



WAS NOT EXTORTED

Restaurant Proprietors Not Threatened.

CONTRIBUTED TO RUEF

Were Satisfied That Unless they Employed Ruef Licenses Would be Held Up.

DEFENSE CLAIMS FAILURE

Prosecution Seeks To Prove That One of Restauranters Acted As Go-Between That Schmitz and Ruef Divided the Fees Before Licenses Were Granted

SAN FRANCISCO, June 7.—Proprietors before the fire of the five French restaurants alleged to have been victimized by Mayor Schmitz and Abe Ruef testified for the prosecution today in the trial of Mayor Schmitz for extortion. Two things stood out most prominently when they had finished: First, that without exception they claimed to have paid into the \$10,000 protection fund because they were satisfied that unless they employed Ruef, they would lose their licenses and as a result, their business; second, without exception they denied any threat was made that they would lose their licenses unless they employed Ruef and said him, or that Ruef asked to be employed, or that he or anyone in his behalf solicited the \$10,000 or any sum of money whatsoever.

The prosecution contends that it is building up a certain conviction by establishing by circumstantial evidence or seeking to establish the fact that certain French restaurateurs themselves acted as the agents of Ruef, in suggesting that he be employed to protect the licenses and in the developments which followed; and Heney has promised to prove, presumably, by Ruef himself, who has turned state's evidence that the money paid to Ruef was by him divided with the Mayor after which the licenses were granted. The defense takes the position that thus far the prosecution has utterly failed to support the accusation against the Mayor inasmuch as he is charged with having "Extorted through threatening and fear."

Attorney Marcus Rosenthal was called by the state. He testified that his client, Adler, sought his advice relative to the holding up of the Bay State's license in the fall of 1904. He appeared with Adler before the police commission, but the commissioners would not permit him to speak.

"After this meeting," he said, "I told Mr. Adler there was only one man who could help him, and that man was Abraham Ruef."

The prosecution called Michel Debret, who before the fire, was a partner of Pierre Priet in the ownership of Marchand's Restaurant. He said that in the beginning of 1905, Jean Loupy broached to him the employment of Ruef to look out for their license interests. Then the special meeting of the police board was held and from it Loupy returned, saying the commissioners would not listen to his attorney, Rosenthal. The witness partner, Priet, decided then to see Ruef. He did so and returned with the report that Ruef would take their cases for \$10,000; \$5000 down and \$5000 in one year, Priet saying that Ruef would not accept checks or gold, but only currency and would give no receipt.

OLD SLOOP OF WAR SOLD.

PHILADELPHIA, June 7.—After having weathered storms for nearly three-

quarters of a century, the old sloop-of-war St. Louis has been sold by the government to a junk dealer of this city for \$4210. The ship was built at Washington in 1828, and was the vessel with which Captain Ingraham overawed an Austrian squadron in the harbor of Smyrna and secured the release of an American citizen who was held a prisoner upon the Austrian flagship.

STANDARD OIL OVERRULED.

ST. PAUL, June 7.—The United States circuit court today overruled the exceptions to the bill of complaint of the United States against the Standard Oil Company and the defendant is granted leave to answer as to portions of the bill to which it had filed exceptions.

YESTERDAY'S BASEBALL SCORES.

Coast League.
At San Francisco—Los Angeles 0, Oakland 5.
At Portland—No game; rain.
Northwest League.
At Seattle—Seattle 3, Aberdeen 5.
At Spokane—Spokane 7, Tacoma 4.

MURDERED AND ROBBED.

MELBOURNE, Australia, June 7.—Bernard Bauer, a diamond merchant of this city, was found murdered in his office. A bag containing \$50,000 worth of gems is missing.

TACOMA MILL BURNS.

TACOMA, June 7.—The Dempsey Lumber Company, who recently completed their big mill at a cost of \$250,000 suffered almost a total loss when the entire plant was burned to the ground tonight.

POLAR EXPEDITION

San Francisco Capitalists Behind Mogg Party.

WILL PROSPECT FOR GOLD

Captain William Mogg and Party Sails From Port Townsend In Search of the Mythical Pole—Will Hunt For Gold and Copper.

