

KELLY KILLED ON R. R. TRACK

Demented Wanderer Struck By Train and Death Almost Instantaneous.

WAS SITTING ON THE RAILS

Trainmen Could Not See Him In Time To Stop

HAPPENED ON A CURVE

Thought Possible That Man May Have Had Suicidal Intent—Inquest.

It is a sad sequel which followed the search for the missing A. W. Kelly, the particulars of which were recorded in yesterday's Times.

The unfortunate man was killed early yesterday morning by a south-bound train on the railroad between here and the cities on the Coquille. So far as could be learned, it was believed he sat down on the track in a tired and dazed condition and was overtaken by the train before he realized it was upon him.

The train struck him at 7:30, and when the trainmen reached the place where he was seen, the victim was dead. Witnesses agree that the body was not run over by the train, but that death was caused by the engine striking him.

When the train was brought to a standstill it had traversed a distance of about ten or twelve car lengths after the warning was given, according to the estimate of the railroad men. The body was placed on a spot near the place where it was found and left in charge of rear brakeman Oscar, while the train continued on its way.

Dr. Mingus, coroner for Coos county, was informed of the accident and took the launch Meteor after the body, bringing it to the Johnson undertaking rooms.

The following jury was impaneled: Captain Lightner, Frank Denning, Ivy Condron, E. O. Hall, J. D. Johnson, E. K. Jones.

Elijah Kelly, brother of the deceased, was first examined, and told substantially the same story about the victim's mental condition, as published yesterday in the Times. The victim had started for Smith mill, where he had been employed the previous day. He held the mill had become confused on the day of his disappearance and missed the road which leads to the Smith mill. He had left the Blanco road at 1:30 on Friday, and had been seen by one or two persons, so it was learned. The report came in that he had been seen six miles

REPORT ANGRERS HARRIMAN RAILROAD MAGNATE TERMS IT "POLITICS"

Will Investigate It Fully and Make Explicit Statement in Corrective

New York, July 13.—Harriman speaking by telephone from Arden tonight says that from what he is told the report is a political document and not of a personal pursuit of himself. The tone of the report, he says, and method of promulgation show that.

"Imagine," he says, "the court or any judicial body sending copies of its decisions around secretly to newspaper publishers in advance under the pledge to publish it simultaneously Sunday morning. That is what the Commission did."

Harriman says their opinion was put in type several days ago and sent to newspapers throughout the country with the following printed in bold type at the head: "Confidential. To all newspapers. This report is released for publication on Sunday morning, July 14, 1907, and not before."

Harriman says, "It is deemed good politics to attack me. But I can stand my part better than the people of the country can stand that sort of preference on the part of the government tribunal charged with the duty of impartially administering the laws."

He says he will examine the document carefully and have something to say about it later. He says from what he is told it is full of strange misstatements of fact. He cites as an illustration a statement in reference to the Alton deal, that he caused \$12,000,000 to be credited to construction expenditures in order to find an excuse for borrowing money to pay the dividends.

"As a matter of fact," Harriman says, "that was a written recommendation of President Felton's, made while Harriman was in Alaska, and adopted at the meeting of the board of directors at which he was not present."

Harriman takes exception to the statement contained in the report that by a certain method of accounting that was carried out, the payment of the special dividend was covered up, thereby intimating some wrongful intent. Harriman says this is a most extraordinary statement for a writer of a report to make, when it is considered that stockholders necessarily knew of the dividend of which every one received his share and which was published in every financial journal at the time and was reported to the stock exchange.

"I am informed," he says, "by those who have examined it more carefully, that the article is full of errors as glaring and inexcusable as these, but I shall read it carefully and make a full statement about it, particularly my connection with the Chicago & Alton readjustment, in a few days."

WEATHER FORECAST.

Western Oregon, fair, south; showers, north portion. Western Washington, showers. Eastern Oregon, eastern Washington, Idaho, showers and thunder storms.

SENSATIONAL DAY IN BOISE

State In Rebuttal Offers Evidence That Shatters the Defense's Case.

WITNESSES ARE PERJURERS

Developments Bring To Light Foul Play.

DR. I. L. MCGEE ARRESTED

Resident of Wallace, Idaho, Swore Falsely to Discredit Orchard's Story.

Boise, July 13.—Sensation followed sensation quickly in the Haywood trial today when the State commenced rebuttal evidence. One witness on the stand confessed to the participation in a labor riot resulting in the death of two men, and a record of the conviction for murder in the second degree of a witness for the defense was introduced and proof of another having been sent to the insane asylum upon the information of his neighbors was offered.

Its admissibility was argued and the decision of the court will be made Monday. Finally, shortly after court adjourned for the day, information was sworn to and a warrant for perjury issued in the magistrate's court against Dr. I. L. McGee, physician of Wallace, Idaho, who was one of the witnesses for the defense in discrediting Orchard.

Sheriff Hodgkin, of Ada county, telegraphed authorities at McGee's home to make the arrest.

