Commission Appointed by Presi-

PAID SPIES WATCH **EVERYONE IN BOISE**

REAL TRIAL OF HAYWOOD NOT BEGUN

Wearisome Wrangling Gooding Made Grave Angry Men After Prosof Lawyers Puts Spectators Asleep-Little **Progress Made** chard in Prison

By Hugh O'Neill. Commissioner for Denver Post and Oregon Journal.)

May 18 .- "Cooley on Constitutional Limitations" sent the spectators in the courtroom at Boise very quietly and very sonorously asleep; the electric fan in the paneled ceiling hummed like the echo of a mountain train; counsel ast about the tables looking wiser than a school of seal; the notes of contented specing rose and fell specify in the a school of seal; the nates of contented snoring rose and fell gently in the warm room, while the empaneling of the jury ceased and Hawley, of counsel for the prosecution, expounded "Cooley the prosecution, expounded Constitutional Limitations."

The responsibility for Cooley rested him upon the court and set the room a-snoring. The 12 men had all been passed "for cause." The searchings of counsel on both sides had failed to find passe 12 men anything but entirely rea-phable, just and free from bias. There-per counsel had to fall back on their

Until the last legislature of Idaho tory challenges, dismissing 10 selected jurors without giving any reason, and the prosecution could only use five peremptory challenges. But the last legislature amended that statute, giving each side 10 peremptory challenges. Now, when the 12 men were passed for cause, counsel for defense opened a dialectical battle upon the relevancy of the amended statute to the trial of Wil-

Prosecution Protests,
Defending counsel had the silence

broken by the ringing protests of the and the time of its occurrence constitute a dastardly outrage against the that the statute had been amended to that the statute had been amended to give the prosecution a new advantage in the trial of these three men, Borah resented the charge as foolish. Hawley, looking very honest and downright, protested against it as improper and the court upheld Borah and Hawley by ruling that the amended statute was good law, that it had not been amended to be prepare especially for this case and that Cooley on Constitutional Limitation oley on Constitutional Limitations' could be closed up and filed away once more. Richardson filed objections and sleeping spectators woke up once more to hear the endless examnation of jurors. The prosecution used a peremptory

challenge on a gentle old man, who had courtecusly defeated all questionings, and the ripple of anger was smoothed down, but under the seeming calm the anger was gently boiling al the same, and it will hiss and splutter prettily enough when the actual trial opens. We talk in Boise now about "when

the trial opens" in an attitude of sad opefulness. It seems to us now, after sarly two weeks of "juror questioning" that the real trial never will commence The courtroom, always full of spectators, has become a weary part of life; the silent judge and the listless jurors tireless counsel have grown, in our imagination into talking automa tons, that are wound up overnight and commence working in the morning and are put away again to be ready for the next day. But some time the real trial will begin and then the lava will boil

Borah Is Irritating.

Borah of the prosecution has an irri-tating way with him. For one thing, he is a pleasure, and blase gentleman, with much composure of manner and a genius for gentle irritation that has more than once pricked Darrow and Richardson into anger. Darrow, for all his conciliatory ways, is a man prone to wrath, Richardson piles up his anger in a ponderous way, as a freight engine erns coal climbing a stiff grade. He lose his head in anger, but anger is a waste of energy and wins no fight in law. And as there are exactly 14 attorneys acting as counsel for defens and only two acting for the prosecution, the little jealousies that are inevitable may grow interesting just occasionally. Already there have been flashes of that kind of summer lightning. And when the case does actually get under way it

When Orchard gets onto the stand e case will be incandescent. Even the ssion of the newspaper men to see Orchard yesterday whipped up the pas-sions of defending counsel. It was natural and understandable enough. Orard is clearly an important witness Orchard has, apparently, a great deal to say. What it is, only a few men know. And Orchard, to the defense, has been an inscrutable mystery ever since De-tective McParland laid, hands upon

Orchard Baffles Defens They cannot get Orchard into focus. He has become a baffling figure to them, as darkly curious as the "Man of the Iron Mask." They have been so They have been so rtain that he would never be able to take the stand with courage and determination that the freshly published stamps of his good health and composure have, perhaps, annoyed them, and the hattery of hostile eyes that will asthe battery or nestric eyes the does get into the witness chair is already begin-ning to giare. But if Orchard acted in the ess chair as he acted yesterday the ing won't disturb him greatly. As whether his story will amount to thing, that is another matter.

