HAYWOOD WILL RETURN TO HIS WORK IN DENVER

(Continued From Page One.)

About 8:30 Sunday morning, William D. Haywood, secretary-treasurer of the Western Federation of Miners, walked out of the court room in Boise, a free man, acquitted of any complicity in the murder of ex-Governor Frank Steunenberg, and the long dreary trial was at an end.

After Judge Wood delivered his instructions to the jury Saturday, there began to be a sentiment that the jurors would not agree, and there was little hope in the minds of most Boise people for a verdict. The announcement that the agreement had been reached after 21 hours of struggling in the jury room, came as a surprise.

It was after the jury had been out for twenty-one hours that the jurors who had been divided at eight to four, and then seemed deadlocked at ten to two, finally came to an agreement shortly after the first faint streaks of the coming day showed gray above the hills which wall Boise to the north and east. The weary old bailiff who had kept an all night vigil before the door of the jury room was startled into action by an imperative knock. Events moved rapidly enough after this, and when at last the principal actors in the trial had been gathered into the court room a few moments before 8 o'clock Sunday morning the white envelope handed by the foreman to the judge was torn open and the verdict read.

It came as an electric thrill to the prisoner, to his counsel, to the attorneys for the state and to the small group of heavy-eyed newspaper men and court officials who had been summoned from beds but lately sought or from offices where sleepless waiting had marked the night.

Prisoner Weeps for Joy.

Tears welled to the eyes of the man who, during the eighty days of his trial had sat with stolid indifference written upon his every feature—at last the icy armor he had thrown about himself with the first day of jury selection had been pierced and whatever pent up feeling had been contained within was loosed. Haywood's attorneys were fairly lifted from their seats and Judge Wood made no effort to restrain them as they surrounded him to shake his hands and shout aloud their congratulations. James H. Hawley, leading counsel for the state, and O. M. Vanduya, the prosecuting attorney of the county, in which former Governor Steunenberg was assassinated, sat gloomy and unspeaking in their places. Senator Borah, who made the closing plea for conviction, was not present. Of the prisoner's counsel, those in the court room were Clarence Darrow of Chicago, E. F. Richardson of Denver, and John F. Nugent of Boise. The absentees from the defendant's table included Edgar Wilson, the former law partner of Judge Wood, who presided at the trial.

No member of the prisoner's family nor any of his friends among the socialistic writers and the so-called "labor jury," who have been attending the trial, was in the court room at the early hour the verdict was returned. The spectators benches were empty but in the doorway stood Governor Frank Gooding, who had taken an active part in pressing the prosecution of Haywood and his associates. There was no demonstration other than that made by the attorneys for the defense and the court proceedings were over, the prisoner had been discharged and the jury dismissed for the term in less than three minutes' time.

Verdict Surprise in Boise.

The news of the verdict was received reluctantly in Boise. Extra editions of the papers carried the tidings far and wide and during the day there was considerable discussion in clubs, cafes, hotel lobbies and upon the street corners. The surprise which had been so manifest in the court room was prevalent everywhere. The long time the jury was out had conveyed the general impression that there could be no other outcome than a disagreement. The rumors which spread so rapidly and frequently throughout the night and which were as unreliable as such rumors always are, were to the effect that a majority of the jurors had voted for conviction. Some were even so radical as to say that the only difference of opinions existing in the jury was as to the degree of guilt. The apprehension of disagreement spread even to members of the defendant's counsel, and when to this feeling were added the rumors of an adverse decision which continually beat about the ears during the night there could be found none to doubt the genuineness of their joy as the verdict was read.

First Thought of Mother.

Clarence Darrow of Chicago, who had made a plea describing the case as "class against class," had entered the court room with the mood of his speech still on him, but as Haywood was freed and the jury was passing out, he vied with the other members of counsel and with the prisoner himself in thanking with many evidences of sincerity the twelve citizens of Idaho who had heard the evidence and rendered their unalterable opinion. Mr. Richardson, too, hastened to dictate a statement in which he declared that his client had been given an absolutely fair and impartial trial, and that Idaho had indeed reason to be proud of herself.

