



VOL. XXVI—NO. 29.

PORTLAND, OREGON, SUNDAY MORNING, JULY 21, 1907.

PRICE FIVE CENTS.

HAWLEY DISSECTS HAYWOOD'S CASE

Strong Proof He Instigated Murder.

UNION PERVERTED TO CRIME

Witnesses for Defense Perjurors or Deceived.

LET LAW GOVERN IN IDAHO

Haywood Listens Intently and Without Emotion as Prosecutor Marshals Evidence to Show Him Great Among Criminals.

BOISE, Idaho, July 20.—James H. Hawley, leading counsel for the State of Idaho, presenting the first of the arguments to the jury in the case against William D. Haywood...

None listened more attentively to the argument than Haywood, the defendant, and none showed less emotion. From time to time he took copious notes in a small book...

Throughout the day, Mr. Hawley used an almost conversational tone. The analysis of testimony in contradiction of Orchard's story concluded frequently with the denunciation of witness after witness as a willful perjurer or guilty of unintentional falsehood.

Mr. Hawley's peroration was impressive. There was no attempt at any flight of oratory, but only a strong note of deep sincerity and great earnestness when he pleaded for an honest judgment from honest men of Idaho.

Mr. Hawley said he did not charge that a majority of even that many of the Western Federation of Miners were criminals, but that the evil deeds of the officers and of the scum of the organization had brought discredit on the rank and file.

FEDERATION MEN ARRAIGNED

Hawley's Forceful Argument Arouses Darrow to Fury.

BOISE, Idaho, July 20.—Continuing his argument for the prosecution in the Haywood trial, J. H. Hawley today said that immediately after the train-wrecking incident on the Florence & Cripple Creek line, Orchard was found again in the employ of the Federation.

After he had spoken for nearly an hour at the afternoon session, Mr. Hawley finally brought his argument down to the death of ex-Governor Steunenberg.

"He appears to have been particularly obnoxious to the Western Federation of Miners," said the attorney. "The articles which have been introduced here from the Miners' Magazine show the lasting hatred that the organization bore him. Never has a man been more vilified than was he. Frank Steunenberg had been a member of a labor union, so when the mining trouble...

could be attributed to either Steve Adams or Harry Orchard. While arguing this incident, Mr. Hawley soon precipitated an exciting battle of words with Clarence Darrow, of the defense, in which "untruth" and "deliberate falsehood" were freely used on both sides.

Lawyers Pass the Lie.

"It," said Mr. Hawley, "there was a word of untruth in Orchard's testimony as to the attempts on Governor Peabody, who of all men was the best witness to testify? A man who is now in the basement of this building, a man who stood in the esteem of the leaders of the Western Federation of Miners second only to Orchard—Steve Adams. The prosecution brought this man to Boise so he could be used by the defense if it so desired."

"If you say what I have stated is an untruth," replied Mr. Hawley in anger, "you utter a deliberate falsehood." Mr. Darrow renewed his objection and then Judge Wood took a hand. He said he would instruct the jury to disregard all statements made by counsel not borne out by the evidence.

Why Did Not Pettibone Testify?

Mr. Hawley then continued: "There is just one other man who could deny Orchard's statements as to Governor Peabody. That man is George Pettibone. If he did not counsel the proposed murder, if he did not furnish the sawed-off shotguns, why didn't they bring him here to say so? There is no evidence to contradict Harry Orchard. Does counsel expect to wipe out the facts by mere argument? They cannot do so."

Carrying forward his address in chronological order, Mr. Hawley next took up the Independence Depot explosion.

He ridiculed the idea that the Miners' Association was responsible for the outrage, and asserted that the evidence adduced in support of that theory was either from witnesses shown to be perjurers or utterly absurd on the face of it. The facts were as stated by Orchard, he said.

Bringing his argument down to the attempt on the life of F. W. Bradley in San Francisco, Mr. Hawley reviewed first the testimony as to money sent to Orchard in San Francisco by George A. Pettibone. As to the motive against Bradley, it was to show to the world that the Federation did not forget its enemies even after a lapse of years. Mr. Hawley said the evidence showed that Orchard had been the manager of the Bunker Hill & Sullivan mine, which was blown up in 1898.