SEATTLE, June 7.—Backed by San Francisco capitalists and under general instructions from the Geological Society of London, Captain William Mogg and party, sailed from Port Townsend on board the ship James Drummond today on a cruise that carries, every detail of a search to the North Pole.

The ultimate destination of the party is Point Cape Prince Albert, in the northern most extremity of Banksland and 800 miles northeast of the mouth of the Mackenzie river. The party expects to spend three years prospecting for gold and copper in a country practically unknown.

PUBLIC UTILITIES BILL.

MADISON, Wis., June 7.—The State Assembly today passed a public utilities bill by a vote of 77 to 10, providing for control by a state railway commission of all of the public service corporations except the telegraph and telephone companies. The commission has power over service and rates.

GUILTY OF REBATING.

NEW YORK, June 7.—The Western Transit Company pleaded guilty before Judge Holt, in the United States Court yesterday to one count of an indictment against it alleging the granting of rebates on shipments of coffee and sugar. A fine of \$10,000 was imposed and paid.

OFFICER COMMITS SUICIDE.

SAN ANTONIO, Texas, June 7.—Lieutenant Mack Richardson, whose resignation yesterday was accepted by President Roosevelt, committed suicide today at Fort Sam Houston, with morphine and prussic acid.

ORCHARD CROSS EXAMINED BY THE DEFENSE

Haywood's Counsel Center Their Attack on Orchard's Dealings With Mine Owners.

HE AGREED TO KILL 50 MEN FOR \$4 A HEAD

Orchard Admitted He Expected to Kill Non-Union Men But Said It Never Occured to Him That He Was Willing to Butcher Men at Four Dollars a Head.

ORCHARD STUCK TO STORY TOLD ON DIRECT EXAMINATION

PRISONER-WITNESS WENT TO THE "OTHER SIDE" BECAUSE HE WAS NOT PAID AND THE OTHER MEN WERE GIVEN THE EASY JOBS, SUCH AS TRAINWRECKING—ADMITTED HE LIED WHEN HE AGREED TO REPORT TO SCOTT OF MINE OWNERS' ASSOCIATION.

BOISE, June 7.—Counsel for Haywood, who continued their attack on the testimony of Harry Orchard at both sessions of the trial, today, centered their strongest assault on the events beginning with the explosions at the Vindicator Mine and ending with the earlier meetings between the witness and the leaders of the Federation at Denver. To the extent that traffic with the "other side" in the war of labor and capital in Colorado, was discreditable, they succeeded in discrediting the witness. Taking up the admission Orchard made in direct examination, that he had been treacherous to his comrades at Cripple Creek by tipping off the train wrecking plot, they developed the fact that Orchard entered the employ of D. C. Scott who had charge of the railway detectives. Orchard said that with Scott he had met K. C. Sterling, a detective in the employ of the Mine Owners' Association, that Scott accompanied him to Denver on the trip when he first met Moyer and Haywood. He said he had agreed to report to Scott but that he was lying to him, never intending to make reports to him and never did make any genuine reports to him. The defense also tried to show that because he stood in with the other side, Orchard was never molested by the militia in Cripple Creek during the strike. Orchard admitted that Scott had told him if the militia interfered with him he was to send for him and that the militia never did interfere with him or search his house.

Orchard said he went to Scott because he was not paid for work in the Vindicator Mine. He was jealous because he was given the hard work like the Vindicator job while the other men got a simple task of train wrecking by displacing a rail.

More crimes great and small were added to Orchard's record today. The Cripple Creek woman with whom he committed bigamy, had three sons; Orchard stole high grade ore from a messmate; he stole two cases of powder from the Vindicator Mine; he stole the powder to make one of the bombs thrown into the Vindicator coal pile and he told a lie. The defense endeavored in various ways to throw a shadow of doubt or improbability around the whole Vindicator story and the alleged connection of W. F. Davis and William Easterly with the affair and the circumstances under which Orchard testified that he met Moyer and Haywood and was paid for the commission of the crime and to discredit Orchard's story that he was sent back to Cripple Creek with unlimited credit and orders to commit any act of violence that he cared to. They confronted Orchard with Easterly and Owney Barnes and paved the way for the contradiction by them of the story told by Orchard and several times paved the way for the contradiction of his testimony on material points.

