



DEFENSE IS LIMITED

Judge Wood Rules With State.

COUNTER CONSPIRACY

Defense Materially Limited as to the Existence of Alleged Counter Conspiracy.

BOYCE CROSS EXAMINATION

Former Federation Leader Now a Mine Owner Recalls Speech Made in 1898—'Every Union Should Have a Rifle Club'—Bill Easterly On the Stand.

BOISE, June 27.—The ruling made by Judge Wood, today, while Ed Boyce, for years a leader of the Western Federation of Labor and now a wealthy mine owner, of the Coeur d'Alenes, was testifying in the behalf of Haywood, may materially limit the showing of the defense as to the existence of a counter conspiracy against Haywood and his associates.

Attorney Hawley, for the state, objected to a general question as to the policy and practice of the Mine Owners throughout the west in blacklisting union miners and in the argument that followed, Dartow for the defense claimed the same latitude in proving a counter conspiracy that the state enjoyed in showing its conspiracy. Hawley contended that the state had directly shown the existence of a conspiracy by Orchard and by doing so had laid the foundation for and made the connection of all of the evidence offered on the subject. He said the defense was trying to show a counter conspiracy by proving various isolated instances and citing general conditions, none of which were connected with the case and for which, no proper foundation had been laid. In ruling, the court accepted in part the contention of the prosecution and limited the proof of the defense along this line to the events in Colorado and the Coeur d'Alenes connected with the case, as now established.

Ed Boyce was the important witness of the day and his testimony was chiefly devoted to the history, purposes and work of the Western Federation. He denied the existence of an inner circle, or that there had ever been a conspiracy in the organization to do an illegal act. The chief importance of Boyce's cross-examination was production of a speech made by him in the convention of the Federation held in Salt Lake, in 1898 in which he said that every union should have a rifle club, every member a rifle, so that the Federation could march 25,000 armed men in the ranks of labor. Boyce could not agree with the accuracy of this, but said the sentiment was correct and declared with spirit that when he spoke the words imputed to him, he had in mind the misconduct of the state troops in Colorado, the use of troops elsewhere against the Federation and the constitutional right of all citizens to bear arms, which was as much the right of the miner as the aristocrat.

Bill Easterly, one of the most important witnesses of the case was called just before adjournment and his testimony will be continued tomorrow. He occupied the chair long enough to directly deny the statements of Orchard charging him with criminal misconduct in Colorado. He denied that he ever discussed the Vindicator or any other plot with Orchard or that he helped Orchard on the experiments for the device that blew up the Vindicator Mine and denied that he and Orchard had discussed the Vindicator matter or any

other subject with Moyer and Haywood, at the Federation headquarters in Denver.

STEAMERS PURCHASED.

Pacific Coast Steamship Company Buys Meteor, Tampico and Eureka.

SEATTLE, Wn., June 27.—The Pacific Steamship Company has purchased the steamships Meteor, Tampico and Eureka from the Globe Navigation Company, of this city. This will give the company an increased tonnage of more than 4,000 tons.

The drop in lumber rates is working a serious injury to the owners of the ships that have been engaged in this trade. Most of them are laid up. The owners state that the rates are not high enough to pay for the operation of their ships.

NEW YORK'S ELECTRIC STORM.

NEW YORK, June 27.—A death dealing electric storm yesterday afternoon followed a day of sweltering heat soaked with humidity, and swept over the city and surrounding territory, killing three persons, injuring several, causing many fires and doing considerable damage. In this city proper the only places struck were two churches. The steeples of both were torn to fragments by the lightning bolts.

FIRE IN TUNNEL.

NEW YORK, June 28.—Two workmen are known to be killed in a fire that started in the air locks of the Pennsylvania tunnel, underneath Forty-third street at 2 o'clock this morning. The fire is beyond control and many more men may be killed.

A JEALOUS LOVER

Father of Eleven Children Shot in Quarrel.

PORTLAND WOMAN INVOLVED

Jealous Lover Harrassed Woman Who Appealed to a Mining Broker—Latter Tried to Stop His Attention Precipitating the Fatal Quarrel.