McGee Mistaken as to Dates.

Referring to the testimony of Dr. I. L. McGee, of Wallace, Idaho, that he saw Orchard there during the Summer of 1904, Mr. Hawley said Orchard could not have been there, and that Dr. McGee was either gravely mistaken as to dates or stated a deliberate falsehood. Dr. McGee was recently arrested for perjury.

As to the killing of Lyte Gregory, Mr. Bradley said the evidence showed that Gregory was a companion of Detectives Scott and Sterling, against whom the Western Federation had grievances. Orchard must have been serving the Federation in killing the man, for he had no personal motive. He said:

"Again, in this crime of killing Gregory, we find Steve Adams directly involved and George Pettibone as giving the instructions. Again, may I ask why these two men have not been called here to deny the allegations Orchard has made against them. I leave the answer to your judgment and your intelligence."

The prosecuting attorney next went over the various attempts made by Orchard on the lives of Judges Goddard and Gabbert and Governor Peabody. The escape of each of these men from destruction, especially Mr. Peabody, was miraculous, Mr. Hawley declared, and the motive for their removal lay in the Western Federation of Miners and not in the breast of the man hired to commit the crimes. The size and destructive character of the bomb finally made by Orchard to destroy Mr. Peabody would seem incredible, if the deadly engine itself had not been introduced.

Hatred of Steunenberg.

After he had spoken for nearly an hour at the afternoon session, Mr. Hawley finally brought his argument down to the death of ex-Governor Steunenberg.

"The articles which have been introduced here from the Miners' Magazine show the lasting hatred that the organization bore him. Never has a man been more vilified than was he. Frank Steunenberg had been a member of a labor union, so when the mining trouble...

Responsibility is put square upon the crew of the freight train by officials of the road. Those who arrived at the scene of the wreck soon after the accident secured from the crew of the freight train under which it was running, and which clearly showed the position of the passenger train, and that the freight had encroached upon the other train's running time. The collision occurred at 8:13 o'clock, and the freight train should have remained at Salem at 8:10 to be within their orders.

THIRTY ONE DEAD IN RAIL HORROR

Men, Women and Children Butchered.

LIST OF INJURED IS SEVENTY

Michigan Excursion Train Hits Freight at High Speed.

CRASH HEARD FOR MILES

Horrifying Scenes Follow Smash. Boy Finds Mother Dead Beside Him—Women Scream for Their Injured and Dead Children.

SALEM, Mich., July 20.—Thirty-one people are dead and more than 70 injured, many of them seriously, as the result of a head-on collision today between this village and Plymouth, when a Pere Marquette excursion train bound from Ionia to Detroit crashed into a westbound freight train in a cut located at a sharp curve of the Pere Marquette Railroad, about a mile east of Salem.

THE DEAD.

HOMER SMITH, a boy, Ionia. ALBERT TRAUTWINE, whose body was cut in two, Ionia. JOHN ZOFEL, Ionia. CHARLES HESS, Ionia. HERMAN HESS, Ionia. DANIEL HESS, Ionia. WILLIAM CORNELL, Ionia. DON ROGERS, Lowell, Mich. DICK JONES, Ionia. MISS ABRAHAM EDDY, Ionia. EDWARD GALLAGHER, aged 18 years, Ionia.

THE INJURED.

FRANK DOISE, Ionia. L. K. MERRILL, aged 68 years, Ionia. HENRY REYNOLDS, a Pere Marquette engineer, Ionia. CHARLES McCAULEY, SR., Ionia. A. F. HERBERT, Ionia. EDWARD DURLING, Ionia. CHARLES BROAD, aged 18, Ionia. JAMES VISSARD, Ionia. WILLARD STAGER, Ionia. WILLIAM GOTT, Ionia. MISS ALBERT HUNTER, Ionia. FRED FITZGERALD, Ionia. BRANKMAN ED. CORWAN, Ionia. WILLIAM SWAN, 20, Ionia. FRANK LATHAM, 18, Ionia. BENJAMIN DURLING, 45, Ionia. CHARLES WENTON, fireman freight engine, Grand Lodge. HARRY WILLIAMS, 17, Ionia. E. J. FINLEY, conductor of passenger train, body ground to pieces and scarcely enough fragments found to identify it. James Vleard was a well-known ball player. Herman and Daniel Hess, aged 15 and 18 years, respectively, were the sons of Charles Hess. A widow and six other children are left by Hess.