Orchard stood the strain and test very

well and held tenaciously to the story told on direct examination. Suddenly toward the close of the day the defense took up a trip of Orchard, to Southern Colorado, with Moyer in the early part of 1904 and it showed that Moyer feared to go south unguarded because of the "Mine Owners' official thugs" who had beaten up an innocent union man and had sent for Orchard to aid in protecting him. It was agreed they would carry out off shotguns, sit in the center of the railway car, so, if attacked, they could defend themselves. Attorney Richardson in questioning the witness made it very clear that this had been a perfectly straight proposition "Free from any taint."

Counsel flared up several times during the day and in the last passage at arms Prosecutor Hawley said Richardson told a falsehood when he intimated that Orchard was a fixed witness. The cross-examination will be continued tomorrow.

A most dramatic incident marked the trial this morning. Orchard said W. B. Easterly and he took a revolver and giant powder caps to a deserted shaft-house and experimented to see if the bullet would discharge the caps, before making the second and successful attempt to blow up the Vindicator Mine. He explained that the distance from where the militia was on guard was 400 or 500 yards, and that nobody was attracted by the report.

"Here," responded a man in the rear, rising.

"Is this the man who experimented with you?" queried Richardson, as Easterly strode down the aisle.

Everybody held his breath as Orchard twisted around in his seat and looked at Easterly. Then came his answer, emphatic and in tones as clear as bell:

"Yes, sir, that's him; that's the man."

Easterly halted and glared ferociously at Orchard, who continued to gaze coolly at him until Richardson told Easterly he might return to his seat. The complete significance of this scene is not appreciated until it is mentioned that Easterly is noted not only as a Western Federation leader, but as the man who once took President Moyer away from seven militiamen during the Cripple Creek disturbances, holding them at bay with a revolver. He has been under constant surveillance ever since he came to Boise.

When the question was put to Orchard by the cross-examiner whether he was not a little sore because he was not selected by Sherman Parker and W. F. Davis to wreck the Florence and Cripple Creek train, this being the real motive causing him to tell D. C. Scott about the plans of the "inner circle" instead of anger over not getting his money for the first attempt to blow up the Vindicator Mine, he replied:

"Yes, I guess I was a little jealous because they did not select me."

Richardson drew out that Joe Schultz,

Walter Schultz and Frank Schultz helped him "glom," or steal high grade ore from the Vindicator Mine. He said all "took" ore.

"You stole it, that was it, stealing, wasn't it?" was the interrogation.

"Call it what you want—we took it," answered Orchard.

The witness admitted that he expected to kill 50 non-union men for \$200, but naively replied on being questioned that he had not thought of the meaning that he was willing to butcher men at \$4 a head.

Intense excitement was created this morning by a big miner from Silver City, who was trying to go up the stairway leading to the courtroom floor while Mrs. Haywood, in an invalid chair, was being carried up. He defied the Deputy Sheriffs and when Deputy Woodin pushed him back, struck savagely at him, but Woodin ducked the blow. Deputy Bostwick drew a "billy" and was about to "smash" the miner when Attorney Nugent seized the miner, who is said to be a witness for the defense, and induced him to be quiet. Attorney Richardson commended the action of the deputies and "roasted" the miner.

WOMAN TO TESTIFY.

Orchard's Wife At Cripple Creek a Witness For Defense.

CRIPPLE CREEK, June 7.—Mrs. Ida Toney, the woman whom Orchard married here, is on the way to Boise as a witness for the defense. According to an intimate friend, Mrs. Toney will swear that at the time she married Orchard, he claimed to be a Pinkerton detective. She will also testify that Orchard's home was never searched by the militia although he was considered to be a strike leader. All of the surrounding houses were searched.

BIG JEWEL THEFT

Woman Loses Gems on Steamer Minnesota.

