

EMMERSON TESTIFIES

Opening of Criminal Libel Suit Against the Gleaner at Fredericton.

Ex-Minister of Railways Tells of Incident at St. Lawrence Hall, Montreal, Upon Which Alleged Libel Was Based.

(Special to The Daily News)
Ottawa, May 30.—Emmerson gave evidence in his own case at Fredericton today. He told about taking a trip from Montreal to Ottawa in 1906. He said he went to the St. Lawrence hall at 7:30 in the evening to look for Peters, a friend. Glancing over the register, he noticed the name of the wife of a constituent and her friend. He went to their room, and not having had supper, invited them out to a restaurant with him. They had their supper together at the Oxford restaurant, and he afterwards returned to the hotel with them. Their room was in the front of the hotel. His wife in the extreme rear. After bidding them good-bye he returned to his room and smoked a short time and then went to bed. He did not know how long he had been asleep before he heard a knock on the door, and, opening it, found the ladies there. He first dressed himself, and then admitted them. One was very much agitated, and stated that they had been insulted by a porter, and were bound to leave the hotel. He tried to quiet her, but did not meet with much success. Her lady friend, whom he had known since girlhood, was not anxious to leave at that hour. He inquired into the trouble and learned from the porters that there was no occasion for the ladies to leave. The porters partly apologized for the conduct of the other porter. He drove the ladies to another hotel, as they would not remain. Next morning he went to Ottawa with Lemieux and attended a cabinet meeting in the afternoon.

Emmerson said one of the ladies was a friend he had known since childhood. She was a woman of irreproachable character and moved in good society. The other lady he had casually met at Moncton with her friend. He had no idea that the libel referred to these women being of ill-repute. He was never ejected from a hotel in Montreal in his life. Mrs. Allen, of Moncton, whose father was a friend of the family, and Mrs. Bethune, of Lewis, were the two women who were registered at the St. Lawrence and whom he removed to the Albion hotel. Mrs. Allen's husband was a friend of his.

A collection is now being made towards the working expenses of the 20,000 club, so far with gratifying results. A meeting of the advertising committee was held last evening and a program was considered that, if carried out, must result in considerable benefit to the city and district. Whether the program can be adhered to depends entirely upon the response of the public to the appeal for funds.

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VOL. 6

EXHIBITION OF HORSES

First International Show Held in England a Big Success.

Hackney Stallion, Owned by Pabst of Milwaukee, Carries Off Sir John Kerr's Championship Gold Cup.

London, June 7.—The first international horse show held in England, in respect to those held in Montreal, was the exhibition of horses and ponies, which was opened at Olympia today and will last a week. The building was not large enough to house all the horses and ponies in the various classes and all the stabling in the neighborhood had to be utilized. The seating capacity also promised to be taxed to the utmost, and all the boxes were taken for the show.

The American horses received much attention, the Hackney stallion, owned by Pabst of Milwaukee, which was carried off by Sir John Kerr, the champion gold cup, presented by Sir John Kerr, for the best Hackney stallion in the show. This victory, by far the most important of the morning, was loudly applauded. The winner easily outclassed his competitors, among which were horses from England, Ireland, Holland and Belgium, many of them prize winners at continental shows.

In the afternoon Poetry of Motion, owned by Lawrence Jones of Louisville, Ky., took the first prize for ladies' hacks, not over 14.2 and not exceeding 15.2 hands, ridden by a lady, beat several entries by Alfred Vanderbilt and Walter Winans, an American resident of England.

DR. LAB: U'S RANCH SOLD

MOST IMPORTANT FRUIT LAND DEAL IS CLOSED

PRICE IS SAID TO APPROXIMATE \$50,000.

Probably the most important sale of fruit lands ever made in this city was finally closed out last night, the final incident being a champagne dinner at the Strathcona.