Haywood's first thought was of his aged mother, who on Saturday had suffered a complete nervous breakdown after the jury had retired. Leaving the court room in company with Attorney Nugent, he walked down to the jail portion of the building, shaking hands as he went with guards, employes and friends who had arrived on the scene. He bade farewell to Moyer, who when he heard the verdict, said:

"That's good," and never stopped shaking, and to Pettibone, whom Darrow described to the jury as a "sort of 'Happy Hooligan,' and who called, "give my regards to Broadway." Then Haywood walked to St. Luke's hospital and unannounced rushed into his mother's rom. So great was the tonic upon the elderly lady that night she was up and happy. Next Haywood went to the little cottage where his wife and daughter have been stopping. He had parted with Attorney Nugent at the hospital gate and left alone in Boise, got all but lost and had to inquire his way from a passerby. Once home, Haywood said:

"I want to thank the people of Boise for their kindness to my wife, my mother, my family and my friends.' There has been widespread sympathy here for Mrs. Carruthers, the prisoner's mother. Senator Borah, for instance, when first apprised of the verdict, said: "I feel glad for Haywood's mother."

Instructions Freed Prisoner.

Inquiry among the jurors after their dismissal revealed some of the elements entering into their decision. Samuel D. Gilman, the last man to be won over to the defense, declared that a majority of the men seemed convinced that the general tone of the court's instructions indicated that the defendant should be freed. Findley McBean, who voted consistently for acquittal from the first, declared that the judge's instructions seemed to settle all doubt as to the course he should take.

Juror Charles Robertson, the good natured Scotchman at whose house here in Boise Governor Steunenberg boarded for more than two years, said: "I couldn't reconcile myself to voting any other way than with the defense from the very first and I think that under the law and the evidence there was nothing else for us to do. The last fellow who held out against acquittal belongs to the fraternal organization that I do. There was some talk of a compromise on the second degree verdict, but I couldn't stand for that—it either had to be acquittal or I would have stayed there forever."

Juror Samuel F. Russell, the senior member of the panel, said: "There was nothing against Haywood but suspicion and inference and when we came to dovetail the evidence in the jury room it didn't seem somehow to fit."

Samuel D. Gilman, juror No. 3, said:

"I cannot point out any particular instruction that seemed to decide the boys on a verdict of not guilty. I do not think there was any particular instruction they debated over. I believe it was the instructions generally. They couldn't seem to make head nor tail to them but were convinced that the general tone indicated that the defendant should be freed. Some of them seemed to think that the instructions were very strong regarding corroborative testimony and some said they could not be clear as to the reasonable doubt."

Orchard's Testimony Disbelieved.

There are many in Boise who incline to the opinion that a controlling influence with the jury was their disbelief of Orchard's testimony. Haywood's counsel in all of their arguments heaped abuse upon Orchard and told of the general contempt in which all classes held such a man as he. The attorneys played on the probability that Orchard had been promised immunity by some one connected with the prosecution and called attention to the fact that he had been treated with the greatest of consideration by the penitentiary authorities since his confession was made to a Pinkerton detective. Judge Wood in his charge ordered the jury to view Orchard's testimony with great caution and as a test of the corroborative evidence suggested that the story told by Orchard be laid aside and the remainder of the evidence viewed in that light. It was necessary, he added, that the corroborative evidence should prove every point.

In the days of jury selection a vein of prejudice against Orchard was uncovered unexpectedly when the trial panel was more than half completed. One of the proposed jurymen volunteered as an excuse the information that he would not, could not believe Orchard under any circumstances. This was a cause for his removal and thereafter the attorneys for the state inquired carefully into the matter of antipathy to a confessing witness.

The Ballots.

When the jurors retired Saturday morning shortly after 11 o'clock they proceeded to the election of a foreman, Thomas B. Gass, No. 1, being selected. Then came the first formal ballot, which resulted:

Not guilty, 8.
Guilty, 2.
Blank, 2.

The blank ballots were cast by Foreman Gass and A. P. Burns, both farmers. The second vote was 9 to 3, Gass going over to the majority.

Then Burns joined in, making it 10 to 2. Here the jury remained at a deadlock for twelve hours, the two men insisting upon conviction in some degree being Thomas Powell and Samuel Gilman, ranchers. The jurors in favor of acquittal took turns in arguing with the recalcitrants.

Once during the long debate as the doors of the jury room stood open, Mr. Powell could be seen seated at the table, poring over a copy of Judge Wood's instructions. At 3:30 a. m. he succumbed and then all the jurymen turned in for a nap. It was a little after 6 o'clock Sunday morning when Juror Gilman was aroused with the announcement that another vote was about to be taken. "Well," he said, "if anybody would stay with me, I would stay here as long as the rest of you, but as I am alone I will fall in with your wishes."

