

HAYWOOD'S TRIAL--FROM AN ATTORNEY'S AND JUROR'S STANDPOINT

Attorney E. F. Richardson dictated the following statement of which many copies were made and distributed to the newspaper correspondents:

"The cause of union labor in this country has been strengthened by the verdict in the Haywood case. It appears that a representative of the working man may be accused of crime in this country and yet secure a fair and impartial trial. There have been many statements made upon the part of the friends of both sides reflecting upon the jury system and the administration of the laws of this country. No one has had better occasion to know the condition of affairs which has prevailed here where the trial has occurred than the counsel for the defense. We are all of the opinion that we have had a perfectly fair minded jury and an equally fair minded judge; that the cause has been tried in accordance with the rules of law as they are laid down in the books and that the determination has shown that neither the courts nor juries of Idaho are owned or can be influenced by the wishes of any coterie of self-seeking politicians or any detective association anxious to add to its reputation or to the reputation of any of its members.

"In this case every effort has been used by the Mine Owners' Association covering the Rocky mountain territory to bring about a conviction. These efforts have been largely made through the Pinkerton Detective agency, and the particular member of that agency having all matters in charge has been one James McParland of Molly Maguire fame in Pennsylvania acquired during the years from 1873 to 1876. The methods employed there have been repeated here, the only difference being that they have been adopted to the local situation and to improved methods in the handling of such affairs, but union labor is wiser now perhaps than it was at that period of its history, and organization on the side of the mine owners has been met by organization upon the side of the union. This battle, while it has been waged as usual between oppressor and oppressed, has been waged fairly and evenly, since in this the sitings of war were amply provided by and for both sides.

"We do not wish to be understood that we are casting any reflections upon those who own and conduct their business. Nor do we uphold those, if any there be who are engaged in any acts of lawlessness whatsoever. We are simply insisting that the law shall be for and administered to all alike, whether rich or poor, great or small, whether combined together under the name of the Mine Owners' Association or a miners' union; and we commend to the careful consideration of the mine owners an investigation of the words 'inner circle.' We do not believe that the real owners of many of the corporations belonging to the Mine Owners' Association have any idea of what is being done in the name of that association and by its money.

"The large majority of citizens of our country, whether mine owners or miners, are law-abiding and long suffering. The death of ex-Governor Steunberg has been used, in the light of all of the evidence which has been introduced in this case, as an excuse to punish the officers of any to annihilate the Western Federation. The conspiracy so to do has not been successful. The constant assertions of the Pinkertonian manager during the last year and a half has led many people to believe in the guilt of the Federation officers. But 12 careful, conscientious and painstaking men have listened for about 80 days to all that has been said or done in the trial of William D. Haywood and he has been acquitted. From the moment that the jury was empaneled in this case the Idaho Daily Statesman and the Evening Capital News, the two leading papers published at Boise, have asserted over and over again the fairness and the impartiality of both the judge and the jury. More or less distinguished scientists, who have either added to or subtracted from their reputations, have come here and attended the trial for a greater or lesser length of time and have asserted that the defendant was being tried by a fair and impartial court and jury. The result is in accordance with their views then expressed and in accordance with our views also; and we think all good citizens everywhere will join in the belief

that the jury was far better qualified to pass upon the question at issue than any number of interested parties whether they were advocating the conviction or acquittal prior to the finding of the verdict.

"I want it to be remembered that in the trial of this historic cause the credit thereof is not due entirely to those who have been conspicuous in the presentation of the evidence and the arguments. For more than a year and a half this case has received the constant attention of Hon. John F. Nugent of Boise, Fred Miller of Spokane and Leon O. Whitzell of Wardner and they have been joined more recently by the Hon. Peter Breen of Butte, Mont., and the Hon. Edgar Wilson of Boise. Whatever of praise is due to counsel in this case these men should not be overlooked. They have prepared and placed in form the basement upon which the structure of this defense has been erected; and whatever shall be the praise or criticism of the defense in the future the work of these men should not be forgotten.

"Another matter should not be overlooked, and that is that former Sheriff Moseley and the present sheriff of Ada county, Shad Hodgkin, are both to be commended in the highest terms for the part which they have taken in the prosecution of this case. To them has been committed the custody and control of the defendants. Neither of them have in any degree yielded to the unrighteous demands of those who purported to be friends of the prosecution nor to any of the intemperate criticisms upon the part of those who claimed to be friends of the defendants. They have both followed the even tenor of their way, and have treated their prisoners humanely, wisely and well. They have recognized that men who are charged with crime are entitled to be treated as human beings and as fellow men, and that they are responsible only for their detention; and in every way both Mr. Moseley and Mr. Hodgkin and their deputies have conducted themselves in a manner which is not only beyond reproach but worthy of all commendation.

