

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 discharged 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 1881. He was not in Burke in 1880, 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 night and that they helped you home at Teluride. He told of the organization of "Emil Johnson and Chas. 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 along. 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 Teluride. 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 with 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 Teluride to defend some of the miners the first man he met was George W. Riddell, then posted as a miner and president of the local union, but afterwards he posed as Pinkerton detective No. 38. "Riddell asked me 'I told him that I was a socialist,' said the witness. 'I told him that I was. He said, 'Socialism is no good, they are anarchists and 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 they were 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 unmindful 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."

"Are you on the band wagon with Eugene V. Debs?" asked Borah.

"Well, I guess I will have to answer that question in the affirmative," was the reply.

RETAINED IN OFFICE
Denver, July 2.—Charles H. Moyer was retained as president and William D. Hayward as secretary-treasurer of the Western Federation of Miners, by the federation convention today.

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WINNIPEG MANITOBA

VOL. 6

TO THE JURY

Boise Judge to Begin His Address Today

BORAH'S FINAL SPEECH

ONE OF THE GREATEST EFFORTS EVER MADE IN ANY COURT—CLAIMED ORCHARD'S STORY IS FULLY CORROBORATED BY STATE'S EVIDENCE.

(Special to The Daily News)

Boise, Idaho, July 26.—All unprejudiced observers claim that senator Borah's address to the jury today this morning was one of the greatest legal arguments ever heard in any court.

Borah subdivided his remarks under the following heads:

1st.—Did a conspiracy exist?

2nd.—Was the defendant a member of that conspiracy?

3rd.—Is Harry Orchard telling the truth?

4th.—Is there sufficient corroborative evidence to connect Hayward with the conspiracy, aside from Orchard's confession?

As evidence of the conspiracy, Borah took up each fact and circumstance surrounding the murder of Steunenberg. 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 Hayward to Mrs. Orchard at the same time Orchard and Simpkins were planted a bomb upon the sidewalk for Steunenberg, the fact that a great leader like Simpkins was in Caldwell under an assumed name and associating with Orchard, the fact that Bill Easton in Silver City had received letters and telephone messages from Orchard, a Thomas Hogan, the fact that Marion Moore had carried a letter for Orchard to Alaska to deliver Mrs. Orchard, the residence with which Orchard resided 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 Orchard had written to Jack Simpkins 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; the fact that Orchard had written to Hayward on January 4th; Miller's telegram to Caldwell, and turning back, the subsequent retainer of \$1,500 paid Miller to defend Thomas Hogan, the close friendship of Orchard with Federation leaders; the registered letter and telegram 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 Steunenberg.

Borah put Hayward, Moyer, Pettibone, Simpkins and Orchard in the list of conspirators. He said one had confessed, one was a fugitive from justice and a third dare not go on the stand to testify.

A feature of Borah's address was his readings from the Miners' Magazine, and his comments thereon. Borah swept aside all Colorado matters as immaterial.

At the evening session Mr. Borah occupied an hour and twenty minutes. He took up a number of features of the case, endeavoring to show that Orchard was fully corroborated by the state's evidence, and that his intimacy with the officials of the Federation.

Taking up the Independence depot explosion, he said it had been settled that Orchard did set off that mine. Orchard declared Steve Adams assisted him. There was just one man who could give Orchard the lie if he had testified falsely; that was Steve Adams. The latter was here in the control of the defense. They were defending him for a murder in the northern part of the state, but they did not put him on the stand to contradict Orchard.

Mr. Borah made a very powerful presentation of the future of the matter, declaring there was no reason, consistent with that of the claim of innocence of these men, why Adams should not have been put on the stand to testify relative to these Colorado matters; but, like Pettibone, his tongue was silent.

Again Borah took up the plea of justification for violence made by Mr. Darrow, and he used this as a terrible whip with which to lash the defense. Hayward declared on oath and that men whose justness today is being questioned were corrupt tools of capital. Darrow had pleaded that violence on the part of working men against the employing class was justifiable. It was therefore, said Borah, that the Haywood and his co-defendant would plan acts of violence in carrying on their so-called war. Mr. Borah said that in Idaho there was no known method of adjusting differences of the laboring classes, but by the statutes in the orderly procedure of the courts. The senator's closing was strong. He spoke in low tones, calling the attention of the jurors to the great duty laid upon them. If the case had not been proved, he said, the defendant would go free, but if it had been proved, justice must be done in the name of an outraged state whose laws had been defied and whose authority had been defied.

Judge Wood announced that there re-

mained some instructions to be settled, these having just been handed in, and he would charge the jury at ten o'clock in the morning.

(Associated Press)

Boise, July 26.—Senator Borah continued his argument for the prosecution in the Haywood trial this morning. As early as 7 o'clock the court house doors were besieged by hundreds seeking admittance to the limited court room.

Inside the court as the next the last day of the trial began, Hayward sat surrounded by his family. His invalid wife, whose helpless condition and pallid face have attracted so much attention and sympathy, sat immediately at his right and next to her was the grey haired mother, who yesterday could not resist the tears, which welled to her eyes as Clarence Darrow made the last plea for the life of her son. The prisoner's daughter and sister were also in the family circle.

Mrs. Frank Steunenberg, the wife of the murdered governor, and her stalwart son, Julian, were early in the cut room and when they had been shown to seats inside the attorney's rail, found themselves with in seven or eight feet of Hayward himself. Attorneys from many cities in the west constituted a large proportion of today's big assembly.

Senator Borah began by reviewing briefly the points made in the opening hour of his address to the jury last night. He said he would go briefly over the trail of blood laid by Harry Orchard, taking first the murder of governor Steunenberg, and harking back over some of the most important incidents, developed in the testimony.

"I hardly need tell you sensible men," declared the pleader, "that Pinkerton detectives had nothing to do with the assassination of Frank Steunenberg. That is a confession of his guilt. Pinkerton's absence is an absolute corroboration of Orchard's testimony."

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30th and 31st.

The disaster which befell the great lumber booms early on the morning of the 15th of June last, has been far-reaching in consequences. The immediate result was a scarcity of lumber, but one of the remote effects has been to delay the arrival in this city of large quantities of Alberta bluestone from the western lands and mine company's quarries up river.

Hon. W. F. Finlay, minister of agriculture of Alberta, leaves tomorrow for Medicine Hat. Mr. Finlay will spend two days at his home at Medicine Hat and will then leave with his family for Ireland. He will make one or two stops between Medicine Hat and the Atlantic, and will sail for Ireland on August 5th on the Empress of Ireland. Mr. Finlay will be absent for two months on private business.

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