The vote was cast and William D. Haywood was declared acquitted of all complicity in the death of former Governor Steunenberg.

Jury Comes In.

Judge Wood was telephoned for at 7:10 a. m., and arrived at the court house twenty minutes later. The attorneys for the defense and prosecution were slower and did not arrive until just before 8 o'clock, Mr. Darrow being the first. Haywood entered court at 7:45, and smiled his customary greetings to counsel and newspapermen. Asked as to how he felt, he declared: "Very well indeed."

He had laid down most of the night and had had some sleep. Judge Wood took his place on the bench at 7:54 o'clock and four minutes later the tired, bedraggled, worn-out jurors filed in. Haywood sat with his right elbow hung over the back of his armchair—a choice attitude. As the clerk began to call the roll the silence in the big court room was painful. The tick of the clock on the wall sounded like blows from a sledge.

Then came the voice of Judge Wood asking:

"Gentlemen of the jury, have you agreed upon a verdict?"

Haywood turned his single eye upon the twelve men.

"We have," came the response from Foreman Gess, who handed a plain white, official size envelope to the court.

Judge Wood delved into the envelope, hesitated, looked again, and then in amazement said:

"There is nothing in here."

"There's the right envelope in your pocket," said Juror Russell to the foreman.

The Formal Verdict.

The foreman was palpably nervous and this added materially to the strain felt by all in the court room. The second envelope was handed up. Judge Wood glanced at it and tossed the paper to the clerk, who read:

"State of Idaho against William D. Haywood: We, the jury, in the above entitled cause, find the defendant, William D. Haywood, not guilty. Thomas B. Gass, Foreman."

Then the congratulations in the midst of which Judge Wood said:

"The defendant will be discharged and the jury dismissed for the term."

Attorney Richardson was on his feet.

"Would your honor permit," he began, but left the sentence unfinished. It was announced later that Haywood had desired to make a speech to the jurors but had finally contended himself with expressing his thoughts personally to each one.

Haywood Thanks the Jurors.

"And if any of you ever come to Denver," he said to them as they were leaving the court room, "you will always find a welcome at the Haywood home."

Haywood received scores of telegrams of congratulations during the day from all sections of the country. Many were from individuals and many more from labor and socialist organizations.

Eugene V. Debs was among the first to send greetings.

Last night Haywood issued the following statement:

"I appreciate the support of the working class extended to us by working men through the country. I hope to be able during the coming year to personally express that appreciation.

Haywood Going Back to Denver.

"I have no feeling nor ill will toward any person; I am charitable towards all. My intention is to go back to Denver and take up my work where I left it off when I was placed under arrest.

"I do appreciate the kindness and consideration with which my family has been treated by the people of Boise.

"I do appreciate, and in so stating, express the sentiments of my companions in jail, the courtesies extended to us by Sheriff Hodgins, former Sheriff Mosely and his deputies.

"As to the outcome of the trial, I have never had any fear, and would have expressed yesterday the same belief I expressed when first arrested, that is, that with a fair trial and an impartial jury the verdict would be such as has been given to the country.

"Senator Borah treated me most fairly and I appreciate it.

"Judge Wood was eminently fair to me and I have extended to him my thanks for his treatment of me during the ordeal of this trial.

"I do not in any way blame Governor Gooding for the position he took.

"In closing I wish to express appreciation of the wonderful support given me by the presence during the trial in the court room of the representatives of labor, industrial and political organizations."

Clarence Darrow, of Chicago, whose argument to the jury was largely a special plea for labor and an attack on the methods of the state and of counsel, said:

"The trial has been fair, the judge impartial and counsel considerate. We have no complaint to make. I do not desire to be understood as wishing to reflect on the integrity of the state or the people of Idaho. Had I been governor at the time Steunenberg was murdered, and had the evidence been brought to me that was brought to the governor of this state, I would have done probably just what Governor Gooding has done. Senator Borah has conducted his part of the case with marked fairness and with ability unsurpassed by counsel in any great murder trial in this country. I am naturally glad that Haywood has been acquitted, and I am glad that the cause of labor has been advanced."

James H. Hawley, leading counsel for the state, left last night for the west, under secret orders. Immediately after the verdict was rendered he went to his home. He would not make a statement.

Borah Has No Comment.

Senator Borah said:

"I have no comment to make other than that twelve good men and true of the state of Idaho have passed upon the case, and that disposes of it so far as the state of Idaho and Haywood are concerned. The prosecution of the other men indicted will be pushed vigorously and without any reference to the Haywood trial."

