

DAILY CAPITAL JOURNAL.

HE IS GUILTY OF EVERY CRIME

Schmitz Levied Tax On "Poodle Dog" and "Pup"

WILL BE GREAT READING

KEY FOR "ROCKY"

Oil History to Be Told In and Ida Tarbell and Lawson Get More Inside Information Desired

Paul, June 7.—The federal this morning decided against standard, ordering the trust to the first Monday in July the in the government's bill, it objected in its bill of ex-

A Swedish Prince.

holm, Sweden, June 7.—Prin garet, wife of Crown Prince Adolphus, today gave birth and future heir to the

President Visits Jimtown.

Washington, June 7.—President and Mrs. Roosevelt and guests leave Sunday night on the Mayflower for the celebration of Georgia day at Jamestown. They will be met by Governor Terrell and staff and exposition officials. The President will be escorted by Georgia troops and regulars, under Grant, to the stand, where he will speak, review the soldiers and receive on behalf of the officers of the battleship Georgia the silver service from citizens of the state. There will be a reception at 2 o'clock and an address to the National Editorial Association. The party will return to Washington that night.

TUMOR ON HER BRAIN

Pittsburg, June 7.—A story printed here this afternoon says that Bertha Beilstein, an Alleghany girl, who nearly ten years ago killed her mother, and attempted suicide, and who escaped last October from the insane asylum, died three weeks ago in the county hospital at Los Angeles, Cal. She lived there several months under the name of Olga Miller. The autopsy showed a tumor on the brain which had been developing for years.

VILEST OF THE VILE ORCHARD THE HYENA

Peached Because the Job of Wrecking a Train Was Not Given Him, and Admits Trying to Murder Fifty Men at Two Dollars Each

Boise, June 7.—"Judging by his decisions, Judge Wood is permitting everything under the sun to be introduced in this case, and, as I have said, there is little possibility of this trial being concluded before August," declared Darrow, as he took his seat at the head of the defense table, when court reconvened for the Haywood trial today. There is no question but the defense is bitterly disappointed at the attitude of Wood. The defense expected to call about 30 witnesses, but, after looking over the prosecution's array, has now summoned at least 100 from every point where Orchard has detailed his crimes. When Orchard resumed the stand Richardson at once began a grilling cross-examination, in the expectation of breaking down the witness. Orchard made a couple of minor corrections in his testimony of last night. Orchard was questioned at length relative to the blowing up of the Bunker Hill and Sullivan mine at Gardner, when he was only a member of the union one month. He remembered but little about the make-up of the train, or about who composed the party that blew the mine up, but positively asserted that he was not playing poker either at Mullan or Burke at the time of the explosion.

He swore positively that he and nearly 100 others helped to carry the powder from the train to the mill, but only remembered the name of one man, Peterson, who was in the party besides himself. The powder was put in three parts of the mill, he lit the fuse to the powder in the compressor room. Asked if it wasn't a fact that the powder was furnished by the superintendent of the Gem mill to the miners, he said he didn't know about it. He could not explain how it was, although he had driven a milk wagon and played poker nightly in the saloons, that he only knew the names of half a dozen of these parties. Asked to account for his whereabouts for three years after escaping from Burke, he said he worked in the mines in Montana, Utah, Wyoming and Nevada and cut wood in California. He beat his way from Montana to Utah and gambled a trifle in Butte, and declared he usually lost. Orchard's recital of his movements through Utah and other states was monotonous, the only matter that interested the spectators, apparently, being his recital of his gambling experiences. According to witness he would work three months, save his money, and then gamble, go broke, and go back to work again.

While the cross-examination was progressing the prosecution received a message from Denver, stating a witness had been secured there who saw the killing of Lyte Gregory there, and told a story confirming that of Orchard regarding the shooting. Orchard said he went to Cripple Creek early in August, 1902, and got work on reaching there. He at once affiliated with the union there, and worked. While he made an occasional trip to Denver, he said that during the time he worked in the Vindicator mine he was employed on levels below the seventh, and was familiar with all from the seventh to

