REPUBLICANS ELECTED COUNCILMEN-AT-LARGE

M. J. Driscoll.

J. B. Cellars.

J. Annand.

NEW CITY COUNCILMEN ELECTED YESTERDAY

A. G. Rushlight, Rep., Councilman Seventh Ward.

George L. Baker, Rep., Councilman From Fourth Ward.

H. A. Balding, Rep., Councilman Sixth Ward.—Photo by Churchley.

Frank S. Bennett, Rep., Councilman Eighth Ward.

DOUBT VALIDITY

(Continued from Page One.)

gation."

Ralph R. Duniway said:

"The failure of advertising the election properly not only invalidates the bonds voted but also invalidates every amendment to the charter attempted to be passed and the new ordinances voted. If this matter is properly taken into court and is not cured by acquiescence and friendly suits it is very serious.

"I predict that people who seek to profit by the bond issues and amendments to the charter will promptly frame up a friendly suit in which there will be no real effort made to get the law correctly decided, but there will be an effort made to get the courts erroneously to declare that what was done was in the sound discretion of the city officials and a substantial compliance with the law.

The court will not interfere and thus get, by violation of the law, the same result as if the law had been observed. In other words, the old game will be played again of getting the courts, by reason of their power, to construe the law erroneously and thus bind everybody to pardon the violation of the law on the part of city officials under the erroneous claim that public policy so requires it.

REAL TRAGEDY

(Continued from Page One.)

constantly in her eyes.

There is time, before a word is spoken, to see and note each man and woman separately. There is a filter near the railing, where a big, bronzed deputy stands sentinel at the green baize doors. The water drips from the tap into the pail, marking the silent seconds dismally. Clarence Darrow sits with his head between his hands, a pathetic man seeming burdened with sorrows. A solemn air has taken possession of the place. It seems to have come suddenly since the morning. The long waiting for the jury has ended. The impatience and the speculation and the laughter have gone. We have touched the skirts of tragedy at last.

"Mr. Clerk, read the indictment." The order of the court, in slow even tones, seems to shock the silence. We find it hard now to realize that a man is actually on trial for his life.

No Elocution Attempted.

The clerk, Otto F. Peterson, is a young man, wearing a blue serge suit. He walks from his desk and stands facing the jury, holding the indictment in his hands. He begins reading in a low voice, the long, precise finding of the grand jury of Canyon county against William D. Haywood, George A. Pettibone, Charles H. Moyer and John L. Simpkins, that they did on the 30th day of December, 1905, feloniously murder and kill Frank Steunenberg, one time governor of the state of Idaho. There is no "elocution" in the reading. It is meant only for the ears of the jurors. The voice, under ordinary circumstances But the silence is so heavy that every word is clear.

We remember again the story of that quiet afternoon in Caldwell when Steunenberg was killed. His wife and daughter sat at the window watching for him. Ever since the Coeur d'Alene affair he had been a man of strange habits, coming and going no one knew when. In Boise he never went to his hotel twice in one day by the same road. He disappeared often for days at a time. The night before he was killed he was restless, and could not sleep. He awakened his wife and they read the Bible together for an hour. His daughter saw him first and ran shouting to meet him. He passed through his gate and the bomb exploded and they carried him into his home to die.

Memory of Law.

The bald, exact words of the indictment bring the actual tragedy to life again, and we understand again vividly that though the law in America be slow it has a long memory.

The clerk finishes reading and moves back to his desk and the silence falls once more.

The tired eyes of Haywood's wife are filled with tears. Richardson turns to Haywood and talks to him cheeringly. Darrow still sits sadly, seeming a man greatly alone. The court charges the jury that they shall not discuss the case in any way, and they file out heavily. Hawood kisses his younger daughter and leaves the room. The sheriff, at a sign from the judge cries his formula.

Hear ye, hear ye, hear ye, this honorable court of Ada county stands adjourned until 9:30 o'clock tomorrow morning."

We leave the room heavy footed and sad. James Hawley is to make his opening statement in the morning. We have ceased from laughing and impatient fretting at the law's delays. We have touched the skirts of tragedy at last.

MULKEY TO ADDRESS U. OF O. STUDENTS

University of Oregon, Eugene, June 4.—Ex-United States Senator F. W. Mulkey, a graduate of the University of Oregon, class of '94, will address the students tomorrow morning in Villard hall. Invitations have been extended to the Commercial club of this city and other similar organizations. He will be the last speaker here this year before commencement. His subject has not been announced.

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COFFEE

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TRIUMPH OF MAYOR

(Continued from Page One.)