The property disposed of is Dr. Labau's well-known Cold Springs ranch, just west of Procter, and some 16 miles east of this city. The deal is said to have been brought about by several parties, but Mr. Gordon, an Englishman and a partner of the ranch, is said to have played an important part. The purchase of the property are understood to be Arthur B. Francis and R. Saville Francis, two Englishmen, who reached Nelson some little time ago by way of Edmonton, where they had stopped over to look over the country. Mr. Gordon is said to have a third interest with the Francis brothers. The consideration paid for the property, and indeed most of the facts connected with the deal, are withheld for the present, but it is clear that from \$70,000 to \$80,000 was the amount obtained. The documents were signed and the money paid over last evening and the new purchasers will take possession at once.

The Cold Springs ranch is the largest on the south side of the Arm, covering 600 acres and is one of the best improved of any in the vicinity of Nelson. It is understood that the purchasers will cultivate this land themselves and will grow fruit for the English market, which is today asking for more than this district can at present supply.

It was stated last night that another and still larger land deal was on the verge of consummation, but all details were withheld.

B. C. COPPER CO.'S SMELTER

Two Furnaces Blown In—Machinery for Sunset Mine.

(Special to The Daily News)
Greenwood, June 4.—Colgate Hoyt, the president of the B. C. Copper Company, Limited, owning the Mother Lode mine, in Deadwood camp, the Oro Duro mine, in Summit camp, and the sneller at Greenwood, came to town last evening on a special train from New York. He will spend a few days inspecting the properties of the company and will then return to New York.

The B. C. Copper Company blew in two of their furnaces at the smelter last evening about 6 o'clock.

The machinery at the Sunset mine is being placed in position as fast as possible. This is one of the mines belonging to the Dominion Copper Company, and which was shipping about 800 tons per week previous to the coal miners' walkout.

provincial force, who will act in that capacity until a suitable man can be secured by the city council.

The contractor for the installation of the new sewage system will begin operations Monday next and will be pushed with all speed, and it is hoped the work will be completed before September.

HENDERSON FOR THE YUKON

(Special to The Daily News)
Vancouver, June 7.—It was announced here today that ex-county court judge Henderson had received the proffer of the position of commissioner of the Yukon and that he had accepted the post. He leaves for Ottawa tomorrow to confer with the government.

Fowler, M.P., of King Albert, in an interview here stated that Emmerson was out of politics, no matter what the final result of the Gleaner libel suit might be. He also stated that two other cabinet ministers would resign as a result of the insurance commission enquiry.

NELSON'S NEWS OF THE DAY

Fred Irvine, George Johnstone and A. W. Dyer have on Monday night as by delegates to the Anglican synod meeting held this year at Vernon on the 12th and 13th inst.

At the mining recorder's office on June 3 a certificate of work was issued to R. Blundell on the Athlone. Henry Riser recorded the location of the Mackenzie creek, and C. Olson, the Gideon on Hall creek.

George Bourgeois has applied for a license for an hotel which he proposes to build at Crescent Valley, two miles northwest of Slocan Junction, on the S.O. river. The application will come before the commissioners on June 15.

The annual shareholders' meeting of the Yale-Kootenay Ice, Fruit, Fuel and Poultry Company, was held at the company's office here yesterday afternoon. Owing to the large expenditure made during the year an annual report was presented. The old board of directors was re-elected.

After 16 years residence here Al. Gray is leaving on Saturday for Hazelton, where he will set down as a fruit grower. Mrs. Gray will remain in Spokane until her husband gets a home ready. Mr. Gray says he is ready to leave Kootenay and only hopes to meet as good friends as his neighbors as he has whilst living here.

H. E. Douglas, local agent of the G.N.R. received word yesterday that the midnight train, carrying S. P. and N. going to the next Sunday, will be as follows: The train from the south will reach here at 1:55 a.m., and will leave here for Spokane at 12:30 a.m., arriving at that city at 4:25 p.m. on Sunday.

According to the Spokesman-Review Joe Carter will assume his new duties at Spokane today. He will be in charge of the Spokane-International and the C.P.R. on Monday next. The first through train from Spokane and St. Paul will start on June 17. Mr. Carter's new ticket office will be at the corner of Riverside and Stevens street, in "railroad row."