DEFENSE

Interview With Or-

(By George H. Shoaf, Staff Correspond ent Appeal to Reason.)

Boise, Idaho, May 18 .- That Governor looding made a grave tactical mistake in permitting a newspaper interview with Harry Orchard at this time was prought out in a sensational discussion between the attorneys for the prosecu-tion and the defense before Judge Wood, Judge Wood referred to the Orchard Interview that appeared in the papers and expressed his surprise that such a thing had been permitted in a crisis of this kind. He distinctly disclaimed all connection with or responsibility for the interview, and asked that the attorneys on both sides express themselves and assist him in placing the responsibility for the mistake where it belonged.

Attorney E. F. Richardson, leading punsel for the defense, arose and said: "If it was never patent to the whole civilized world before it is certainly patent now that the governor of this state never intended that these defendants should have a fair and impartial trial. Harry Orchard has been secluded for over 15 months and no one has been allowed to see him or talk with him except the governor and those interested in prosecuting my clients. At this late day Governor Gooding, who has done things in this case that are questioned by the people of the United States, carefully prepares a party of specially selected newspaper men, who write colorably and prejudicially against the defendant on trial for his life, and personally accompanies them to the penitentially accompanies them to the penienti-ary for an interview with Herry Or-chard. The manner of this interview and the time of its occurrence consti-

Moleter Up Witn ous books that he is reading and how firm his intention is to stick to his 'confession' on the witness stand. His health, state of mind, frank blue eyes, ance are all thrown into the limelight

and the public is given to understand that Orchard has improved wonderfully in both mind and morals since his incarceration in the state penitentiary. depends to convict Haywood."

"To influence this case at this time was why Gooding had a reception with his friend Orchard and the newspaper men," said Attorney C. S. Darrow of the defense, upon the conclusion of Richardson's heated remarks.

"Counsel on the other side has treated us courteously," continued Darrow, "and I, for one, exonerate them from all blame in this matter. Orchard is made to give out a lot of maudlin religious idiocy, consisting of religious book reading and similar rot, for the sole purpose of persuading the public to believe that he has reformed his life and that his mind is now in a wholesome

"I don't know but what we ought not to attempt to try this case at this time," declared the attorney with much feel-

"I think the governor ought to called into this court and examined. He is the man who should be held accountable for the proper conduct of himself and the other persons interested in the prosecution of this case, and if he is guilty of going beyond his legal functions he should be punished for con-tempt of court. Mr. Whitney, the warden of the penitentiary, who is merely Gooding's messenger boy, should be called into this court and made to answer for his part in this performance. Something ought to be done, to say the least, to right the wrong that has been perpetrated against Defendant Hay

Chief counsel for the prosecution Chief counsel for the prosecution, James H. Hawley, replying to Darrow and Richardson, declared this was not the first time one-sided newspaper stories had been circulated in Ada county regarding the federation cases. Socialist papers, he said, had been persistently maligning and abusing Harry Orchard and lying about the prosecution and not one step had been taken by the state to put a stop to their cirby the state to put a stop to their cir-culation. Hawley further said that he did not see that the Orchard interview could possibly damage the defendant in the case, but that on the other hand if it worked any injury it would be against