William Dewey, a witness in rebuttal for the state, confessed to active armed participation in the destruction of Bunker Hill and Sullivan, the concentrator at Wardner. Orchard swore William F. Davis, known as "Big Bill" Davis, led the mob. Davis himself swore to having been elsewhere, and positively denied any connection with the crime.

Dewey swore not only that Davis did accompany the mob, but that he served out guns, rifles and ammunition to the union men before they went to Wardner. With downcast eyes and fingers nervously picking at the braiding around the rim of his gray sombrero, Dewey told it all. Repeatedly he was requested to raise his voice, and complied only to sink back into almost an inaudible tone. Under the provocation of the sneering cross-examination by Richardson, he rallied and even became combative but throughout the recital gave evidence of certain remorse. McGee, against whom the warrant for perjury was issued today, swore Orchard was in Wallace in July and August, 1904.

At this time Orchard says he was in Denver planning the Bradley murder. One of the witnesses today swore Orchard was at his hotel in Denver in July or August, 1904. McGee also was one of the witnesses who swore Orchard was at Mullan the day of the explosion of the Bunker Hill and Sullivan concentrator.

LANGLE PLEADS GUILTY INDICTED CARMAN MAKES A DECIDED STAND.

is Charged With Participating In Murderous Attack On Street Car Men.

San Francisco, July 13.—The nine men indicted by the grand jury for conspiracy and violence incident to the street car strike, were called to the bar of justice yesterday in Judge Cook's court. These men were Barney Olsen, John W. Hayes and Charles Langle, accused of assault with a deadly weapon for having made a murderous attack upon the crew of a street car near the Chutes on the night of June 29th, and John Mitzner, Rudolph Schmidt, George Peterson, J. C. Kyle, J. H. Burns and J. Murray McDonald, charged with misdemeanor conspiracy, it being alleged that they conspired to attack a lodging-house at which two non-union carmen were believed to be living.

To the surprise of those in the court-room Langle, when his name was called, pleaded guilty. He will be sentenced today. Burns did not appear in court, and a bench warrant for his arrest was issued by Judge Cook, with bonds fixed at \$2000.

The other men were arraigned on the indictments found against them and will enter their pleas today.

WOULD SELL TO UNCLESAM SCHWAB THINKS GOVERNMENT SHOULD BUY.

Says Private Capital Cannot Build War Ships With Any Profit—Union Iron Works for Sale.

New York, July 13.—Charles M. Schwab in an interview today stated that in the event of war the United States could build and equip battle-ships much faster than Japan and more speedily than any other nation in the world, England and Germany not excepted.

He spoke of the determination of the Bethlehem Steel Corporation to go out of the business of building war ships, and concerning the corporation's San Francisco plant, he said: "The shipbuilding plant of the Union Iron Works is for sale. It ought to be bought by the government. Already offers have been received for the property from a railroad, which would use the site as a terminal."

"Since private capital cannot build war ships with any profit, here is an excellent opportunity for the government to purchase the greatest shipbuilding plant on the Pacific coast, and the only one adequate for attending to the repairs and refitting of a great fleet. The government will need such a plant."

Schwab said the government could have the property for a reasonable price, his corporation not asking any profit.

KILLS WIFE AND HIMSELF.

Lebanon, Mo., July 13.—It was learned here tonight that A. S. Scribner, of Adams county, Mo., killed his wife and himself in a hotel at Bufalo, Mo., near here last night. Scribner announced to his wife and eight-year-old daughter that he intended killing them. He shot his wife twice, then turned the revolver on himself, sparing the child.

SPECIAL TO THE TIMES.

Portland, July 12.—Southern Oregon land cases: All papers and evidence were today submitted to B. D. Townsend, representing the Department of Justice for all Oregon in the land graft cases.

Ten witnesses in rebuttal were examined today and most of them were called to prove statements as to Orchard's movements in North Idaho and as to the disposal of his interest in the Hercules mine. One of the most interesting was August Paulsen at one time Orchard's partner in Hercules. Orchard swore he planned to kidnap Paulsen's children and hold them for a ransom of \$30,000. Paulsen was called to show that Orchard disposed of his interest in the mine sometime before he left the state. Paulsen will be recalled later. Counsel for the state expect to finish the rebuttal by Tuesday or Wednesday at latest.

MAKE PUBLIC LONG REPORT

Interstate Commerce Commission Gives Light on Harriman's Methods.

HOW HE MERGED STOCKS

Shows Evil Resulting From Such Control.

CITE SPECIFIC EXAMPLES

Believed That the Regulation Will Make Railroad Securities More Secure.

Washington, July 13.—A report was made public today by the Interstate Commerce Commission of its inquiry into the railroad operations of E. H. Harriman, and operations of the so-called Harriman lines of railways, which has been in progress several months. The report which was written by Commissioner Lane is the unanimous expression of the Commission. The report has been transmitted to the president and the attorney general and it is believed it will determine whether proceedings will be instituted against Harriman or the corporations involved in the inquiry.

