxton, the state having sought to show that no other had power to supply the money. He ended this analysis by virtually charging that Henry S. Scott, president of the company, was the guilty man. He referred to Mr. Heney's statement that Mr. Scott left for the East February 18 or 19, and was not in San Francisco at the time of the bribery and then said that Mr. Scott did not go East till August and was in the city when the bribe was paid. He did not argue that Mr. Scott did the bribing, but said Mr. Scott could have done it; therefore proof by elimination failed.

He next argued that Zimmer might have done the deed and therefore was not eliminated. Zimmer had authority

PEDDLED BABIES JUST LIKE DOGS

Startling Charges Made Against Woman.

SECURED FROM HOSPITALS

Little Ones Taken From Mothers and Sold Around City.

BRENDECKE HOME NAMED

Attorney Erbstein Charges Mrs. Marie Bowen With Acting as Commission Merchant for the Sale of Babies.

CHICAGO, July 26.—(Special.)—Amazing charges that baby boys and girls are bought and sold in Chicago by "commission merchants" in exactly the same manner as lap dogs are sold to fashionable society women were made by Attorney Saul C. Erbstein today before City Judge Sadler in the Desplaines-street Police Court.

Attorney Erbstein charges that Mrs. Marie Bowen, 83 Ogden avenue, who has been used for divorce by her husband, Wilfred W. Bowen, president of the Chicago Electric Motor & Fan Company, has for years been in the practice of securing infants from so-called "hospitals" and then peddling them about the city. Mrs. Bowen was not in court when the charges were made, and Judge Sadler at once issued forthwith a subpoena for her appearance.

Get Babies, Soon as Born.
According to the woman's husband and Attorney Erbstein, Mrs. Bowen has had a "working agreement" with several hospitals. One of these is declared to be the Brendecke institution, which is now under investigation by the State's Attorney and Superior Court Judge Arthur H. Cichelin.

It is declared that while investigating the Brendecke institution, Detective Sergeant O'Brien and Harrington, from Captain Howe's office in the detective bureau, unearthed the sensational evidence which will be produced.

It is declared these sensational disclosures will greatly assist the State's Attorney's office in securing evidence of the manner in which babies from many so-called hospitals, such as the Brendecke institution, are adopted. As soon as infants are born, it is declared, they are taken from their mothers, and are sold to the hands of a "commission merchant."

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