SEATTLE, June 27.—Edward G. Kruger, a mining broker, three score years old and father of 11 children, was shot and killed by Albert Lipinski, engineer of the Barker Hotel, in the basement of that house shortly after three o'clock yesterday afternoon, following a quarrel over a Portland woman. Lipinski was arrested a few minutes after the shooting, and is now in the city jail.

The woman in the case, who chooses to be known as Mrs. Violet Marselli, a Portland woman, has also been arrested. She is also known as Ivy Johnson, Violet Adams and Hazel Wells. The last is believed to be her correct name.

Posing as a Seattle detective, Kruger had made two attempts to intimidate Lipinski, who was in love with the woman, and to force him to leave her alone. It was after Lipinski had torn the mask from the face of the would-be peace officer that the shooting took place.

Hazel Wells made the acquaintance of Albert Lipinski, a young German, about 25 years of age, two years ago. He fell in love with her and made several proposals of marriage. The girl corresponded with him and they exchanged pictures.

Lipinski on Monday telephoned Miss Wells and told her that unless she called him up on the telephone by 6 o'clock that evening he would kill himself. She fished to Kruger for advice and Kruger said he would make a big bluff and frighten the young engineer so he would leave her alone.

When Kruger called at the Hotel Barker he went down to the basement where Lipinski was at work. Kruger told Lipinski that unless he left the woman alone it would cost him \$10,000.

Lipinski said he didn't believe Kruger was a detective and threw back his coat to see if he had a star. When he found

COMPANIES ARE BEHIND

Operators Assert Companies are Tied Up.

STRIKE SIMMERING OUT

Postal Officials Say the Strike is Taking Care of Itself.

MESSAGES ARE NOT DELAYED

President Small Says "If Telegraphing Public Is Willing to Pay Telegraphic Toll On Telegrams That Are Being Mailed That Is Their Affair."

SAN FRANCISCO, June 27.—The telegraphers' strike bears no change on the surface. It is claimed by the strikers that the Western Union is tied up than they were on the evening the strike was called. Absolutely reliable reports, it is claimed from the Postal office in the Ferry building show that on June 26 there were less than 400 messages sent eastward as against the average of 2200 per day, and 495 were received from east as against an average of 3000. President Small of the Telegraphers' Union said tonight: "If the telegraphic public is willing to pay telegraph tolls on the telegrams that are being transported by mail, that is their affair."

Assistant General Superintendent Miller of the Western Union declared everything to be satisfactory so far as the strike is concerned and there is not more than 15 minutes' delay in handling messages. Superintendent Storrer of the Postal said: "The strike is taking care of itself. It is slowly simmering out as all other strikes do, if they are left alone. The number of messages submitted today is greater than those of yesterday and we are up with our work."

ECHO OF THAW TRIAL.

Similar Incident Occurs in Loving Trial in Virginia.

HOUSTON, June 27.—The taking of evidence in the case of former Judge Loving charged with the murder of Theodore Estes was concluded this afternoon. The court then adjourned until tomorrow. Today Judge Barksdale denied the admissibility of evidence, questioning the truth of the story Elizabeth Loving told her father and which the defense claims is the cause of insanity on the part of the Judge. This is a serious blow to the prosecution, which stated yesterday that they would introduce testimony, to show that the story told by the girl to her father that she was drugged and assaulted by Estes, was a fabrication. The defense opposed the introduction of this testimony on the grounds that the truth of the story told to the father was immaterial, as its truth or falsity had nothing to do with the question of the effect it

there was none, a hot argument followed after which Kruger picked up a heavy file and struck Lipinski on the head with it, inflicting a bad wound. Lipinski then rushed over to a bench and seizing a 45-caliber revolver, shot Kruger, killing him instantly.

Lipinski came near being mixed up in a shooting scrape in Portland over Miss Wells when she was home on a visit about two months ago. He followed her from Seattle and when he saw her joking with the grocer's boy in her mother's house, reached for his pistol and threatened to shoot.

produced on Judge Loving. Judge Barksdale in his ruling cited among other authorities, the Thaw trial in New York. The rebuttal testimony offered by the prosecution, today, tended to show that the Judge has never been considered unsound of mind but on the other hand has always been regarded as sane and of superior mental parts. Expert testimony offered by the prosecution was that Loving, while doubtless greatly angered at the story of his daughter's ruin, was not insane.