No recommendations are made by the Commission as to whether the prosecutions be instituted as a result of the inquiry. The report enters fully into the discussion of Harriman's policy in obtaining and maintaining control of various lines of railway in the Harriman system and presents a fairly complete history of the operations of various lines. Excerpts from the verbatim testimony of Harriman are given to show as stated in the report, "That it is only the law which prevents the concentration in Harriman's hands of every railroad line lying between Canada and Mexico."

It is the frank admission Harriman himself made at the hearing. "To gather under one head all the existing transcontinental lines or as many as possible," and to exclude the incoming of all competition, became manifestly the Harriman policy which was inaugurated in 1901. By the issuance of \$100,000,000 of convertible bonds by the Union Pacific, Harriman's eventual control of many of the competing transcontinental lines was prevented; this was pointed out by the Supreme Court's decision in the Northern Securities case. The report is more general than specific in terms, and application, and says the function of railway corporations should be confined to the furnishing of transportation, and that railways should not be permitted to invest generally in securities of other railway and steamship companies except connecting lines for the purpose of forming through routes of transportation, including branches and feeders.

Its surplus funds, says the report, should be used for the betterment of its lines and extensions. In conclusion the report says: "Combination between railways as well as other industries is the established policy of the nation, and while the acquisition of a small minority stock of the competing lines might not decrease competition, yet the acquisition of any considerable amount of stock with the representation on the board of directors of such railway unquestionably has the effect of diminishing competition and lessening its effectiveness. The time has come when a reasonable regulation should be imposed upon the issuance of securities by the railroads engaged in interstate commerce. In the opinion of the Commission the regulation will tend to make the securities safer and more secure for investments, and therefore benefit not only the railroads, but the public."

LEAVES BROTHER IN OAKLAND.

St. Louis, Mo., July 13.—Eric Johnson, a cancer sufferer, today shot himself in a park. He requested that his brother, Knute Johnson, of 175 Chestnut street, Oakland, Cal., be notified.

ORCHARD IS TRUTHFUL NOTED PSYCHOLOGIST MAKES CLOSE EXAMINATION.

Says Confessed Murder, and Criminal Has Complex and Varied Mentality.

The New York World publishes a special from Boston in which Professor Hugo Muensterberg, the famous Harvard psychologist, who studied Harry Orchard here, makes the following report in an interview:

"Orchard's confession is, every word of it, true. I went to Boise for the special purpose of studying Orchard, and every facility for investigation was given to me by both sides. I attended the court sessions day after day, and heard the evidence. I also visited the penitentiary and made a psychological examination of Orchard lasting eight hours. This examination included a number of psychological tests. I also went into the opinions and general makeup of the man. But it is impossible to sketch the results in any popular way without giving the psychological data on which my conclusions rest. It is my intention to prepare an account of my investigation for one of the psychological reviews—an account of interest to psychologists.

"My interest in the Haywood trial, I ought to explain, is partly due to the interest I take in the bearing of psychology on law, with especial reference to such questions as those of moral responsibility. "I was very much impressed with the dignity that characterized the whole of the court proceedings. The attitude of the judge and prosecuting officers—the entire court proceedings, in fact—impressed the most favorably; and while I say that I regard every word of Orchard's confession as true, I must also say, from personal observation, that Haywood is having an absolutely fair trial.

"Orchard is a remarkable criminal, mentally. He is the most extraordinary criminal I have ever examined, and I do not mean because of the record of assassination to which he confessed. He is complex. In some respects he is very emotional and extremely sensitive to suggestions, while, when approached from other directions, there is an apparent absence of sentiment or feeling. He is a man of some confidence in himself, at times, and yet timid under other circumstances.

"Orchard has a very alert mind; he is singularly keen. My measurements as well as my oral examination of him, show that his mind is not only active and accurate, but he has a very quick perception; he anticipates. In fact, for mental alertness, few Harvard students would measure up to him. That feature of his case impressed me more than every other.

"I have been impressed by the fairness with which the trial is being conducted and I have been agreeably surprised by the temper of the people there. No one I have met wishes a conviction unless the evidence warrants it, and the attorneys for the prosecution impress me as very earnest in their desire that the verdict shall be a just one."

WILL LET PEOPLE SELECT NO CANDIDATE OFFERED BY FRISCO REPUBLICANS.

Several State Plums Are Waiting To Be Plucked—Governor May Appear.

San Francisco, July 13.—Both the Republican and Democratic county committees having issued calls for their local conventions, it is expected that there will be great activity among the partisans in the districts from now on.

The Republicans will organize clubs in the various Assembly districts, and an attempt will be made, where there is more than one club in a district, to unite them in a single Republican organization, to be known as the "Regular Republican Club" of the district, which said club shall represent, and be endorsed by the County Committee. This recognized club shall name the delegates to the nominating convention.

The leaders of the local Republican party say that they are absolutely without candidates for Mayor, or any other local office. According to the party representatives, it rests with the Republicans of San Francisco to select the candidates they wish.