\$30,000 WORTH IS MISSING

Portland Woman Carried Valuables In Leather Bag—Went in the Stateroom With the Doors and Portholes Locked—Missing When Steamer Docked.

SEATTLE, June 7.—The disappearance of jewelry worth \$30,000, belonging to Mrs. William Branley Walker, daughter of Major T. M. Goodman, of Portland, and a passenger on the steamer Minnesota, which arrived in port this morning from the Orient, is shrouded in mystery.

When the vessel reached the harbor this morning detectives boarded it, but after careful search found not the slightest clue as to where the jewels have gone.

The lost jewelry consists of several brooches, two solitaire diamond rings valued at \$600 apiece, a solitaire ruby ring valued at \$500, two rings with three diamonds set in each, a large crescent pin and a ring set with diamonds and pearls. Nearly every passenger on the Minnesota was closely questioned, but the mystery is no nearer solved now than when the jewels were first found missing.

It was Mrs. Walker's custom to carry the jewels in a leather bag in the daytime and at night she would place them under her pillow in her stateroom. On the night of May 29 she put them in the same place. Both window and stateroom door were unlocked all night and the next morning when she looked for her money and jewels they were gone.

CHILDREN SUICIDE.

Grief Over Dead Mother Causes Rash Act.

CLEVELAND, O., June 7.—As a result of taking rat poison with suicidal intent, Mary Cartis, aged 11, and her sister, Helen, aged 10, are dead. Grief for the death of their mother a year ago was assigned by the children for the basis of the pact to end their own lives.

WHITE HOUSE MEETING

Officials Discuss the Harriman Case.

HARRIMAN IS IMMUNE

Railroad Magnate Free From Criminal Prosecution as Result of Testimony.

HARVESTER TRUST DISCUSSED

Prosecution of the Coal Carrying Roads Will Be Left To the Attorney-General—Anthracite Road Cases To Begin Next Week in Philadelphia.

WASHINGTON, June 7.—That E. H. Harriman, the railroad magnate, is immune from criminal prosecution, is the result of his testimony before the Interstate Commerce Commission in New York recently; that the question of the prosecution of the bituminous coal carrying railroads should be left to the hands of the attorney-general and that the prosecution of the anthracite coal roads will begin in Philadelphia, probably next week, were the conclusions reached at the notable conference held at the White House tonight. The Harriman case and the cases of the coal carrying roads were discussed three hours by President Roosevelt, Secretary of State Root, Secretary of War Taft, Secretary of the Treasury Cortelyou, Attorney-General Bonaparte, Interstate Commerce Commissioners Knapp and Lane, and Frank P. Kellogg, of Minnesota, special counsel for the government. Secretary Loeb was also present.

Following the general conference, Attorney-General Bonaparte remained with the President to discuss the so-called harvester trust. It is thought not likely the question of the prosecution of that organization will be left to the Attorney-General's hands. The roads involved include the Delaware, Susquehanna and Schuylkill, Philadelphia and Reading, Lehigh Valley, Delaware and Hudson, the New York, Susquehanna & Western, the Delaware, Lackawanna & Western, Central Railroad of New Jersey and Erie. Other roads may be involved as the suit progresses.

AGREEMENT RATIFIED.

Iron Trades Council Has Accepted Employers Proposition.

SAN FRANCISCO, June 7.—The committee of the Iron Trades council met last night and ratified an agreement entered into by the employers and the men on May 31, last, on a basis of which the recent strike was declared off. Under the agreement the men return to work under the same conditions of hours and wages which prevailed when they struck. The agreement is to remain in effect for 18 months. The employes, however, conceding that commencing December 1, 1908, there shall be a reduction of fifteen minutes on the work, in the work day. Every six months until an eight hours day is reached on June 1, 1910 and which shall be in effect thereafter. The ratification of this agreement tonight affects 29,600 men who will now return to work at once. The machinists alone have not yet signed the ratification, but it is believed they will.

ALEXANDER M'KENZIE DEAD.

TORONTO, Ont., June 7.—Alexander MacKenzie, owner of the Kirkfield stable and one of the best known racing men upon the Northern Circuit, died suddenly yesterday of appendicitis.