

TRICKS TO GET OUT OF JURY DUTY

(Continued from Page One.)

place. They came expecting battle, murder and sudden death. They are surprised to find Boise well paved, well built, law abiding. Every witness who has ever been a deputy sheriff is a terrible gun man bent on shooting up the town. And every jurymen, or at least nearly every jurymen, instead of being anxious to sit on the case and hang Moyer, Haywood and Pettibone at the rising of the next sun, is lying his immortal soul away in the effort to be disqualified for "direct bias," and all the time farce and tragedy crowd and jostle each other.

George Rivers, an unwilling jurymen, did that grotesquely yesterday. You must remember that Frank Steunenberg was almost shot to pieces by a hidden bomb. It was in his own doorway. He had twice been governor of Idaho. The conviction split open both his ears and his brain. But men did not know that when they carried him into his own house. He seems to have asked them piteously as he was dying: "Who shot me?" and "Why?" And they piled him with answers he could not hear. He died and they buried him with great grief and proper honor. He had lived a very simple and unassuming life. And the first man arrested for his murder confessed it and gave the names of other men he said were guilty with him. And this case is to try that issue with justice to the memory of Frank Steunenberg and with equal justice to the accused men. It would seem that good citizens in such a cause would be ready enough to make some personal sacrifice and do their duty like honest men in trying that cause. And farmers are good citizens and honest men. And George Rivers, for instance, is a farmer, and in most things an honest man. But when it came to serving on this jury George turned himself inside out and painted himself as a hopeless blockhead, incapable of anything like reasonable thought. He suddenly forgot what a square deal was. It was hopelessly and grossly unpatriotic. And obviously untrue. And yet George had his humorous spots.

Changeable Name.
"What is your name?" said Hawley of the prosecution.
"George Rivers."
"Have you a middle name?"
"Well, sometimes I have and sometimes I have not."
"Well, when you have, Mr. George Rivers, what is it?"
"Well, when I have, it is George A. Rivers."
He spoke in the high, stinging tones of a down-east Yankee, nodding his head emphatically to indorse each word. He was eminently good-humored.
"Have you expressed any opinion in regard to the guilt or innocence of the defendant?"
"I certainly have."
"Is that a fixed opinion?"
"My honest opinion. Yes, sir."
He rolled it out sonorously with a humorous note, and the people in the courtroom laughed so that the sheriff and his deputies everywhere chorused "order."
"Is it an unqualified opinion?" said Hawley.
"Well, I don't know just that, but it is my view."
"Are you ready to pass upon the guilt or innocence of the defendant now, before you have heard any evidence?"
"Not on your life."
"Well, have you any view?"
"Well, I have a view."
"Well, has it caused you any prejudice?"
"No, sir."
"Then you have no feeling of prejudice or bias?"
"Yes, sir."
George brought himself up sharply, feeling that his good humor and impartiality were fastening him down to a juror's chair.
"Yes, sir," he said quickly. "It is a prejudice, and a mighty strong prejudice."
"And you would take it into the jury box?"
"You bet," said George distinctly, "that I would."
"Do you believe that you could do justice to this defendant?"
"Well," said George, slowly, "I will answer by saying this: I would not want to swap shoes with him."
"I challenge the juror for implied bias," said Hawley, and the court allowed the challenge and George walked away smiling. And George as a matter of fact cared no more about the case, one way or another, than a cow. But he was a farmer and he led his way back to his farm. Then Hawley and Richardson, attorney of record for the defense, crossed swords and there was hot minute of thrust and parry.
"We don't object to him going," said