Borah Resents Charge "I resent the charge that the newspapers are trying to influence public opinion regarding this case," angrily ex-claimed United States Senator W. E. Borah, assistant counsel for the prose-cution. "Anything that has been said will hurt us more than it will hurt the

defense. I don't believe Governor Good-ing or Warden Whitney"— "What right has Governor Gooding to be connected with the prosecution of a criminal offender?" interposed Attorney

"I can answer that question in a m nent," retorted Borah, "Governor Good-

ARE HEARD

Mistake in Permitting ecutors — Simpkins Is Reported in Sonora **But Not Arrested**

> (Journal Special Service.)
> Boise, Idaho, May 18.—Darkest Russia's espionage system is eclipsed by that existing in Boise today, which may eventually precipitate trouble. Paid sples dog every step of everyone in any way connected with the Moyer-Hay-wood-Pettibone case. Already incensed men are threatening dire vengeance on their persecutors, Both sides are offend-

As a result of Hawley's statement that Jack Simpkins, former organiser of the Western Federation of Miners, is sure to be tried there is much speculation here as to his whereabouts. Colorado man who knows Simpkins and sent here, and especially will they reached here from Denver today and he undertake to find out whether any of stated he believed Simpkins to be in Sonora, Mexico. He was located about

The morning session of court was decidedly monotonous, being devoted to questioning veniremen in an effort to fill the place of Juror Matthews, per-emptorily challenged by the defense. The questions were repetitions of those heretofore asked of other prospective jurors. Isaac Bedell was previously accepted and the defense peremptorily challenged Walter Shaw. The examination to fill this seat consumed a great

sel of the defense," replied Borah ex-"The people did answer and they repudiated him, except the Mormons," served Richardson

"Well, that is to the credit of the Mormons and not to their discredit,"

"But," queried Darrow, "what right has Gooding to constitute himself the "In the story that is given to the has Gooding to constitute himself the world, purporting to be Orchard's inlaywood and Pettibone and the Federation of Minera?"

"He has not constituted himself the prosecuting attorney," shot back Borah, "Well, he has been sealously active more than anybody else in the prosecu tion," replied Richardson, as the court ordered the colloquy to cease.

Judge Wood then said that he had reached a conclusion regarding the af-All of this was done to rehabilitate fair, and, turning to County Attorney Witness Orchard, upon whom the state Koelsch, specifically called attention to the Orchard interview in the morning papers, told him to investigate the mat-

Uneasy About Eldnaping.

In the examination of talesmen for the jury, which followed this discussion, counsel for the state asked many que tions relative to the manner in which Haywood and his co-defendants were arrested in Colorado and brought to Idaho. It is evident that the so-called "kidnaping" escapade is causing the presecution considerable uneasiness. A. L. Ewing, juror No. 1, was peremp-torily excused by the state, and Thomas

B. Gess, who was called in his place, was passed for cause,
The defense exercised their secon peremptory challenge in excusing W.

V. Bisbee, juror No. 10. Three talesmen were excused before one was found who appeared satisfac-

by Amos Prosser. It required only three questions te dismiss this talesman for cause. Isaac Bedell, a farmer, was the last talesman excused before court

took adjournment. Peremptory Challenges.

Before the execution of talesmen was resumed at the afternoon session, the court called the attention of the counsal to the passage of the bill by the last legislature covering the question of per-emptory challenges. Heretofore, the court explained, in criminal cases the state had five challenges while the defense was entitled to ten, but for some reason the legislature at its last session passed an emergency bill which amended the old law, thereby giving the state as many challenges as the defense. Argu-ments were invited by the court relative enforcement of the new law so that a decision might be rendered in the

Darrow, for the defense, and Hawley, for the prosecution, quoted law and precedent bearing on the situation, for their respective sides, at the conclusion of which the court announced that the action of the legislature would be sustained and that both the prosecution and the defense, in the case now being heard, would be privileged to exercise their lawful quota of 10 challenges each and no more. The defense preserved an ex-

It is now believed that a jury in the Haywood trial will be obtained by Wednesday of rext week.