SMOKE NUISANCE.

International Association For The Prevention Of Smoke.

CHICAGO, June 27.—A dispatch to the Tribune from Milwaukee says:—The International Association for the prevention of smoke opened its second annual convention here yesterday and in debate and lecture, dealt the smoke nuisance a number of heavy blows.

The convention opened with President John Fair Grieve, of Detroit, in the chair. Secretary S. C. Harris, of Toronto, in his report stated there were 62 members in the association which embraced 16 cities.

YESTERDAY'S BASEBALL SCORES.

Coast League.
At Los Angeles—Los Angeles 3, San Francisco 1.
At San Francisco—Portland 12, Oakland 4.
Northwest League.
At Butte—Butte 5, Aberdeen 7.
At Spokane—Seattle 3, Spokane 11.
FRISCO—4 Head.

GIRL BURIED ALIVE

Five Year Old Child Smothered to Death.

KILLED BY HER STEPFATHER

Unpleasant Gossip Regarding the Birth of the Child Worried the Stepfather and Caused Him to Take Rash Steps and Murder Her.

WEST CHESTER, Pa., June 27.—Only a lingering doubt and the desire of his friends to believe his protestations of innocence today prevented an attack upon Irwin Lewis, of Landenberg, who is under arrest charged with burying alive his five-year-old stepdaughter, Mary Robbins Newlin, whose body was taken from a rude grave yesterday in the presence of Lewis himself and a large crowd of men and women.

The discovery of the body and the definite determination of the autopsy that the little girl was buried alive, her death being caused by smothering, has aroused the countryside to the greatest excitement.

Mrs. Lewis is in a critical condition at the home of a neighbor, and every effort is being made to keep the details from her. The child's head was wrapped in a rough burlap bag and a hemp cord was fastened about the neck. The physicians say the string was not fastened tightly and that death could not have resulted from that cause.

It is the belief of Prosecutor MacElree, of Chester county, that the bag was thrown over the child's head from behind and she was thrown into the grave and buried, being unable to cry out.

Lewis dug the grave several weeks ago telling the farm hands he intended to fill it with refuse. The child disappeared Sunday. No mention was made of her absence until Monday. William Skelly yesterday noticed the hole had been filled. He got another farm hand to help him. They had uncovered about one foot of earth when they came upon the patent leather belt of the child. Immediately they threw back the earth and informed the prosecutor.

The birth of Mary has long been a cloud in the Newlin family. Recently it is said much unpleasant gossip has been going about and it worried Lewis.

HARRIMAN 'PINCHED'

Was Arrested on Thames Race Course.

YALE BEATS HARVARD

Harriman Was Ordered Under Arrest for Following the Racing Shells in Launch.

INCIDENT MAY COST HIM \$ 50

Railroad Magnate Refused to Leave the Course and Was Ordered Under Arrest By Roosevelt's Naval Aide—Yale Beat Harvard By Three Seconds.

NEW LONDON, Conn., June 27.—Before the largest crowd that ever witnessed a race on the Thames River the Yale crew this evening rowing on an average of four strokes to the minute less than the Harvard, held the big Cambridge eight even until last the last half mile of the four-mile course. Then the Blue let out speed and won the magnificent contest by a scant boat length. Never once in the whole four miles did the long graceful shells cease to lap each other. Thousands of persons crowded the observation trains and every kind of floating craft and these as well as the thousands who lined the shore sent up cheer upon cheer to their old rivals as they witnessed one of the grandest races in the history of boating. Yale's time for the four miles was 21 minutes 10 seconds; Harvard's time, 21 minutes 13 seconds.

The race was accompanied by one disagreeable incident. This was the arrest of E. H. Harriman, the railroad magnate, by Lieutenant Billard, President Roosevelt's naval aide. Lieutenant Billard, who was in charge of the revenue cutters had warned every boat owner not to follow the race. The big varsity struggle had scarcely been started, when Harriman in a powerful motor boat started to follow the race. Billard and Chairman Scheppe, who were aboard the regatta committee boat, the Arrow, repeatedly warned Harriman to stop his engines and get off the course. Harriman not only paid no attention to them but took a position right alongside of the referee's boat and held it. Off the navy yard, Billard signalled for the launch and tooted the revenue cutter whistle and finally caused Harriman to look around.