Six Cars Wrecked.

The passenger train of 11 cars, carrying the Pere Marquette shop employees of Ionia and their families to the Michigan metropolis for their annual excursion, was running at high speed, probably 60 miles an hour, down a steep grade. It struck the lighter locomotive of the freight train with such terrible force as to turn the freight engine completely around. The wrecked locomotives this afternoon lay side by side, both headed eastward.

Only a few of the freight train's cars were smashed, and it took only a few hours' work to remove all traces of them from the scene. But behind the two wrecked locomotives six cars of the passenger train lay piled in a hopeless wreck.

Four of the passenger coaches remained on the track but slightly damaged, and were used to convey the dead and injured to Ionia; one coach was entirely undamaged, with only its forward trucks off the rails. The two coaches next ahead of these were almost on end after the wreck, its forward end resting on the roadbed.

Fireman Dies on Train.

Fireman Knowles died on the relief train en route to Detroit, bringing the list of dead to 30, with a possibility that more bodies might be found in the wreckage, and that several of the injured may die.

Responsibility is put square upon the crew of the freight train by officials of the road. Those who arrived at the scene of the wreck soon after the accident secured from the crew of the freight train under which it was running, and which clearly showed the position of the passenger train, and that the freight had encroached upon the other train's running time. The collision occurred at 8:13 o'clock, and the freight train should have remained at Salem at 8:10 to be within their orders.

cars are crowded. The excursion train left Ionia, crowded with men, women and children at 6 o'clock this morning. It was the annual excursion of the shopmen of the road to Detroit. Every family had its lunch baskets, and many of them were eating when the two trains crashed together. The impact was terrific, and a number of passengers sitting near the windows of the rear end of the undamaged coaches were thrown through the windows to the ground. There was a panic among those in the uninjured coaches for a few moments. Then, as the uninjured people realized that they had not been hurt, they rushed from the cars to the rescue of their friends and relations who were plied among the wreckage ahead of it. Families were scattered among different cars and there were frenzied searches for missing relatives. Mothers ran screaming up and down searching for their children, while many of the young people were as frantically calling for their parents.

Sees Father Hurt.

S. Dennehy, a young man of Ionia, was in the last coach, while his sister was in one of the middle coaches, and his father and mother were in one of the most seriously damaged cars. "We felt the jar when the airbrakes were applied," said Mr. Dennehy, "and then before anyone had time to stand up or leave his seat, came the crash of the collision. In the confusion of the moment, I did not realize that the

Wounded Man, Employed as Driver by Local Ice Company, Will Probably Die—Mob Threatens the Bluecoat.

William Stevens, 35 years old, a driver for the Ice Delivery Company, was shot and probably fatally wounded by a bullet from the revolver of Patrolman Griffith Roberts, at East Sixth and Morrison streets, at 1:20 o'clock last night. The shooting was the result of a row which occurred in the Gilmore saloon, on the southeast corner of East Sixth and Morrison.

Random Bullet Strikes William Stevens

Fired by Officer Roberts

Patrolman Says Revolver Was Accidentally Discharged.

Drawn to Repulse Mob

Shortly before 11 o'clock, Captain Slover, in response to a telephone call, ordered Roberts to go to the Gilmore resort and quell a disturbance there. When Roberts entered the place a number of patrons of the place were congregated at the bar, drinking and using coarse and profane language loud enough to be heard on the street. Roberts ordered them to be quiet, when a young fellow, whose name could not be learned, called the officer a vile name. The policeman took him from the place, gave him a lecture and ordered him to go home.

MURDERER OF GEORGE SAYRES RELEASED FROM PRISON.

Governor Heeds Influential Petition in Behalf of Man Convicted of Heinous Crime.

Joseph ("Bunco") Kelly was yesterday pardoned by Governor Chamberlain from the Oregon State Penitentiary, where he was serving a life sentence for the murder of George W. Sayres in this city in September, 1894. In ordering Kelly's release from prison Governor Chamberlain was influenced by a strong petition in the prisoner's behalf which was filed in the executive department three years ago. This application included the names of many prominent business men of Portland, ex-District Attorney Wilson T. Land, ex-District Attorney Wilson T. Land, who prosecuted Kelly, and George H. Williams being among the signers. Kelly arrived in Portland last night.