Precinct 47	102	218
Precinct 48	46	99
Precinct 49	89	112
Precinct 50	146	173
Precinct 51	101	199
Precinct 52	150	206
Precinct 53	194	232
Precinct 54	113	148
Precinct 55	74	104
Precinct 56	122	170
Precinct 57	116	154
Precinct 58	146	240
Precinct 59	106	136
Precinct 60	148	275
Precinct 61	111	138
Precinct 62	111	218
Precinct 63	114	196
Precinct 64	79	132
Precinct 65	66	147
Precinct 66	7	14
Precinct 69	559	141
Precinct 74	97	165
Total	7,877	8,507
Summary:		
West side	4,501	3,283
East side	3,376	5,224

SLEUTHS CAPTURE

(Continued from Page One.)

loon of Bob Nelson in Ten Strike and secured the money.

Mathieson, evidently fearing detection, gave out the statement that Johansen had gone to Oregon and, in company with Hans Johansen, the brother of the dead man, started for the coast. Believing implicitly in the story told by Mathieson, Johansen not for a moment suspecting that his traveling companion was the murderer of his relative, came to Portland with the fellow.

Fear Second Crime.

After arriving here Mathieson addressed a letter to the postmaster at Ten Strike signed John Johansen, to send all mail to Portland. He also communicated with Nelson relative to sending two grips by express to him here. These two letters furnished the clue to Mathieson's whereabouts and Chief Gritzmacher was communicated with by telegraph.

Absolutely no trace can be found in this city of Hans Johansen and the detectives fear that Mathieson may have ruthlessly slaughtered his victim's brother, fearing that the latter suspected him of the murder. The search for the missing man will be continued but as yet no clue has been found to his whereabouts. Mathieson maintains that he has not seen Johansen for months.

EIGHTH GRADERS WHO PASSED IN MALHEUR

(Special Dispatch to The Journal.)

Vale, Or., June 4.—Of the 21 pupils who took the eighth grade county examination in May nine were successful, as follows: Pauline Billingsley, Emma McGivern, Clarice Canfield, Hazel Lackey, Ruth Purcell and George Hardman of Ontario; Claude Coward and Harmon Lovelace of Nyssa and Carrie Hill of Mosquite.

Lillian Tipton, Ruby Stansberry and Fred Tregaskis, pupils of the Vale school, who passed their examinations last February, received eighth grade diplomas at the closing exercises of the Vale school last week.

OREGONIAN CASE IS CALLED THIS MORNING

The trial of the suit of Harlow against the Oregonian Publishing company was begun before Judge Gantenbein in the circuit court this morning. The forenoon session was devoted to drawing a jury. Taking testimony was begun at 2 o'clock. The Harlows ask $40,000 damages for an alleged breach of contract referring to the circulation of the morning paper on the west side of the river south of Alder street.

DAN CUPID IS BUSY REAPING HIS HARVEST

Dan Cupid has already begun to show his partiality, to June, the month of brides. In the first two days of June, last Saturday and yesterday, 28 marriage licenses were issued by County Clerk Fields' deputies. During the first two days in May only 12 licenses were issued, giving to June a record more than double that of May.

Strenuous Chase for a Witness.

(Special Dispatch to The Journal.)

Aberdeen, Wash., June 4.—After a series of misadventures, including being turned back by a forest fire, and a runaway which wrecked a vehicle and left the occupant to pursue the chase on horseback, officers have returned here with the man, named Benson, who was with Gabriel Anested the night he disappeared and who was wanted as a witness at the inquest. Anested's body was found in the Wishkah river last week. Benson was brought in on horseback, handcuffed.

Reed Jury Drawn.

A jury was drawn in Judge Frazer's department of the circuit court this morning to hear the trial of Grace Reed, a colored woman, who is charged by Beatrice Lewis, also colored, with stealing $550 from Andrew Johnson on April 18 at Fourth and Flanders streets. Testimony is being heard this afternoon.

Here's Good Advice.

O. S. Woolever, one of the best-known merchants of Le Raysville, N. Y., says: "If you are ever troubled with piles, apply Bucklen's Arnica Salve. It cured me of them for good 20 years ago." Guaranteed for sores, wounds, burns or abrasions. 25c at Red Cross Pharmacy.

HAYWOOD'S REAL TRIAL

(Continued from Page One.)

the warm, shaded room they seemed dull and uninteresting. It was disappointing. We felt that his slow, low, endless words were almost rocking us to sleep.

Heads Begin to Nod.

At five minutes past 10 o'clock we felt as though Hawley had been droning on for hours and sleepy hours. He was saying something about the Western Federation of Miners. Something that we had all heard before in the dim past. There was a secret "inner circle," he said, there was a scheme deliberately developed to establish a western empire of labor.