A local building boom is wanted. People desirous of taking up their residence here say that they cannot purchase or build a modern residence of the size required. There is a general inclination to come to this city for residential purposes, openly expressed by certain dwellers in more than one nearby town, if homes can be got this season.

The level of the lake is rising steadily but boatmen say that high water this season will cause no inconvenience along the coast and a rain, very well and required. There is a general inclination to come to this city for residential purposes, openly expressed by certain dwellers in more than one nearby town, if homes can be got this season.

A protest, as appended, has been signed by 37 residents of Erie and neighborhood and forwarded to the manager of the Spokane Falls and Northern railway company. "We, the undersigned, strongly protest against the proposed change of time in the passenger train service between Nelson and Spokane, as it will cause great inconvenience to the residents of Nelson and local stations and also loss of business."

N. Wolverton, father of A. N. Wolverton, real estate agent of this city, and formerly superintendent of the Dominion experimental farm at Brandon, arrived last night and will take up his residence here. His wife and the rest of the family coming here in the fall. Mr. Wolverton has already acquired a residence on Carbonate street. Mr. Wolverton is a welcome addition to the ranks of local residents.

At the mining recorder's office on June 4, certificates of work were issued to W. Walde on the Bullion; to Alex Long on the Copper Butte; to John F. Harbottle on the Heena, and to Archie McDougall on the Republic, Meadow Lark and Empire, the last two to apply on the R. Pacific. Martha Davis recorded the location of the Homestake on the south fork of the Salmon river, and W. Connolly the Last Chance, also on the south fork of the Salmon.

PERNIE'S CHIEF OF POLICE

Fernie, June 7.—For some weeks this city has been without the services of a chief of police, owing to the resignation of chief Walker. The position, however, has been filled temporarily by the appointment of A. Sampson, of the local

ADD TO ORCHARD'S RECORD OF CRIME

Cross-Examination Elicits Confession That He was a Confirmed Gambler, a Bigamist, a Thief and a Liar—He Married Widow With Three Children in 1903 at Cripple Creek and Deserted Her—Entered Into Employ of Mine Owners' Detectives After Vindicator Affair.

Boise, Idaho, June 7.—Counsel for William D. Hayward continued their attack on the testimony of Harry Orchard at both sessions of the trial today. They made their strongest assault on the witness in connection with the events beginning with the explosion at the Vindicator mine and ending with the earlier meetings between him and the leaders of the Western Federation of Miners in Denver. To the extent of the "other side" in the case, a labor and capital in Colorado was developed the fact that Orchard testified the employment of D. C. Scott, who had charge of the railway detectives in the employ of the Western Association of Mine Owners, and that Scott paid his expenses and accompanied him to Denver on the trip when he first met Moyer and Hayward. He said that he had agreed to report to him and never did report.

The defense also tried to show that because he stood with the mine owners Orchard was never molested in Cripple Creek by the militia during the strike. Orchard admitted that Scott had told him that if the militia interfered with him he was to send for him, and that the militia did not interfere with him or search his house.

Orchard said he went to Scott first because he had not been paid for his work at the Vindicator mine and he was jealous because he was given a job like the Vindicator mine job, whereas other men were assigned the simple job of train wrecking by displacing rails. Crimes great and small were added to Orchard's record today. The Cripple Creek woman with whom he had committed bigamy had three sons, Orchard stole high-grade ore from a messmate; he stole two cases of powder from the Vindicator mine; he stole a watch from a miner; he was given a bomb thrown into the Vindicator coal pile, and he lied.

The defense endeavored in various ways to throw doubt and improbabilities around Orchard's whole Vindicator story and the alleged connection of W. F. Davis and William Easterly with the affair and the circumstances under which Orchard testified that he met Moyer and Hayward and was paid for the commission of the crime. It also tried to discredit Orchard's story that he was sent back to Cripple Creek with unlimited orders to commit any act of violence that he cared to. They contended that he was sent back to the mine to work for the contractor, and that he was not to be molested by the militia.