the twelfth. On August 10, 1903, a strike was declared, and he quit work. He had \$150 and gambled it away. Asked by what he meant by "high-grading," as told of in the direct examination, he said it was hiding high-grade ore, removing it secretly and selling it to outsiders. Asked bluntly if he didn't steal it, he replied: "You may call it what you like." It averaged from nothing to \$25 per day, but when pinned down to the actual amount secured, declared that he only got \$150 or so while working. After the strike, however, he stole in secretly and worked on the eighth and ninth levels and got considerable. The military guard was easily avoided, he explained. He was helped by Joe Shoalts and a man named Wilson. He declared he told Davis that a carload of powder was hid in the Vindicator mine, he having stolen a portion of it and sold it to prospectors. "Well, not only are you an ore thief, but also a powder thief?" asked Richardson. "Yes," before the question could be fully answered Hawley interrupted with an objec-

tion, which was immediately sustained. Turning surprised to a bench, Richardson demanded: "Your honor, will you please tell me why I cannot put this question; this is a hostile witness and the state's chief reliance against my client. The question seems to me to be eminently proper." "He's already admitted he is a powder thief, and nothing can be gained by pursuing the matter, either. Proceed with the examination," declared the judge. The defense took the exception. The witness, continuing, said he alone knew of the powder in the mine, and went to Davis in the hope that he would blow up the mine. He said he thought a repetition of the Gardner incident would be beneficial.

Davis, he said, fell in with the proposition, and told him he would gladly pay \$200 if the job was done. He expected that the explosion would kill some of the non-union men, and hoped that it would kill all who were working, although there were 50 or more in the shift.

"And you proposed to kill 50 or more men for \$200, did you?" asked Richardson.

"I intended to touch off the powder to put them off."

(Continued on page 2B).