"You are under arrest, sir," shouted Billard.

"You will give yourself up to this man, who will take you aboard the Gresham to await my orders."

Then it was discovered that the man in the motorboat was Harriman.

Chairman Scheppe of the regatta committee was very angry and he shouted to Harriman in terms which the latter could not mistake. The millionaire levelled his forefinger at Scheppe and yelled back:

"Young man, I will see you later!"

Scheppe's friends aboard the Arrow gave Harriman a gentle laugh. Harriman saw no more of the race, but was detained as any ordinary prisoner aboard the Gresham until after the race was over when Lieutenant Billard went aboard the Gresham and released him, but ordered his boat tied up at the navy yard. The incident may cost Harriman a fine of \$500. This was the penalty imposed upon a yacht owner at last year's race for transgressing the rules governing the course.

ROOSEVELT PITYS MOONSHINER.

WASHINGTON, June 27.—Because he has a wife and almost a dozen children threatened with starvation, the ten

months' sentence of imprisonment of Fate Hicks, a Tennessee moonshiner, has been commuted, to expire immediately. Hicks had a small whisky still on his farm, and was just putting it into operation when the revenue officers apprehended him. He is 50 years old. The condition of his family appealed strongly to the President's sympathies.

FALKENBURG MONUMENT.

Elaborate Testimonial To Be Unveiled Sunday At Denver.

DENVER, June 27.—After having erected a simple monument over the grave of her father, Mrs. Jessie Falkenburg Falls, daughter of the late F. Falkenburg, head of the Pacific jurisdiction, Woodmen of the World, left last night for her home without granting permission to the present head officials of the order to remove the body of her father to the plot of ground on which an elaborate monument to the memory of Falkenburg is to be unveiled next Sunday. Many distinguished visitors will participate in the exercises, among them J. C. Luce, of Omaha, sovereign commander of the eastern branch of the W. O. W., who will deliver the eulogy.

WHEAT PASSES DOLLAR MARK.

CHICAGO, June 27.—In a sensational advance, caused by the covering of shorts, the price of wheat shot past the dollar mark, December delivery selling at 103 1-2. At the same time, September option, sold at \$1 even. A part of this advance was subsequently lost on the realizing sales. The advance took place during the last hour of trading and was the culmination of numerous reports regarding the alleged shortage of wheat in the southwest.

FRENCH TROUBLES

Premier Clemenceau Facing Serious Ordeal.

FRIENDS HOPE FOR VICTORY

His Former Associates Allege He Has Deserted Them and Resorted To Methods of Repression—Southern Representation Also Against Him.

PARIS, June 27.—Premier Clemenceau tomorrow may have to face one of the most serious ordeals of his remarkable career. All of the extreme left groups with which he has been affiliated in the past, are now on the war path, because, as they allege, he has turned his back on his former associates since May 1 and resorted to methods of repression. The entire representation in the rebellious region of the south, irrespective of party, is also against him. Almost a score of interpellation have been introduced covering the general policy of the government, the employment of troops and bloodshed. M. Blane, a unified socialist, this afternoon was dissuaded only with difficulty, from demanding that Clemenceau's impeachment be declared. The Premier's resourcefulness is traditional, he has been the hero of so many parliamentary battles, that his friends say he will triumph again tomorrow.

SCHMITZ ATTORNEYS SORE.

SAN FRANCISCO, June 27.—The refusal today of Judge Dunne to pass immediate sentence on Mayor Schmitz on the charge of extorting money from the French restaurants and the postponing of judgment until July 8 by request of the prosecution on a plea that the district attorney's forces had not made up their minds on which of the four charges of extortion, that they wished to next, prosecute the Mayor, greatly incensed the defense who profess to see in this a conspiracy between Judge Dunne and the Spreckels-Langdon-Heney powers to "Do politics."

HURRICANE IN CAROLINE ISLANDS.

SYDNEY, June 27.—The steamer Germanic reports a hurricane accompanied by immense waves which swept the Caroline group recently. Many of the islands are devastated and it is estimated that 200 natives perished.