E. F. Richardson, one of Haywood's leading counsel, said:

"We have had a fair trial. We have had an impartial and conscientious jury and impartial and conscientious judge. We had the most vigorous and effective counsel opposed to us that it has ever been my fortune to meet. They have at all times been fair. The defendant has no complaint to make, nor have his counsel. Idaho has covered herself with glory."

Federation Counsel Dying.

John Murphy, general counsel for the Western Federation of Miners, who, in spite of the fact that he is wasted to a skeleton by consumption, has almost daily accupied a place at the defense table throughout the trial, was unable to be present at the closing argument or scenes. He is now dying in the hospital here. Haywood called upon him early today and the scene between the two is said to have been most affecting. Haywood lifted the slight form of the dying man in his arms and Murphy is quoted as saying between stifled gasps: "Bill, in this hour of your great triumph be humble and thankful."

Murphy is not expected to live many days.

Governor Gooding said:

Verdict Disappointed Governor.

"The verdict is a great surprise to me and I believe to all citizens of Idaho who have heard or read the evidence in the case.

"I have done my duty and my conscience is clear. As long as God gives me strength I shall continue my efforts for government by law and for organized society.

"The state will continue a vigorous prosecution of Moyer and Pettibone and Adams and of Simpkins when apprehended. There will be neither hesitation nor retreat."

Application will be made to Judge Wood tomorrow morning to admit Moyer and Pettibone to bail, and it was said tonight that in the case of Moyer, the state is admitted to have its weakest case, a favorable consideration would not be unexpected.

Orchard Ready for Death.

Not the least interesting of the comments made upon the verdict today was that of Harry Orchard, the self-confessed murderer of Governor Steunenberg and the witness upon whom the state chiefly relied to prove its claim of a sinister conspiracy against the Western Federation of Miners. When told at the state penitentiary that Haywood had been acquitted Orchard said:

"Well, I have done my duty. I have told the truth. I could do no more. I am ready to take any punishment that may be meted out to me for the crime and the sooner the better."

Only Verdict Possible.

Washington, D. C., July 29.—President Gompers, of the American Federation of Labor, in an interview regarding the outcome of the Haywood trial at Boise, declared that no honest American jury could have brought in any other verdict. Mr. Gompers said:

"It was inconceivable that an honest American would have brought any other verdict than was rendered by the Boise jury, acquitting William D. Haywood. That he was innocent of the crime charged against him, the murder of Governor Steunenberg, was absolutely certain from the beginning, when the charge was brought against him and his associates. Even if Haywood, Moyer and Pettibone had cause to feel resentment against Governor Steunenberg during his administration, at the time of his being killed and for many years before, he was in no way in a position to interfere with the work of the Western Federation of Miners; he was removed from the field of opposition to the miners' organization. The organization, as a matter of necessity, was compelled to deal with new conditions, with new men and with new opponents, and could not have the time, much less the inclination or motive to wreak a murderous revenge upon one who was no longer in their path. There was no motive and no purpose for Haywood to kill or to conspire to have killed Governor Steunenberg."

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Seven misdemeanor prisoners escaped from the county jail at Solomonville, Ariz., Saturday night and so far none of them have been recaptured. The break was made through the ceiling of the large cell where sixteen men were confined, which gave access to the roof of the courthouse by way of a cupola. A hole scarcely eight inches wide and about fourteen inches long was cut in the ceiling with a pocket knife or razor and through it the seven men squeezed themselves to liberty. In order to reach the ceiling, which is eighteen feet from the floor, the men improvised a ladder from their blankets.

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Sunday, at noon, at his home on the Sweetwater, fifteen miles southwest of Springer, N. M., Teodorio Casias was instantly killed by lightning. He had only been home a little while from Cimarron and was standing outside of the door of his residence looking up at the clouds which were threatening rain, when a bolt of lightning descended, killing him instantly. The unfortunate man was 26 years of age, leaving a young wife, father and mother and several brothers and sisters to mourn his untimely death. He was a son of Victorio Casias.

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Sylvester Aronez, a Mexican miner employed at the mines of the New England and Clifton camp, near Clifton, Ariz., drilled into a missed shot Sunday afternoon. An explosion took place and Sylvester was badly mangled, death relieving his sufferings at 5 o'clock in the evening. He was 25 years of age, and had been in the employ of the company a short time.

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