Richardson, "you have tried hard enough to qualify him."
"Your honor," said Hawley quickly, "I object to that kind of remark. It's not courteous." Hawley was standing up.
"Sit down, Mr. Hawley," said the court sharply. "There is nothing to rule on."
"Very well," said Hawley. "If that discourtesy is to be repeated there soon will be."
"Oh," retorted Richardson confidently, "we can take all you can give us."
"Can you," interposed Borah, smiling across the table. "I wonder now." But he was not left wondering long.
Hawley Gets Even.
The next juror examined was a stubborn man. He did not want to sit. He expressed the grossest kind of bias. But Hawley instead of challenging, passed him over to the defense. And the defense, of course, didn't want him. So Richardson had to cross-examine. Now the juror didn't want to serve, but he didn't want to be bullied, and Richardson, although a good lawyer and capable, was rather badly the "habit of the big stick." And the juror, being pugnacious, fought and dodged, persistently. Hawley clearly should have challenged him. It was annoying to Richardson. He grew very red and angry. In the end he succeeded and

snapped out "we challenge this juror for direct bias."
"And we admit the justice of the challenge," said Hawley blandly. "Why did you give me all that work then," said Richardson.
"A little effort of that sort was surely a trifle for such a great brain," Hawley answered. And Clarence Darrow smiled.
But Darrow has other ways of dealing with opposing counsel and obdurate jurymen and the impression he makes upon the court and the jurymen increases in strength day by day. He may be, perhaps, too crafty; he may assume a sincere simplicity that is only an assumption; but he is an admirable actor with a genius for appealing to the sympathy and mercy of men's hearts. And if any man of the defending counsel can succeed in shaking Orchard's testimony that man is certainly only Clarence Darrow. For the rest concerning this case at present, it can be said that a full jury may be obtained Monday. Both sides have only two peremptory challenges left. The prosecution may not exercise any further peremptories.
If the 13 veniremen still uncalled are not determined to evade jury service the jury will certainly be filled. And then the doors will open for Mr. Orchard and the evidence of his that is to "astound humanity."



Accepted Juror in Haywood Case Does Not Believe in Capital Punishment Except in Extraordinary Cases—State Must Prove Many Crimes to Convict in One.

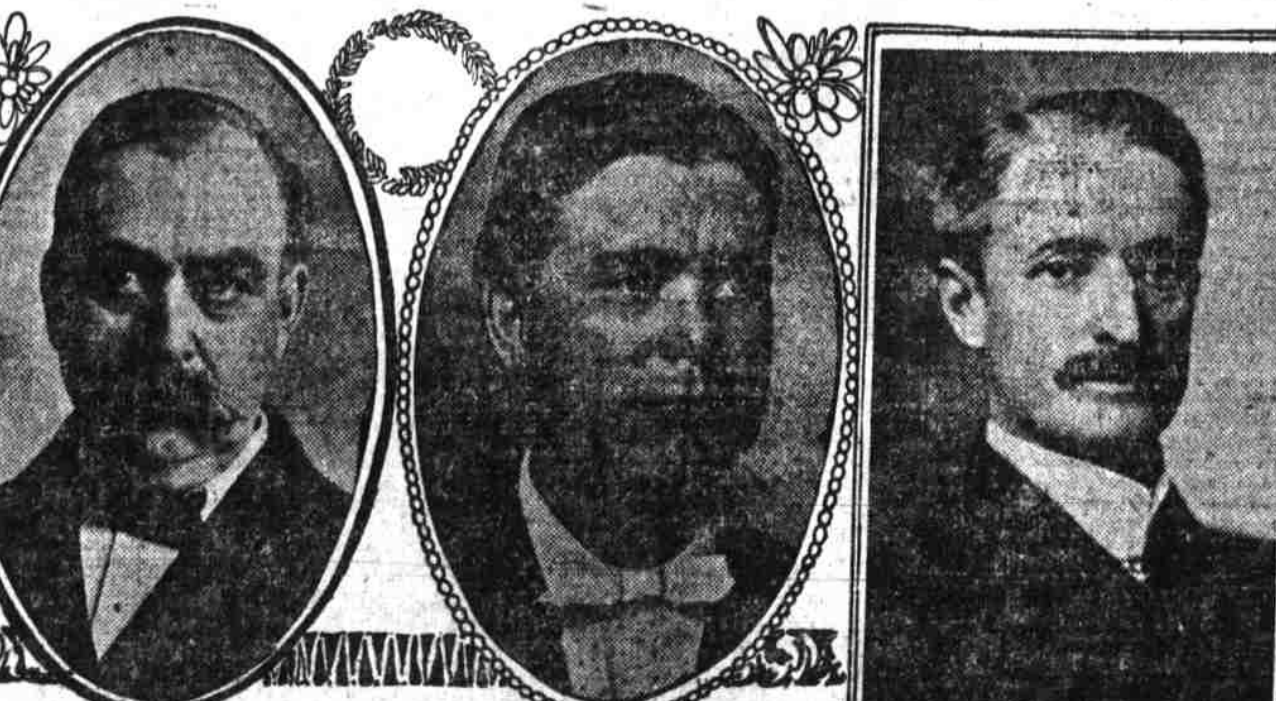
TALESMAN READY TO HANG AN ANARCHIST
Accepted Juror in Haywood Case Does Not Believe in Capital Punishment Except in Extraordinary Cases—State Must Prove Many Crimes to Convict in One.