TO MAKE HOOD RIVER LOOK TO ITS LAURELS

This Information May Prove of Infinite Value.

dent Roosevelt Starts Across the Ocean. TO SEE EVERY PHASE OF QUESTION WHILE ABROAD

While Making Three Months' Junket in Europe the Americans Will Visit Every Important Point of Embarkation.

(Journal Special Service.)
Boston, Mass., May 18.—Among the passengers on the steamer Canopic saling for Naples today were several members of the immigration commission appointed by President Roosevelt, Vice-President Fairbanks and Speaker Cannon to investigate all the phases of the problem of immigration. The party consists of Senator Dillingham of Ver-

consists of Senator Dillingham of Vermont, chairman of the commission; Senator Latimer of South Carolina; Representatives Bennett of New York, Howell of New Jersey, Burnett of Alabama, and Mr. Wheeler of California. The commissioners are accompanied by clerks and stenographers, the entire party numbering about 20 persons. The commissioners will remain abroad about three months, during which time they will get in communication with all diplomatic and consular agencies of the United States in all those countries from which settlers come to the United from which settlers come to the United States. The most important posts of embarkation of emigrants will be visited. It is the intention of the commission to go more thoroughly into the subject than it has ever been gone into before and to obtain, so far as may be possible, all facts at first hand. They will begin their labors in Italy,

and when they get through they will probably know the character at home of Italians who come to America, the methods by which they are gathered up these emigrants are selected for expor-tation because of their undesirable char-

Proceed to Eussia. From Italy as the season progresse

and as the warm summer months make labor in the warm countries undesir able, the commissioners will proceed to Russia and find out about the emigrants from that section of the world. They will go through Germany, perhaps through Norway and Sweden, through France, and, in fact, will touch all of those important points from which emigrants come to the United States. the assistance of a large body of diplo-matic and consular agents it is expected that the commission will get at essen-tial facts concerning the character of the people who leave their homes for the new world. They will personally visit the homes of these people, will see them at the ports at which they embark and will learn all about the influences that cause them to leave their

only fairly begun when its members re-turn to America. Then will come ex-tensive and interesting inquiries con-cerning what becomes of the emigrants after they reach the United States. The commission will seek records from all public institutions to ascertain what proportion of the inmates is foreign or of foreign parentage, in order to in some measure ascertain how it measures up in general citizenship with the native Americans and mericans of native parentage.

The commission will report its findings and recommendations to congress and they will be used as a basis for leg islation on the question. It is regarded as likely that out of the work of the commission will grow an international conference to deal with the whole general subject. The law creating the commission authorizes the president to ssue a call for such a conference if he should deem such action to be desirable.

BOYS NEARLY BLINDED FOOLING WITH POWDER

(Special Dispatch to The Journal.)
Astoria, Or., May 18.—Andrew Dench
and Steve Ranson, both boys, had a very narrow escape Thursday evening from being killed while attempting to explode some powder they surreptitiously got possession of. They placed the powder in a can and put the lid on. They then placed a lighted match in a hole in the bottom, expecting to see the can sail up through the air. Instead, the can exploded, nearly blinding the boys, but fortunately not badly injuring them.

Swift Work on Fire Drill. (Special Dispatch to The Journal.)
Aberdeen, Wash., May 18.—At a fire
drill given in the Franklin building. Aberdeen's new 20-room ward scho the entire building was emptied in 45 seconds from the time of the sounding of the gong. There are over 650 pupils in this building, and as neither teachers nor pupils know when fire drills are to occur, 45 seconds is record time.

FEEDING FOR HEALTH Directions by a Food Expert.

A complete change in food makes a complete change in the body. Therefore if you are alling in any way, the surest road back to health is to change your Try the following breakfast for ten days and mark the result.

