

THE EYES OF ALL AMERICA ARE CENTERED ON BOISE

THE HAYWOOD-MOYER TRIAL TO BEGIN NEXT WEDNESDAY

of the Steunenberg Murder, the Events That Led Up to It, and the Unusual Incidents of the Arrest of Defendants in Colorado

Boise, Idaho, May 4.—On May 9 attention of the reading public will be turned toward this city, for on that date there will begin the trial of William D. Haywood, secretary of the Western Federation of Miners, one of the three men held on charge of being responsible for the murder of Frank Steunenberg, ex-governor of this state. The other two are Charles H. Moyer, president of the Federation, and George A. Pettibone, formerly a member of the executive committee of the organization. The men demanded separate trials, and the state elected to try the case against Haywood first.

There have been few murder cases in this country attracting so much attention. Widespread interest was shown at once on the announcement of the arrest of the Federation men, and that interest has deep-

ed indicated a measure of deliberation and vindictiveness not often witnessed. There were theories of all kinds, but the minds of people generally ran back to the time of 1899 when the victim, then serving as governor, laid an iron hand upon the situation in the Cour d'Alenes and brought down upon himself the denunciations of a vast number of people. While he had always been supported by what may be designated as the business interests of the state, the miners were incensed against him, particularly those affiliated with the Western Federation, and union men quite generally joined in their condemnation of him.

Confession of Orchard.

January 2 a man calling himself Thomas Hogan was arrested. He had been suspected from the first, having been hanging about with no

gooding issued a requisition upon the governor of Colorado for the extradition of the men. Accompanying the papers in the case was a copy of the alleged confession made by Orchard. Governor McDonald took the matter under consideration for some days, and then issued his extradition warrant.

Moyer was arrested just as he was boarding a train on the Burlington road; Haywood was taken into custody in a house to which he had been shadowed, and Pettibone was taken at his place of business. All the men were lodged in the county jail for the remainder of the night. A special train was secured, and at 5 o'clock a. m. the officers left with their prisoners for a rapid run to Idaho. News of the arrest had not leaked out, and the train was well on its way before it became known that the men were in custody.

This is what has been designated as the kidnapping of the men. It has been insisted by the friends of the defendants that the should have been permitted to consult counsel in Denver and resist removal by appeal to the courts. The state, on the other hand, has insisted that it is not the duty of officers to thus invite legal proceedings after having made an arrest on regular extradition papers. Out of these conflicting contentions grew the legal proceedings which delayed the trials a year. In this connection it will be interesting to present the law on the subject, over which there has been so much discussion, or, rather, to state the conditions which confronted the state.

In the supreme court at Washington the cases were set for hearing on October 9. At that time they were argued, and in December decisions were rendered against the petitions. In conclusion, all the members of the court concurred excepting Justice McKenna, who held that the men had been kidnapped and were entitled to their liberty. The majority opinion was to the effect that nothing improper had been done by the officers and that the state had a perfect right to remove the men secretly if it could.

Why Trial Was Delayed.

The three men were indicted on March 7, and on March 16 they were arraigned and pleaded not guilty. The next term of court opened on May 29. It was expected the cases would then be brought to trial, as both sides professed to be ready; but a snag had been discovered by the prosecution. A statute of the United States provides that, when a case is pending on appeal from a circuit court on habeas corpus proceedings involving a constitutional right, any action of the state court in the interim shall be null and void. This, it was found, had been construed in the dictum of an opinion of the supreme court as meaning that the state was prohibited in a case under such circumstances. It was therefore held by the prosecution that it could not proceed with the trial, as a conviction, it was contended, would be set aside, even though the accused men should lose in their habeas corpus case. The state asked the defense to dismiss its appeal from the United States circuit court and stand on the one from the state supreme court, but the defense could not see its way clear to do so.

Therefore, when the court met on May 29, this condition was called to the attention of Judge Smith. It was argued at length but Judge Smith held he was prohibited from proceeding, and the cases went over until after the supreme court should have passed upon the habeas corpus appeal.

It has always been insisted by the defense that it was not necessary to postpone the trials and that the action of the state amounted to denial of the constitutional right to a speedy trial. On the other hand, the state maintained it was prohibited from taking another step and, further, that the defense itself by refusing to dismiss the one appeal which acted as a bar, relying upon the other covering just the same ground, has itself been responsible for the delay.

When the men appeared in court May 29, 1906, their counsel filed two

motions, one asking for a change in judge, the other praying for a change in venue. The latter motion especially was supported by a great number of affidavits designed to show that such prejudice existed in Canyon county that the accused could not get a fair trial there.

As the decision of the supreme court in the habeas corpus cases was not rendered until December, and as the claimed bar stood until after the lapse of 60 days, during which a petition for rehearing could be filed, no further proceedings could be had until the opening of the term of court at Caldwell on March 12 of this year. In the meantime an election had been held and Judge Frank J. Smith was defeated by E. L. Bryan. The latter had been appointed to defend Harry Orchard, a circumstance which, in many minds, made him ineligible to preside at these trials. Therefore, on the opening of court, Judge Bryan announced that, though he was not satisfied he was disqualified, he had determined to call in Judge Fremont Wood, of Ada county.

Judge Wood took up the application for a change of venue. After presentation of the affidavits and arguments of counsel, the judge announced he was disposed to make a change, but he wished to know if the defense would insist upon the right to again move for a change after getting into another county. He indicated he would move the cases to Ada county, and when the defense had announced its consent to having them come here, an order to that effect was made.

Date of Trial Fixed.

At the opening of the term here, Judge Wood, after consulting counsel on both sides, fixed the date for the first trial to begin, naming May 9. It is assumed the trial, that of William D. Haywood, will then begin.