Several times during the day they peevish the way for the contravention of his testimony on material points. Orchard stood the test and was very well and required. There is a general inclination to come to this city for residential purposes, openly expressed by certain dwellers in more than one nearby town, if homes can be got this season.

Richardson, questioning the witness, made it very clear that he was an enemy straight-forward arrangement, free from any fake.

Counsel for the state started up several times during the day and in the afternoon. He asked Orchard to state his passage at arms. Orchard told a falsehood when he intimated that Orchard was a fixed witness.

The trial will go on tomorrow and the cross-examination of Orchard, who has been on the stand for three days, will be concluded.

(Special to The Daily News)

Boise, Idaho, June 7.—The cross-examination of Harry Orchard was continued today by E. P. Richardson. The story told on direct examination was followed down to the time that Orchard went to Ouray with Moyer as bodyguard in 1904, some time after the Vindicator explosion. Both sides seem well satisfied with the result of the day's work. In some matters the witness was a little confused, but he stuck to his story very closely. In a general way the story told in response to Richardson's questions was to add to the bad record of the witness. Along these lines a great deal was brought out. Orchard admitted he gambled a great deal when he was at work for wages and generally went back to work a few days in town without a dollar. He admitted marrying at Victor, though he had one wife living.

The principal feature of the day was the amplification of his story of having a train at Cripple Creek, and the story followed on in a narrative of his having taken money from the detectives to get information for them on other matters. He declared he did not divulge any

thing to them excepting that train plot. Orchard denied any knowledge of the plot having been hatched by detectives to prejudice the miners. He narrated that W. B. Easterly and Owen Barnes had helped him plan some of the outrages committed by him. One of the men was asked to stand up in court and was identified by Orchard. During the day the witness complained that Richardson did not give him an opportunity to answer, and Richardson was admonished by the court to give him time. The examination today began where it left off last evening, covering the Cour d'Alene affair in 1899.

Richardson asked Orchard if he was not true that he had to give up the mine road at Burke because he gambled his capital away.

Orchard admitted that he had gambled a great deal, but declared he was not a professional gambler.

Richardson then reverted to the raid on the Bunker Hill and Sullivan mine mill. He took the prisoner over the trip from Burke as he told about it on direct examination. He asked the witness to tell on what part of the trip he rode. Orchard said he was in a passenger coach.

In answers to Richardson he named four or five men who were near him in the coach.

When the stop was made to get powder at the "Frisco mill, Orchard could not name any of the men who went with him. He was asked to give the names of several who remained on the train with him. Orchard said when he left the depot at Wardner he helped to carry the powder toward the mill. There were five or six men in the train. He named any of the men in that crowd of 50 or 60?

"Peterson was one."

"Anyone else?"

"I don't think I could name any of the men."

"Only one man out of 50 or 60?"

"Peterson is the only one I remember. He was by my side helping me with some powder."

Orchard said he had worked as a miner in Salt Lake, had mined in Utah, Nevada and Arizona, and spent one winter getting out wood in California.

"How much of that three years did you actually do physical labor?"

"I think," was the reply, "that I worked on an average of 10 or 11 months out of each year."

Richardson asked questions regarding the money earned. He learned that Orchard said he had beat his way from Colorado to Butte, Montana. While in Butte he had gambled and had not lost much, if any.

Hawley objected to this question, but Orchard overruled the objection. Orchard replied that, often he lost.

Orchard said he arrived in Colorado just after the 4th of July in 1902. He said he went back to get to work. There was a trouble in Cripple Creek and he got there. After being at work for about two weeks, Orchard said the net for the first time the only man he knew, W. F. Davis, had come to the mine to get him to join the union. Up to this time he had not got acquainted with either Moyer, Pettibone, Hayward or Steve Adams. He knew Moyer and Hayward were of floors.