"BUNCO" KELLY PARDONED

Crime Was Shocking One.

The crime of which Kelly was convicted was among the most brutal in the history of Portland. Between 8 and 9 o'clock on the night of September 23, 1894, George W. Sayres, who resided with his wife at Fulton Park, was enticed from his home and taken to the bank of the Willamette River, about 200 yards distant, where his assailants murdered him by crushing his head with a hatchet, after which the body was thrown into the river. Ten days later the body was found floating in the river between the Atsworth and the Mersey docks. Postmaster John W. Minto, who had assumed the office of Chief of Police only a few days before, assisted by his detective force, immediately began an investigation which resulted in the arrest of Kelly, "Bob" Garthorne, George Powers, Paddy Lynch, Thomas Carroll, Thomas Burns and James Mehan, a majority of whom had served terms in some Pacific Coast penitentiary. Kelly and Garthorne were indicted for the murder, and upon being arraigned pleaded not guilty. The other men were held as witnesses.

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may be able to identify those who threw the stone. Patrolman Joe Keller, who resides across the street from the scene of the shooting, was aroused by the shot, but saw nothing of the affray, for he had retired early. Keller endeavored to secure the names of some of the men who had the altercation with Roberts, but they had all departed or dodged the issue when questioned. Some of the rowdy element which collected at the scene after the shooting proposed to wreak vengeance on the policeman, but the timely arrival of several officers from the central station dispersed the mob.

SCHOOL SYSTEM FULL OF DEFECTS

Run on Provincial Lines Says Educator.

MACHINE IN FULL CONTROL

City Superintendent Lacks Ripe Scholarship.

TRAINED TEACHERS FEW

Curriculum Many Years Behind the Times, Asserts Writer — Board of Education Fosters Common-Place Architecture.

PORTLAND'S SCHOOL SYSTEM. The following article on the faults of Portland's school system is by a prominent educator, whose name for obvious reasons is not attached to the article. It is the first of a series in which the writer will point out the defects of the system as he sees them and will suggest remedies for the people of Portland to adopt in order to effect improvement.

ARTICLE I.

The average citizen is too concerned with personal matters to pay much attention to school affairs. Although the Board of Education disburses nearly half the city's revenue, over a half million dollars, so little heed is paid to the annual school meetings and the election of board members that both scarcely ruffle the surface of public attention.

Because but little complaint is heard of the summary and unexplained dropping of both efficient and a few inefficient teachers—people conclude that "things must be running pretty smoothly." But a city school system's "running smoothly" is not the only desideratum. To manage 12,000 school children and their parents smoothly is one thing, to cause growth and to develop these children harmoniously is quite another and a higher type of efficiency.

Portland for years has allowed its city schools to run on provincial plans—stagnated with the supervision of men of local preparation and of limited preparation at that. Let it be said at the outset that those of our citizens who give school matters serious consideration believe that the city should employ the best at hand, but when this best falls short of being adequate then we owe nothing to these instructors of our youth.

It is doubtful if another city of the size of Portland in the United States employs a city superintendent with no further institutional equipment than ours seems to have. He is not a graduate of a college or a university. That he could not formulate a primary or even a secondary course of study for our city, because he has never pursued courses beyond them himself, is not quite self-evident, for self-made men often lead the world in their chosen lines of research. The fair presumption is, however, that the ripest scholarship is none too good or expensive for a great city like ours, which certainly means to give its youth the best. School subjects have value. Methods of reaching valuable training and results in education must be weighed. The greater cities of the country long ago have demanded experience and broad scholarship in their supervising corps. Portland has not, for what has been said of the head of our schools is also true of his assistant, who has been in charge the better part of the last year. Ample opportunity has arisen during the past years for these men to have been called out in the meetings of that great body of educators, the National Educational Association, where they might have taken their places alongside of brainy men who are delving into the unsolved problems of education. Their absence has too often been conspicuous and the subject of remark. It has not been so in medical, financial, horticultural and civic conventions of

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