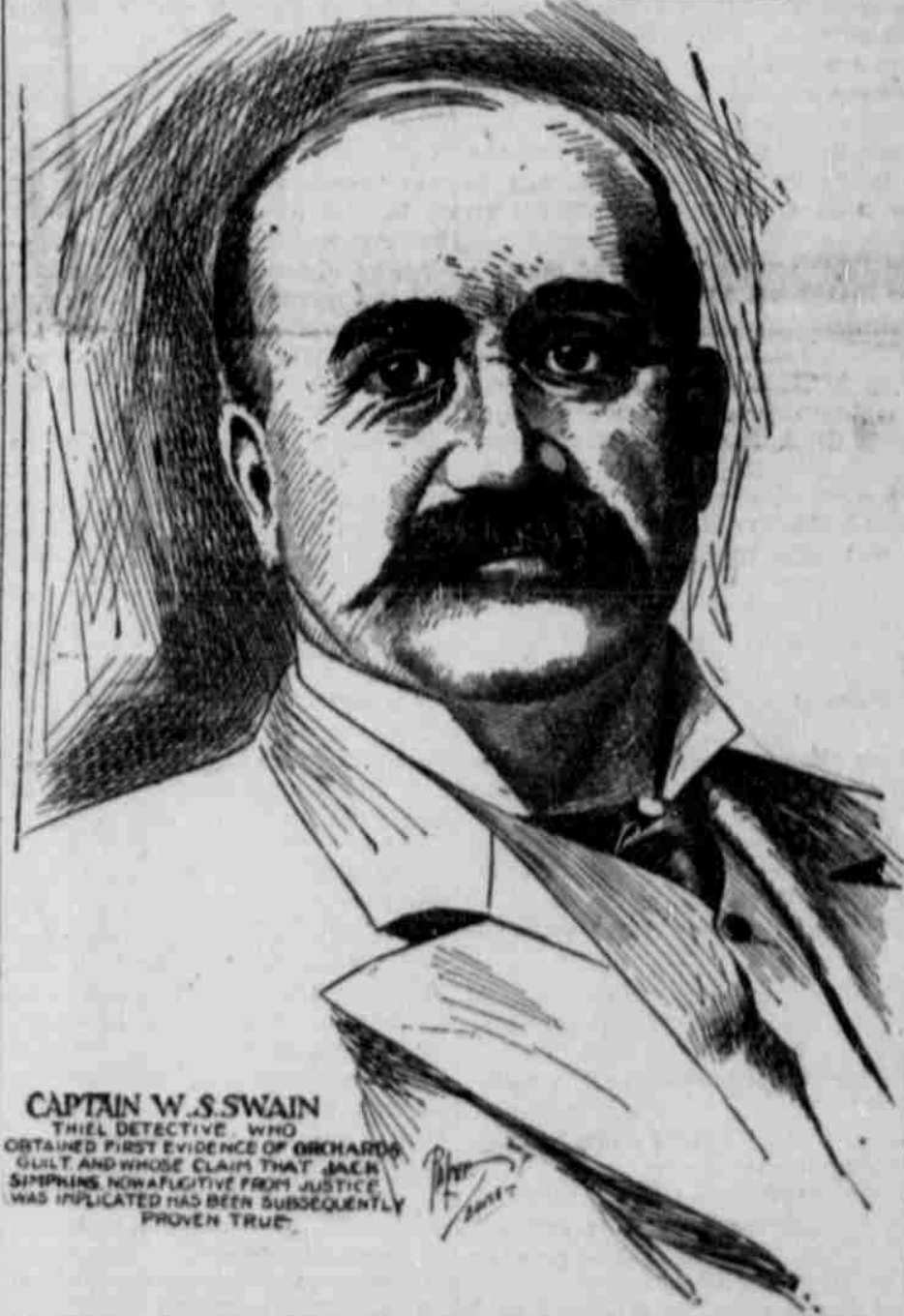
LIMIT OF HIS GRAFT WAS ALL IN SIGHT

Restaurant Men Did Business Through Ruef Having Him As An Attorney, and Did Not Deal With the Meyer Directly

San Francisco, June 7.—Unless the prosecution in the Schmitz case decides to compel Ruef to take the stand and testify for the people, the defendant will not have him act as

and they thought the price was too high. Then I saw the smaller restaurant men, but they would not come in. Finally Ruef agreed for \$5000 a year to handle the case for the five big restaurants. This money I collected and paid to Ruef. On cross-examination it was developed that Schmitz frequently dined at the Pup with Ruef, and alone. Loupy said he didn't go to Ruef because he feared him, or had been threatened, but because he was a political boss, and he thought he was head of the administration. He admitted that Ruef didn't want to take the case at first, but finally induced him to do so on the ground of personal friendship. The defense forced Loupy to admit that he went to Ruef, and not Ruef to him.

Max Adler, another French restaurateur, was the next witness. When he failed to get a license his attorney advised him to see Ruef. Then he told of a meeting of the other restaurateurs, and of the arrangement to give Ruef \$5000. He said he paid his share, because he knew if he didn't do so he would have to close up. He looked upon the payment not as an attorney's fee, but as protection. He said Ruef never threatened him, and he admitted he hadn't paid his second installment. Michael Lehrot gave similar testimony. He said he and other restaurateurs knew they might be held up, so decided to see Ruef, and arrange with him to get licenses. When Ruef agreed to take the case he said he must get his fee in currency and would give no receipts.



CAPTAIN W.S. SWAIN
THIEL DETECTIVE WHO OBTAINED FIRST EVIDENCE OF ORCHARD'S GUILT AND WHOSE CLAIMS THAT JACK SIMPSON NOW ALLEGES TO BE TRUE. SWAIN WAS IMPLICATED HAD BEEN SUBSEQUENTLY PROVEN TRUE.

KANSAS CROP IS SHORT

Chicago, June 7.—The reports from Kansas this morning say the crop condition is only 52, May frosts having lowered it from the government estimate on May 1st of 82. This indicates a crop of only about 40,000,000 bushels, while the nominal crop is over 80,000,000 bushels. Cereals opened lower for July, and the selling traders went wild.

TOOK FIRST PRIZE

London, June 7.—"Sir Humphrey," owned by Pabst, the Milwaukee brewer, the only American horse entered in today's competitions at the horse show, won the first prize in the Hackney stallion class of 4-year-olds and up. Sir Humphrey also won the champion gold cup for the best Hackney stallion in the show.

Austrian Emperor Celebrates.

Budapest, Hungary, June 7.—The emperor arrived at noon for the celebration of the jubilee of his coronation as king of Hungary, June 8, 1867. Socialists made a demonstration, crying "give us universal suffrage. The police forced the crowd back with drawn swords, and several were injured.

Will "Unmarry" Him.

Lebanon, Ind., June 7.—The court this morning declared George Rhodius, the millionaire insane, and appointed a guardian for him. Upon this decision Elma Dare, a resort keeper, will be arrested on a charge of kidnaping Rhodius, and her marriage to him will be annulled.

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