"You said on direct examination that for a while after the strike you were high-grading at the Vindicator."

"Yes sir."

"That means you were an ore thief?"

"You can call it what you wish; I took the ore."

"And sold it?"

"Yes."

Orchard said that while working for the Vindicator mine, and after he quit, he was often short of money. He said he was high-grading about \$150 worth of ore altogether.

While in the Vindicator "high-grading," Orchard said he found that a carload of powder was secreted in the chard was often short of the powder. He told Davis that he had a five min \$200 to blow up the powder, and would get Campbell to help him.

"How many men did you expect to kill by blowing up that powder?"

"We figured it would kill every man in the mine."

"How many would that be?"

"Possibly fifty; perhaps more."

"And you were expecting to kill fifty men for \$200?"

"Yes."

"Do you figure the job of killing those men worth about \$4 a head?"

Inquired Richardson.

Hawley objected to the question as out of form and the objection was sustained.

They failed to find the powder.

At about this time Charles Moyer made a speech at Clinical park. Hayward was there. Both spoke. Orchard heard the speeches. He said both men cautioned the strikers against disorder and violence; that violence would hurt the strikers and do more harm than the

mine owners. Sherman Parker, Orchard said, suggested the method of using a gun and giant caps to blow up the mine. He said they went up on Bull hill to experiment with giant caps and a dynamite.

"You went up on an eminence from which the whole town could see you, to experiment?" asked Richardson.

"No sir," replied Orchard.

"We were where no one could see us. Easterly took us to an old blacksmith shop located on a ridge on Bull hill; we were out of sight."

Orchard said in November that he and Easterly made the experiments. He said Easterly knew all about the experiments.

"Why did not Easterly go into the mine to help arrange for the explosion to set this death trap?" asked Richardson.

"He would not do so," was the reply. "He said he could not afford to take the chance, being an officer of the union."

Orchard testified on direct examination that he went down the Nellie shaft to set the Vindicator bomb.

Richardson asked him today if he did not know that the entrance was bulkheaded. He said he was mistaken; that he went down shaft No. 11. Richardson asked if McFarland had not posted him on that point. He said no, but he admitted he had talked with McFarland ten minutes since testifying.

Orchard said he married a widow by the name of Mrs. Toney in June, 1902. She lived at Altman. He lived there with her three children. He had married as Harry Orchard. He moved into her house to live. It was 500 yards from the Vindicator property. It was up the hill from shaft No. 11. He lived with Mrs. Toney the rest of the time he was in the district and left her when he went away. Orchard said that when he set the bomb in the Vindicator mine he was broke. After the explosion, when McCormick and Beck had been killed, he went and asked Davis and Parker for the money, but they stood him off for the time being. He was to get \$200.

"And that made you pretty mad, I suppose?"

"Well, I thought I had some coming; I needed it. Yes, I felt sore. I did not take any chance. I rustled the powder for the job and furnished my own gun."

"Then it was that you went and told D. C. Scott of the plot to wreck the train?"

"Were you sore because you had not been employed to wreck the train?"

"Yes," was the answer. "I think I was somewhat jealous. I needed the money."

"You thought you should have been the one that should have had the train-wrecking job?" asked Richardson.

"I felt that way about it," was the reply. "I was mad and sore because after I had done one job for them for rather small pay they went and hired somebody else to do a less dangerous job for considerably more pay. I was broke and they kept putting me off. I was kind of provoked and made up my mind I'd tell the railway officials."

"Don't you know that the Vindicator explosion occurred on the 21st of November, and the first attempt to wreck the train occurred on the 14th, a week previous to that?" asked Richardson.

"I do not remember the date," replied Orchard.

Orchard said he went to Denver with D. C. Scott, a railway detective and who worked with detective Sterling, who was employed by the mine owners' association. Scott, he said, paid his transportation to Denver.

"You constantly visited Scott and Sterling in those days?"

"No sir."

"You reported to them regularly?"

"No sir."