William D. Haywood and Pettibone and Moyer were to be the "benevolent despots" of that western empire of labor and they planned to gain and hold that empire in part at least by a reign of terror and a policy of assassination. Steve Adams and Harry Orchard and John L. Simpkins were the hired murderers of that policy of blood. He spoke on and on and we were weary. We had heard it so often before. One or two heads inside the railing did actually nod. It seemed almost that Hawley would talk himself to sleep on his feet and stand sleeping. There, worn out with words, the court yawned. It was so warm and drowsy and—bang!

Clarence Darrow Protests.

Darrow was on his feet thumping a book, his voice husky with protest; Hawley was at the other table hammering back retorts passionately. Loud words rolled back and forth in angry tumult. The droning court room was suddenly crackling, electric with excitement. Darrow was protesting at something Hawley had said, Hawley repeated it amidst Darrow's protests.

"I say, your honor, that this defendant at bar and the other three men included in this indictment, not only murdered Frank Steunenberg, but ordered and committed a number of other murders as well." Hawley thundered it out again, through a hail of Darrow's protests.

"You have no right to make rhetorical statements here that you are not going to put in evidence," Darrow shouted.

"I am saying a great deal less in my opening statement than I am going to prove in evidence," Hawley hammered back.

They glared at each other fiercely. The steady voice of the court was heard through the tumult.

Darrow Defeated.

"Go on Mr. Hawley, go on Mr. Hawley, go on Mr. Hawley."

"There is nothing before the court Mr. Darrow."

"Go on Mr. Hawley."

"Sit down Mr. Darrow, sit down Mr. Darrow."

Mr. Darrow sat down. The people in the court room laughed. Hawley proceeded. And everybody was finally awake.

It was an old story that he told. Told deliberately in court it took upon itself a tragic and bitter significance. Coeur d' Alene; the Bunker Hill and Sullivan mines; Cripple Creek; Telluride; the killing of Frank Steunenberg; were all recited, coldly, deliberately and without passion. And having been recited they were just as coldly and just as deliberately and just as much without passion charged to the "defendant at bar," William D. Haywood. Again and again Hawley impressed upon the jury the existence of this inner circle seeking to reach dominion through the blood of men. Again and again he emphasized the existence of "another group of choice spirits," who "made murder a trade," and killed, "under the orders of the defendant at bar."

It was a terrible indictment. The very unpretentious plainness of Hawley's attire and manners, his honest, kind face, his slow, husky voice, all helped to make it the more terrible.

Lack of Pomp.

The lack of pomp and ritual in the furniture and forms of the court, the democratic informality of everything, the presence there of Haywood's crippled wife and young daughters, the sometimes hesitating speech of the big prosecutor, impressed the horror of the calendar of crime Hawley was reciting very poignantly upon the minds of all of us. We had expected from Hawley a carefully arranged and purposely impressive and dramatic statement. We had looked forward to some rhetoric and not a little blood-curdling narrative. We expected a fierce arraignment of Haywood, bitter denunciation, even a call for revenge. And, instead, there was just this big, plain, honest, hearty man, just "Big Jim Hawley of Idy-Ho" talking quietly to the jurors as a plain, honest man talks to plain, honest men, face to face.

Murder of murder; murder of murder; murder of murder, he named specifically, labeled, all so quietly and unostentatiously, and then as quietly as unostentatiously he told these jurors—a plain man talking to plain men—that all those murders had been carried out at the command and by the connivance of "the defendant at bar," William D. Haywood.

Hawley Not Dramatic.

It would have been less tragical if Hawley had been more dramatic. But Hawley seemed so innocent of stage craft, so much a man talking commonplace, that in the end he presented a case that, for the jury will be memorable.

At 11 o'clock he stopped, ended without any peroration, and sat down, wiping his face lustily with his large white handkerchief. Then immediately afterwards, without any pause or preamble, Senator Borah called the first witness for the prosecution, W. F. Wayne.

Wayne is a resident of Caldwell, and, under examination by Borah, he sat in the high witness chair near the railing and told what he knew of the murder of Steunenberg on that night of December 30, 1905.

Wayne First on Scene.

Wayne was the first man to go to the aid of Steunenberg after the bomb exploded. Steunenberg's right arm, Wayne said, was mangled; his left arm was broken; both legs were mangled. The explosion had stripped him of clothing. Wayne tried to lift him and carry him into the house, but Steunenberg was so mangled that he feared to try it alone. He left him lying on the snow near the gate, with Mrs. Steunenberg kneeling by him holding his head. The snow was soaked and red with blood. He went for assistance, and when he returned other men had carried Steunenberg into his own house, where he shortly died. It was a terrible story, affecting in the simplicity of the man who told it. The defense did not cross-examine Wayne.