Two soft boiled eggs. (If you have a weak stomach, boil the eggs as follows: Put two eggs into a pint tin cup of boiling water, cover and set off the stove. Take out in nine minutes; the whites will be the consistency of cream and partly digested. Don't change the directions in any particular), some fruit, cooked or raw, cooked preferred, a slice of toast, a little butter, four heaping teaspoonfuls of Grape-Nuts with some

cream, a cup of properly boiled Postum Food Coffee. The Grape-Nuts breakfast food is fully and scientifically cooked at the factory, and both that and the Postum have the diastase (that which digests the starchy part) developed in the manufacture. Both the food and the coffee, therefore, are predigested and assist, in a natural way, to digest the balance of the food. Lunch at noon the

Teah answer that question in a moment," retorted Borah, "Governor Gooding is the governor of this state. He believes that a crime has been committed which involves the integrity of this state, and I say that if Governor Gooding had ever laid down in the face of this tragedy he would be unfit for the position which he occupies today," "Was it his duty, or was it the duty of the regular court officers to prosecute this case the same as they do any other case," asked Attorney Darrow.

"Let the people of this state answer for Gooding a sondunt, and not the sounce of the state.

(Special Dispatch to The Journal, and not the state and the conditions of the Journal, and not the sounce of the Journal and the Journal of the Sounce of the Journal of the Ford of the saint and address the horticulturists at their meeting this afternoon. The speakers are their meeting this afternoon. The speakers are their dates of the food. Lunch at noon the saint, and not the sounce of the Journal of the form of the Ford of the Suitability of the fact of the Journal of the Jour end one or two vegetables. Leave out the fancy desserts. Never over-eat. Better a little less than too much.

READ ALL THIS.

You Never Know the Moment When

On January 16, 1906, a member of Mr. Sullivan's family said: "Three years have passed since Mr. Sullivan made the above statement and I confirm every word of it. Not only that but he has time and again advised others to use Doan's Ointment. He has great faith in it."

For sale by all dealers. Price 50 cents. Fester-Milburn Co., Buffalo, New York, sole agents for the United States. Remember the name - DOAN'S-take no other.

Roosevelt Has No Right to Say Oklahoma Constitution Shall Not Pass.

POLICY IN INTERNAL MATTERS NOT QUESTION

Only Point Upon Which Chief Executive May Decide Is Whether or Not It Agrees With Constitution of the United States.

(Washington Bureau of The Journal.) Washington, May 18.—"What is the president's function in passing on the proposed constitution for the new state of Okiahoma?" a prominent citizen of Indian territory asked here the other day. "Is it not clear that the intention of the enabling act was that he should pass on the question only as to its agreement with the federal constitution, and not to decide whether or not it meets with his individual views as to matters of state policy? There is an issue here which goes to the present dispower in the federal, or on the other hand the retention by the states of the powers withheld from the federal government by the express provisions of the national organic law? We hold that in holding up the new constitution for the purpose of determining merely ques-tions of good or bad policy in internal matters, President Roosevelt is not car-rying out the plain intent of the en-

abling act of the congress."

This statement is predicated on the well understood fact that President Roosevelt is partially decided to announce in advance that he will refuse to approve the constitution if it be adopted by state vote in August, seems to be conceded by all well-in-formed residents of the territories.

People Protest, Violent protests have been received from all parts of the country besed on course is determined by his desire to comply with Representative Watson's wishes and keep the new state out from the union until after the 1918 presidential election.

"Whether or not this be the presi-dent's reason," the Indian territory citisen referred to said, "the cold, undis-guised issue is, not whether the president believes certain provisions in the proposed organic law are wise as to policy, for that is not his function; such judgment was not invested in him by the enabling act; but the province of the federal chief executive clearly is to pass only on the constitution's har-mony with the federal constitution, and that is as far as he should go. To go farther would be to arrogate to himself powers not attaching to his office, and not granted to him by the enabling act."

Metzger fits your eyes for \$1. 843 ashington street, corner Seventh. Washington street, corner formerly at 111 Sixth street.