(By George H. Shoaf, Staff Correspondent Appeal to Reason.)
Boise, Idaho, May 25.—That the Western Federation of Miners is an organization of anarchists bent on the violent overthrow of existing society, that its leaders planned and committed the assassination of one ruler and planned and attempted the assassination of others, that it is not a bona fide labor union like the American Federation of Labor, and that the state expects to prove these allegations with sufficient evidence to hang W. D. Haywood for the murder of former Governor Steunenberg, constitute the startling features developed in the examination of Talesman J. T. Tourtelotte in Judge Woods' court today.
The revelation grew out of the question asked Tourtelotte regarding his belief in capital punishment. The talesman said he was opposed to capital punishment in ordinary murder cases, but that in the case of an anarchist caught red-handed in the act of attempting the destruction of society by killing one of its rulers he was not only opposed to the death penalty, but that he stood ready to hang the criminal on sight.
Tourtelotte Accepted.
Tourtelotte was questioned specifically and at length on this point by the attorneys on both sides. With the understanding that he would not inflict the death penalty should the state fail to prove that Haywood, as an anarchist, at the head of an organization of anarchists, deliberately assassinated Steunenberg for the purpose of violent overthrowing present civilization, and that he would render a verdict of death should the state make good this contention, the talesman was accepted by both sides as a permanent juror.
The statements made by Attorney Borah in accepting the talesman indicate quite plainly the program from the state in its prosecution of the federation leaders. Every crime committed in the Intermountain labor war during the last six years will be introduced as links in the chain of circumstantial evidence which the prosecution expects to show is strong enough to involve the officers of the miners' union in the commission of those crimes. Then as a fitting climax Harry Orchard's testimony will be presented to prove that the men who committed the string of crimes already introduced are the identical men who ordered the assassination of Idaho's former governor.
Want All Crimes Tried.
Whether or not Judge Wood will admit a relation of all the Colorado, Nevada, California and Idaho crimes alleged to have been committed by members of the Western Federation of Miners as evidence in the Haywood trial is a question that is now puzzling the minds of the attorneys for the prosecution and defense. Detective McParland, who has supervised the gathering of the evidence for the state, today