Orchard denied that he had told Scott and Sterling he would go to Denver and get information against Moyer and Hayward. But he said he told K. C. Sterling he would try and find out some things about Easterly.

"I really wanted to go to Denver to see Easterly, to see if he could get me some money from Moyer or Hayward," said Orchard.

"Did you not try to avoid letting the miners know you were with Scott a great deal?"

"Yes, I didn't care to have them see me, but I told Parker and Davis, after they got out of jail, that I had worked Scott to get to Denver."

"Did you lie to Scott when you promised to get all kinds of information for them?"

"Yes sir, I did."

He said Hayward and Moyer told him that Easterly had gone to Pueblo. He said he was there at the Federation headquarters about 20 minutes, and had not asked for money at that time.

"I did not want any money just then. They offered me some before I left, though."

"They did?"

"Yes, they did. Moyer told me to hang around a few days and then I could have some. I told him I would possibly need some before I went away

from the city. Either on that visit or the next visit Moyer paid me \$20. He gave it to me in one bill."

"How much of Scott's money did you have?"

"Not much; I had a few dollars."

Orchard said that before he left Denver, in the presence of Easterly and Moyer, Hayward paid him \$280, making \$300 with the \$20 Moyer had paid him. Richardson tried to get Orchard to confess that after he got back to Cripple Creek he saw Scott and told him all that had transpired in Denver, but he did not succeed in getting such an admission. Orchard said he saw Scott and told him some things just to satisfy him. Neither Scott nor Sterling ever paid him any money after that.

In regard to conversations with Hayward and Moyer as to what he should do when he got back to Cripple Creek, Orchard said in answer to a question from Richardson:

"Haywood told me that when I got back to Cripple Creek to tear things up all I pleased. I could not, he said, make things too hot to suit him. He said that some plan to kill all of the soldiers would be particularly agreeable to him."

"Who heard Haywood say this?" demanded the attorney, savagely.

"Moyer was there and so was Mr. Easterly," replied Orchard.

Orchard told of Moyer having given him \$100 at one time while on a visit to Cripple Creek. He said Moyer handed him a \$100 bill on the way to the depot.

Richardson then reverted back to the Denver conversation. Orchard said in the daytime he attended the convention. On one evening at least the Federation offices were open, and he was up there.

There he met Hayward, Moyer, Pettibone and quite a number of delegates to the convention. They talked politics and acts of violence were discussed.

"On another occasion I met Moyer and Pettibone and Moyer wanted me to go down to Pettibone's store and get some Pettibone dogs. He then told me about the stuff and how he mixed it up. Later I went over and got several caps of it, enough to make four gallons."

"I took it to Cripple Creek to throw into cars filled with scabs. I buried the stuff in the yard near my house. I never used it."

"You left it there?"

"Yes."

"Is it there yet?"

"I don't think it is."

"You told McFarland all about it, I suppose, and he went down and dug up the stuff?"

"I understand that he did."

Richardson then took up the trip Orchard took to Ouray with Moyer, and the bodyguard. Richardson asked a lot of questions regarding the two sawed-off shotguns Orchard claimed Moyer and himself took on the trip to Ouray. Orchard finally said he brought the guns back to Denver and left them at the Federation headquarters.

"You testified yesterday that you got one of these same guns and took it out and killed Lyte Gregory with it?" asked Richardson.

"I think it was one of the same guns," was the reply.

"As a matter of fact, do you know that you never saw those guns again?" queried Richardson. "Moyer right now has one of those guns. Yes, he has both of them."

Orchard thought a moment and finally answered: "I am not certain that they are the same guns that I afterwards shot; they looked alike. I always supposed that they were the same. They had three or four sawed-off shotguns about headquarters."

"But you testified yesterday that they were the same guns," suggested the defense.

"I may have said so," replied Orchard.

"I am not sure, I supposed they were the same guns, but I may have been mistaken."

Court then adjourned.

that Horsley has a married sister living there.

"Even as a boy," said a resident of Brighton, "H