INDIANS TO BE PAID FOR WORKS ON RESERVE

(Washington Bureau of The Journal.)
Washington, May 18.—The secretary
of the interior has placed a value of
\$121,000 on the irrigation works heretofore constructed on the Yakima Indian reservation. Washington, which will be absorbed into the project to be constructed under the provisions of the recismation act and known as the Wapeto project. This sum will be paid into the Yakima Indian fund out of the proceeds arising from the sale of water rights from time to time. This is one of the preliminary steps toward the development of the project

which will be taken up in the near future.

If energy and ambition are lacking If the mind is dull, inactive or de-pressed and trifling amoyances irritate and exasperate, then the LIVER is in trouble. The system is clogged with undigested and decaying food.

DeCastro's Sacred BarkTea Is the best remedy for LIVER troubles. It increases both energy and ambition and induces health-

> THE BEST SPRING MEDICINE 25 Cents at All Drug Stores. Booklet and Sample Free. HOYT CHEMICAL CO.

SATURDAY SPECIALS

REGULAR VALUE

250 Crystal Vase

19 Inches High

REGULAR

VALUE

25c

Crystal Vase 19 Inches High

REGULAR VALUE 45c REGULAR

VALUE 45c

4-Quart SAUCEPAN-ROYAL GRANITEWARE





Home Decorating

HOR-E-LAC

THE ORIENTAL WOOD FINISH nish and Stains for Interior Wood Work, Floors, Furniture, etc.

THE BIG PAINT STORE Fisher, Thorsen & Co.

FRONT AND MORRISON STS.



"Teddy Bears" Free To Journal Subscribers

To all subscribers, old or now, to the Sami-Weekely Journal, paying 50 cents for four months' subscription, in advance, will be given a "Teddy Bear," as shown in the accompanying cut.

Get The Journal, the most pep-ular paper published in "The Ore-gon Country," and a "Teddy Basis." the popular novelty to old and young. Call at, or address The fournal office, as agents will not andle the Bears.

the Journal, Portland, or.

FOREST FIRES GETTING

Carelessness in Disposing of Slashings Responsible for Imminence of Great Loss.

(Special Dispatch to The Journal.)
Albany, Or., May 18.—Reports just received from Mill City and points east of this city are to the effect that forest fires have been raging in the heavily timbered sections of the Cascade mountains. It is seldom that these gain headway so early in the season and unless great caution is exercised much valuable timber will be destroyed. The fires are the result of recklesaness dis-

ands of r.res and for weeks the lives and property of residents were endangered and millions of feet of the finest timber in the world consumed. Whenever a great fire gains headway in the mountains east of here nothing short of a heavy rain will stop its propagation.

TO COLONIZE CHRISTIAN JAPANESE IN IDAHO

terian missionary, is in the city. He is looking for land in this section on which looking for land in this section on which to locate a colony of Japanese Christians. He has selected 10 sections of land in this (Ada) county which he desires to purchase for the colony and he expects to secure individual, state and national aid to buy the land. He states that should he secure the property and make the necessary arrangements he would colonise 500 families. Rev. Inouye called upon the governor and the state immigration commissioner to the state immigration commissioner to talk the colonization scheme over with them. He is a highly educated man, a graduate from one of the best colleges in the east, and is very enthusiastic in his work.

David Parker of Fayette, M. Y., who lost a foot at treitysburg, writes. "Electric Bitters have done me more paod than any medicine I ever took. For several years I had stomach trouble, and paid out much money for medicine to little purpose, until I began taking Electric Bitters. I would not take \$500 for what they have done for me." Grand tonio for the aged and for female weaknesses. Great alterative and body builder; best of all for lame back and weak. kidneys. Guaranteed by Red Cross Pharmacy. 50c.

COFFEE

Moneyback answers all questions, nobody wants the money back; good coffee.