

We got outside the guard line I went home. The next month I was told I was wanted for wrecking a train at the Florence and Cripple Creek railroad and I immediately gave myself up to the civil authorities.

The witness said he was later tried on the charge and acquitted. He was discharged on bail from the jail in February. He was tried about ten days later. After being charged by the jury the witness said he had remained in the district.

Cross-examined, the witness said he was a member of the Burke Miners' union in 1887. He was not in Burke in 1888, however, having gone to Butler to work.

"Where were you when the train was supposed to have been wrecked," asked Borah.

"I was drunk in Altman," he testified that they were drunk that night and that they helped you home at Telluride. He is a member of the organization of "Emil Johnson and Char. Murphy."

The witness could not remember whether Easterly testified to helping to take him home. He could not remember that Bill Easterly was with him but said he was pretty drunk and Easterly might have been drunk. The witness said Horace Hayward of Denver and J. W. Bangs of Cripple Creek defended him and that they were paid for doing so by the Western Federation of Miners.

The last witness of the day was Eugene Engell who was attorney general of Colorado during the Waite administration. General Engell said he had been called upon by Hayward to defend some members of the Western Federation of Miners at Telluride. He told the organization of the citizens' alliance and the mine owners association and the bringing of the gunmen into the district. More or less trouble followed the arrival of the gunmen and the militia. Proceeding he told of the habeas corpus proceedings. The prisoners were brought to the court house by the militia. A Gatling gun was mounted on the court house square and sharpshooters were placed in commanding positions, the prisoners were brought into court surrounded by soldiers with fixed bayonets. "I refused to proceed with the argument and a constitutional question while I was surrounded with bayonets and I walked out of the court house, followed by Mr. Murphy, general counsel of the Western Federation of Miners."

"What was ultimately done about the habeas corpus?"

"The military refused to obey the orders of the court and refused to release the prisoners."

General Engell said that when he went to Telluride to defend some of the miners the first man he met was George W. Riddell, then posing as a miner and president of the local union, but afterwards he posed as Pinkerton detective No. 33. "Riddell asked me 'I told you a socialist,'" said the witness. "I told him that I was. He said, 'Socialism is no good; they are all against us here.' I talked with Riddell for a while but I soon found out that he knew nothing about philosophy or anarchy. I spoke to some of the leaders about the matter, but I learned that Riddell was already suspected on account of his lavish expenditure of money."

Engell told of being deported from the district. He got a rifle and went back after which he was not interfered with. He occupied a long time in his testimony, being disposed to make a stump speech in answer to each question and being reminded several times by Judge Wood to confine himself to facts.

When on cross examination he was asked if he were a socialist, general Engell launched into a lengthy discussion of the subject, ending with the statement: "If you mean that I favor the restoration to the human family of a planet now largely confiscated by a few, I am a socialist."

Senator Borah was about to ask another question when the witness proceeded: "I might add that I am not riding around in the golden chariot of the republican party or bumping about in the garbage cart of the democracy."

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VOL. 6

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As evidence of the conspiracy, Borah took up each fact and circumstance surrounding the murder of Steueneberg, the fact that the assassin was an expert in committing the deed and arranging his gateway, the fact that he evidently has associates, the letter from Haywood to Mrs. Orchard at the same time Orchard and Simpkins were planting a bomb in the sidewalk for Steueneberg, the fact that a great labor leader like Simpkins was in Caldwell under an assumed name and associating with Orchard, the fact that Bill Eastep in Silver City had received letters and telephone messages from Orchard, that Thomas Hogan, the fact that Marion Moore had carried a letter for Orchard to Alaska to deceive Mrs. Orchard, the readiness with which Orchard conceded as Cooley, another Federation leader, his connection with the Bradley affair, the fact of the unsigned letter in Pettibone's handwriting to Orchard in the Caldwell jail, the fact that Fred Miller had written a letter to Orchard on December 21st, the fact that this \$100 was paid to attorney Miller on January 4th; Fred Miller's telegram to Orchard on January 4th; Simpkins' telegram to Haywood on January 4th; Miller's letter to Caldwell, and turning back; the subsequent retainer of \$1,500 paid Miller to defend Thomas Hogan; the close intimacy of Orchard with the Federation leaders; the registered letter and telegraph money orders from Pettibone to Orchard, under assumed names; all these, said Borah, were facts proved outside of Orchard's confession, showing a conspiracy to murder Steueneberg.

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NELSON, B. C., SATURDAY, JULY 27, 1907.

NO. 13

YELLOW PERIL

MacPherson and Morikawa in Open Conflict

STRANGE SCENE ENACTED

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