virtually conceded that unless all the crimes committed in the Intermountain region are admitted by the court, the chain of circumstantial evidence against Haywood will be weak and it will be nearly impossible to convict him of the murder of Steunenberg. It is an interesting situation and the developments in the next few weeks promise many unexpected turns. Both sides are confident of victory.
TILTON'S LIFE RUINED
(Continued from Page One.)
After the Woodhull publication an investigation was inevitable, and it was not surprising when Tilton brought suit for \$100,000 damages against Beecher. In his complaint against Beecher, Mr. Tilton alleged as follows: "That the defendant contrived and willfully intended to injure the plaintiff and deprive him of the comfort, society, aid and assistance of the said Elizabeth, the wife of the plaintiff, and to alienate and destroy her affection for him."
In the trial of the action, the testimony of Theodore Tilton, which occupied many days, was of intense interest. He was permitted to tell of alleged confessions of guilt made to him by both his wife and Beecher. Tilton told of several meetings with Beecher, in which the relations between Beecher and Mrs. Tilton were discussed, and he said that Beecher had talked of suicide. Beecher, he said, was willing to accede to his demand that he resign from Plymouth church, but was delighted when Tilton withdrew the demand.
At one stage of the proceedings, when Beecher threatened to resign from Plymouth, Tilton became very angry and said word that he would shoot Beecher if he resigned. Tilton took the position that Beecher's resignation would reflect upon the parentage of the Tilton children.
Tilton was particularly interested in his little son Ralph, who was born three months after the date which Tilton said Mrs. Tilton had named as the beginning of her intimacy with Beecher. Tilton sent for Beecher and pleaded with him to remove all doubt as to the paternity of the child. Beecher, however, said his memory was not good for dates, but he was sure that the date given by Mrs. Tilton was absolutely correct and that there was no doubt that little Ralph was Tilton's own son.
Kills Himself for Ralph.
This Ralph Tilton died about one month ago, and at the very hour when his funeral was being held a Mrs. Berntha Beaudouy killed herself because of his death.
In the progress of the trial an attempt was made to show that Tilton had brought the suit against Mr. Beecher because he was practically ruined financially and had lost his position with Mr. Bowen's papers because of his immorality.

The trial dragged on for about seven months, and ended in a victory for Beecher.
The jury disagreed, nine men standing out for a verdict of "not proven" and three insisting on a verdict for Tilton. The jury was dismissed after being out nine days. The case was never called to trial again.
Tilton tried to make a success of his lectures and books, but the public was not friendly to him, and he was utterly discredited in Brooklyn. His children had stood by the mother. Tilton remained in this country for nearly 19 years, then went to Paris to live.

ATTORNEYS FOR PROSECUTION IN HAYWOOD CASE



From Left to Right—Prosecuting Attorney Owen M. Van Duyn of Caldwell, James H. Hawley of Boise, United States Senator W. E. Borah, W. A. Stone of Caldwell.

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Decoration Day Store Closed All Day

PORTLANDER IS HEIR

(Continued from Page One.)
Hall is still working as a teamster. Naturally he is elated over his prospects, and declares that he is fully prepared to establish his right to a portion of the fortune. He was notified during the week that further effort on his part would be unnecessary, as his attorneys have already succeeded in proving his identity, his direct lineage from the founder of the fortune, and consequently his right to participate.
Hall lives with his wife in the Union block, First and Stark streets.

TELEGRAPHERS' STRIKE WILL BE CALLED OFF

(Hearst News by Longest Leased Wire.)
New York, May 25.—President S. J. Small of the Commercial Telegraphers' union left this city today for Buffalo to attend a mass meeting of telegraphers and a conference of national telegraphers' officials in that city tomorrow.
Arrangements will be made for a conference with the board of directors of the Western Union Telegraph company, at which a list of grievances and demands will be presented.
President Small will also have a conference with the general secretary, Wesley Russell, of the Commercial Telegraphers' union, at which a report of the financial condition of the organization will be made.

ITALIANS WILL HOLD FIRST ANNUAL PICNIC

The Italian fraternity will give their first annual picnic today at the Tivoli Park. Twenty-third and Washington streets. L. Bussi will furnish an orchestra of 15 selected pieces of local union musicians. Dancing will commence at 2:30 p. m. The net proceeds of the picnic will be donated toward the payment of the liabilities still existing against the St. Michael Catholic church at Fourth and Mill streets.

Metzger fits your eyes for \$1. 342 Washington street, corner Seventh, formerly at 111 Sixth street.