The accused men are confined in the Ada county jail in this city. Where they were brought here from Colorado they were held at Caldwell. The jail there was entirely inadequate, there being no proper provisions for the comfort of the men, and they were finally settled in the jail here, where they had as good treatment as possible. Though they sleep in cells at night, they have much liberty during the day. A comfortable room is used by them, while each day they are outside for an hour or more. There they can be seen most any day pitching quoits or walking up and down with their wives, or rather two of them, Mrs. Haywood not having been here. The latter is an invalid, but she has now arrived to be with her husband during his trial.

Harry Orchard, the star witness, has remained as a guest of Warden Whitney at the penitentiary. He is in good health and has been engaged in writing a book. The murder case against him has been postponed from time to time and will stand so until the other cases have been disposed of.

There have been two interesting branches of the case which should be touched upon to make the story complete.

On February 18, 1906, Vincent St. John was arrested at Burke in this state and brought to Boise. Nothing was found against him, however, and on March 17 he was turned over to the Colorado authorities on a warrant charging him with murder at Telluride. He was afterward freed.

Steve Adams, a man who is said to have figured conspicuously in the Colorado troubles, was arrested at Haines, Or., on February 20, 1906. On March 1 he also made an alleged confession, in which, it is said, he covered much of the same ground as that gone over by Orchard, adding many stories of a startling character. He also remained as a guest of the state at the penitentiary. In September he had an interview with his father-in-law, and subsequently ex-Governor John T. Morrison, acting as his attorney, asked for a writ of habeas corpus for him. The state found Adams had determined to "go back" on his statement, and took steps to prevent his gaining his liberty. In his confession he had narrated that he had killed a man named Fred Tyler on the St. Joe river, in Shoshone county, in August, 1904. The death of the man had always been somewhat of a mystery, though it had been charged to Jack Simpkins. Adams said the man had been made away with because he had jumped Simpkins' claim.

Adams further said he had gone up there to consult with Simpkins about the proposed murder of Governor Steunenberg. On that charge a warrant was issued and brought here by Sheriff Sutherland, of Shoshone county. He reached Boise before the application for the writ of habeas corpus had been made, and on September 15 had served his war-

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rant and left with the accused man. The trip north was made overland, as they feared they would be interfered with by writs of habeas corpus if they should take the railway route through Oregon and Washington. When the writ was issued the man wanted could not be found.

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WILLIAM D. HAYWOOD.

Secretary-treasurer of the Western Federation of Miners, charged with the assassination of ex-Governor Steunenberg of Idaho.

As time has passed. The subject has been so widely discussed and lines between the adherents of two sides have been so sharply drawn that the case has assumed national importance, and in every part of the country the keenest interest is taken in it.

The newspaper interest is reflected in the sending here of a force of men by the Associated Press prepared to send out complete reports of the proceedings. Some of the men attached to the great newspaper are on the ground, and large numbers of special correspondents are to be on hand, many of whom already arrived.

It has been necessary to expand telegraphic facilities enormously to make it possible to handle the news, but the Western Union is prepared to send out some 200,000 words a day and can handle more if necessary. The case has been discussed everywhere as each chapter unfolded, but at this time, on the eve of the trial, a consecutive narrative of the various stages will be of interest.

History of the Case.

Frank Steunenberg was assassinated at the gate of his home at Caldwell, Canyon county, at 6 o'clock on the afternoon of December 30, 1905. He opened the gate a bomb attached to a wire was exploded, and he was buried some ten feet into the ground. His right side was fearfully mangled and he died in a few minutes after being carried into his home.

It was afterward learned from a man who set it, the bomb contained ten pounds of giant powder, and the powder caps were placed over all was a mixture of sugar and potash. The exploding agency was a bottle of sulphuric acid so added that when the gate opened the acid pulled the cork. This caused instantaneous combustion, which exploded the dreadful engine of death.

The assassination caused great excitement, and the news flashed over the country produced a profound sensation. Its effects upon the people of this vicinity was startling. Everyone realized that it was no ordinary crime, as the method employed



CHARLES H. MOYER.

President of the Western Federation of Miners, indicted for the alleged murder of ex-Governor Steunenberg of Idaho.

apparent business. A few days later he was identified as Harry Orchard, a man who had figured in the Cripple Creek disturbances and was in the Cour d'Alenes in 1899. A preliminary examination was held January 13-15, and Orchard was held without bail on the charge of having committed the murder. For safe keeping he was lodged in the penitentiary. There he was visited by McPartland, the widely known detective in charge of the western branch of the Pinkerton agency. Orchard made to McPartland what is said to be a confession, which served as the basis of the case worked up against the officers of the Western Federation.

Knowledge of this confession was kept carefully from the world; there was no hint of it until, on February 17, Moyer, Haywood and Pettibone were arrested in Denver. Then some features of it were given out, but it has never become public in its entirety and there is nothing but the statements of those connected with the prosecution to indicate what its nature is. The statements made respecting it are in a general way that Orchard detailed a plot participated in by the defendants, which embraced the murder of Governor Steunenberg. He claimed to have been sent there for the purpose of committing the crime and that Jack Simpkins, a member of the executive had visited Caldwell with him and assisted in planning the work. Orchard is said to have told of a great many crimes that he ascribed to the initiative of the officials of the Federation. But the story will soon be brought out and the public will know what it is. The supposition is that a great many matters will be included in Orchard's testimony, and his statements will be attacked by all the testimony available for the purpose.

Defendants Spirited Away.

When the prosecution was ready to arrest Moyer, Haywood and Pettibone a complaint was sworn out against them and a warrant issued. In this they were charged, under the Idaho law, with being principals in the crime, the warrant alleging they committed the deed. Governor