Hands Red With Blood.

Dr. G. W. Gue of Caldwell, the physician who attended Steunenberg when he died, followed Wayne. He described Steunenberg as having been frightfully mangled. He went into details of anatomy. You fancied him at the bedside with his coat off and his sleeves rolled back and his hands red. He seemed to bring the antiseptic odor of iodoform into the courtroom. He also left the chair without cross-examination by the defense.

We were glad somehow when he left. The atmosphere was too surgical.

Attorney Rice of Caldwell also followed the doctor. He had not been talking five minutes before the room was clanking with interest.

Hogan Is Orchard.

"When did you first see Thomas Hogan in Caldwell?" said Borah, who is examining for the state.

"In November, 1905," said Rice.

Now "Thomas Hogan" is "Harry Orchard." Who else "Harry Orchard" may be we do not at present know. As soon as "Hogan" was mentioned counsel for the defense took exceptions to Rice retelling a conversation between himself and "Hogan." It was not an important conversation. But defense took exception to it. Defense objected but the court overruled the objection. Defense "voted exceptions." The records are already half snowed under by the exceptions "voted" by the defense.

Richardson cross-examined Rice. Rice told Richardson that he saw "Hogan-Orchard" in the bar-room of the Saratoga hotel on the Monday following the death of Steunenberg. It did not produce any new facts or shake the story of Rice. And Rice went, the third witness to be disposed of within half an hour.

N. S. Ellis of Caldwell also, followed Rice. He told of the killing of Steunenberg and the goings and comings of "Hogan-Orchard."

Mysterious Figure.

"Hogan-Orchard" is beginning to develop as a figure of strange and sinister mystery going up and down the streets of quiet Caldwell. We are expecting him in the witness chair on Thursday to be brought from the penitentiary and lodged in the basement of the jail where Haywood and Moyer and Pettibone are lodged.

Ellis described "Hogan-Orchard" as wandering about Caldwell using spyglasses incessantly. Richardson in cross examining Ellis tried to prove that "Hogan-Orchard" instead of concealing himself went about the town with those spy glasses. It did not seem important. Borah reexamined Ellis to prove that "Hogan-Orchard" used the spyglasses to examine the details of Steunenberg's house without attracting too much attention. Ellis left the chair and court adjourned at noon.

NO OPPOSITION

(Continued from Page One.)

ballots were cast for Cellars and Driscoll received 8,790. Robert Andrews, the Democratic candidate, whose name through an error was given fourth place on the ballot instead of first, received 4,394 votes and L. M. Davis, the independent candidate, polled only 2,556.

John P. Kavanaugh, Republican candidate for city attorney, is another who, when the final count is made, is likely to be in the contest for honors on the high vote held now by Judge Cameron and City Treasurer Werlein. Mr. Kavanaugh received 10,786 votes, just 80 votes less than Mr. Werlein. Guessing is even as to who will head the list of highest vote received when the official count is completed. All three of the candidates will have their majorities heavily increased when the returns from the five missing precincts come in.

A. L. Barbur's race for the city auditorship was materially cut down by George I. Smith. Mr. Barbur's vote totaled 8,970 this noon and the Democratic candidate received 2,934.

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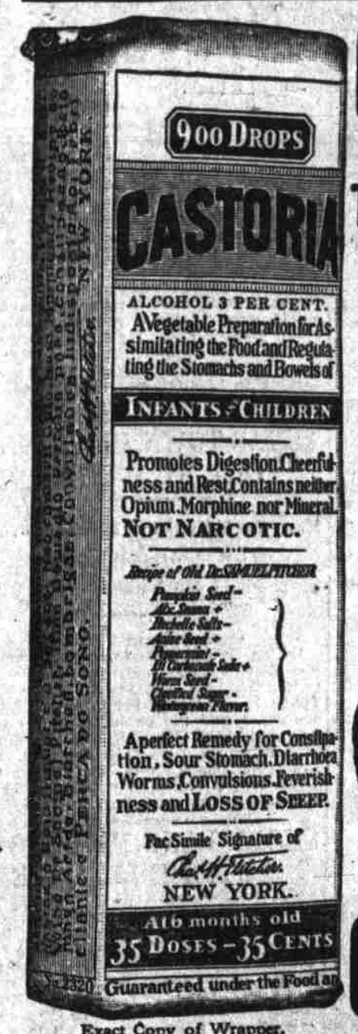

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