"Again it should be said that the community of Boise should be commended for its calm and considerate treatment of the defendants and of all those who were concerned in the defense. When panic seems to have prevailed elsewhere and judgment has been thrown to the winds, this community has been undisturbed and has gone about its business as though the affair which it had in hand was one of no more than everyday importance. The action of the people of Boise has been characterized by sanity, decency and good will toward everybody concerned in the case.

"I further wish to say that while the prosecution has been of the most vigorous and determined character, yet it has been conducted by the Hon. James H. Hawley and his colleague, Senator William E. Borah, upon the highest plane of professional ethics and ability. They have never attempted to be persecutors but have at all times conducted themselves simply as vigorous and able prosecutors."

Samuel D. Gilman of the third chair, was the juror who was last to give up for a verdict of guilty and join the majority vote, making the vote unanimous for acquittal. With a sad shake of the head, he said:

"It was hard for me to cast that last vote, but I knew that the others would never change. I stood out as long as I could and would have stood until doom's day had another staid by me, but on the sixth ballot Mr. Powell went over to the majority. I thought an hour about it, trying hard to determine my duty and I finally decided it was right that I should give in. When they shook me and said they wanted to take another ballot, I said: 'Boys, I'll not hang out any longer; I know how you all will vote, put me down for not guilty.'"

Gilman said that it was the consensus, but there will always be pleasant the jurors as soon as they got in the jury room that they could not find the defendant guilty in the face of the instructions of the court. There was some little argument and then the foreman was elected. Then, in about half an hour after going in, the first ballot was taken. Eight voted for acquittal, two voted for a verdict of guilty in the first degree and two did not vote. Gilman and Powell voted guilty. J. P. Burns and Thomas Gess refused to vote. No other ballots were taken until after lunch, when, after an hour's argu-

"There was then considerable discussion," said Gilman, "myself and Powell trying to convince Burns and the others arguing with him that under the instructions there could be no verdict of guilty. There was some talk then of a second degree verdict, but all practically agreed right there that it must either be acquittal or a verdict in the first degree. Burns remained undecided. He finally asked for the exhibits that were brought in. After that another ballot was taken and Burns voted with the minority, but said he was not fully convinced.

"There was a long discussion before any more ballots were taken. It was after supper that the fourth was taken and then both Burns and Gess joined the majority, making it 10 for acquittal and Powell and myself for conviction. That is the way it remained all night. We took one or two ballots without changing. I know it was at about 3:30 o'clock that we took the fifth ballot, and it then stood 10 to 2, and we decided to take a sleep if possible. At about 5 o'clock we got up and argued some more and finally balloted for the sixth time and Powell voted with the others. That left me all alone. Then they worked on me. Finally I told them to let me think it over. I finally concluded it would not be right for me to hold out any longer. I think it was close around 6:30 when I finally gave in."

Regarding the instructions to the jury, Mr. Gilman said:

"I could not point out any particular instruction that seemed to decide the boys on a verdict of not guilty. I do not think there was any particular instruction that they debated over. I believe it was the instructions generally. They couldn't seem to make head or tail of them, but were convinced that the general tone indicated that the defendant should be freed. Yes, some of them seemed to think the instructions were very strong regarding corroborative testimony and some said that they could not be clear as to the reasonable doubt."

Mr. Gilman lives 16 miles out in the country, and it was not until shortly after noon that his people drove down with a conveyance to take him home. In the meantime, he tried to sleep at the house which had been the jurors' home for the past 80 days. But he couldn't sleep, he said. He was very nervous and completely tired out. As he sat on the lawn waiting for his team, he said:

"This seems like home--this house. It was a long and tedious siege, but there will always be pleasant memories associated with the time I spent here with the other boys. Never, all the time we were together was there a subject of discussion among us. We really enjoyed it. I do not believe one of the jurors regrets the time we spent there. No one ever had a word of fault to find with anything connected with our service here. We lived fine. We had the best there was to be had to eat and it was mighty well cooked. The balliffs could not have been better or more congenial. And we had lots of fun. There was only one thing that I have to criticize, and that is, I believe, they didn't take much pains in clipping our papers. In clipping out censored matter they often tore the papers and clipped cross-ways, taking out news that we were entitled to read."

NEW STEAMER LINE FOR COOS BAY

It is reported that there will be a new line of steamers plying between San Francisco and Portland, stopping at Coos Bay and Eureka. From San Francisco it is expected that the boat will make regular trips to Los Angeles and Monterey.

While the name of the new company has been withheld for the present, arrangements are being completed at the different ports for the handling of the business. The steamers will be put on the northern run, besides towboats owned by the company. Both steamers carry about 700 tons of freight and have passenger accommodations for 80 persons and have engines which will make speedy runs between coast points. It is expected that the new line will begin to make regular runs before September 1st.—Coquille Sentinel.

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