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WITNESSES APPEAR FOR HAYWOOD

Testify Orchard Had Grudge Against Steunenberg

Defense Offers Much Testimony for Prisoner

Loss of Interest in Hercules Mine Said to Have Influenced Slayer to Take Life of Former Governor

By Associated Press. BOISE, Idaho, June 25.—The first direct testimony in defense of William D. Haywood was offered today and it was chiefly directed toward showing that Harry Orchard, blaming Frank Steunenberg for the loss of his interest in the Hercules mine, had threatened to have revenge by killing him, and that the conduct of Orchard and K. C. Sterling, both before the independence explosion, when they were frequently seen together, and afterward, when Sterling called off a bloodhound that was following Orchard's trail, justified the inference that the mine owners inspired the crime.

The calling of the first witness for the defense was preceded by a further examination of Orchard to permit the defense to complete its formal impeachment questions. These questions were merely all in connection with the claim that Orchard killed Steunenberg because of an alleged grudge growing out of the sale of his interest in the Hercules mine.

Orchard, who came into court under protection of the same flying squadron of guards which always acts as his escort, maintained his own calmness of manner and spoke in the same low pitched soft tone. He again denied that he ever threatened to kill Steunenberg because of the Hercules mines, and again asserted that he sold his interest in the mine before the trouble that drove him out of northern Idaho.

Two witnesses called later in the day swore that Orchard did threaten to kill Steunenberg because of the Hercules matter, and the defense has prepared the way for such testimony from a dozen more witnesses. The first heard today were F. R. Reid, vice of Cripple Creek and now of Goldfield, Nev., and the other Charles A. Sullivan, formerly of Cripple Creek and now a watchman in the Brown Palace hotel in Denver.

Tells of Threats

Reid said he heard Orchard make the statement and threat in the miners' hall in Cripple Creek, and Sullivan swore that while he and Orchard were fellow boarders at John Neville's place in Cripple Creek Orchard repeatedly said that but for Steunenberg he would be a rich man, and he intended to kill him. The cross examination showed that both were members of the Western Federation of Miners and that Sullivan was a friend of Haywood, Moyer and many of the union leaders at Cripple Creek.

Dr. L. L. McGe, a mining broker of the Coeur d'Alene, another impeaching witness, swore that Orchard told him in 1904 at Wallace, Idaho, that he was a "spotter" for a detective agency. Orchard denied this conversation, denied that he was in Idaho at any time in 1904.

Several witnesses, principally women who kept lodging houses at Cripple Creek, located Orchard at various conferences with Sterling, the detective for the mine owners' association prior to the independence explosion, and there was a further showing as to meetings between Orchard and D. C. Scott, the detective for the Florence and Cripple Creek railway. Another witness told of the effort to locate the guilty of the independence station outrage by starting a bloodhound from the scene of the mine explosion. He said the dog took the road to Colorado Springs, the one over which Orchard fled in the night, and that when he reported to Sterling he got orders to call the dog off. Sterling said he knew who blew up the station, and later said that Steve Adams had done so.

The state fought the admission of the bloodhound story and also opposed the admission of evidence covering the general features of the Colorado labor war, but in both instances the court ruled with the defense.

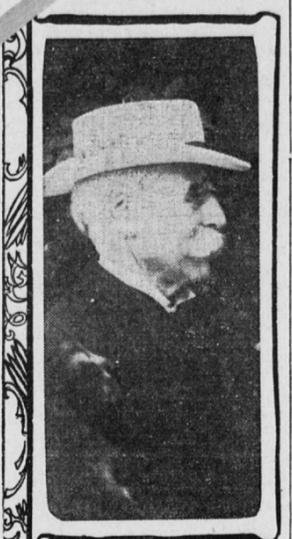
SCHOONER DRIFTS OUT THROUGH GOLDEN GATE

By Associated Press. SAN FRANCISCO, June 25.—The schooner C. T. Hill, which arrived here on Sunday with a cargo of lumber from the Coquille river, broke from her anchorage last night while Captain Erickson and part of the crew were ashore. She drifted through the Golden Gate, without mishap, and was sighted off the Farallones this morning by the merchants exchange marine observer, and a tug was sent to tow her back to port.

Anniversary of White's Murder

By Associated Press. NEW YORK, June 25.—It will be a year tonight since Harry Kendall Thaw shot and instantly killed Stanford White, the architect, on the Madison Square roof garden, during the initial performance of the musical comedy "Mam'selle Champagne."

TEMPERANCE MAN BETTER



FRANCIS MURPHY

FRANCIS MURPHY IS IMPROVING

Noted Temperance Worker Better, but Still in Dangerous Condition—Operation Postponed on Account of Weakness

Francis Murphy, the famous worker in the cause of temperance, who is seriously ill with diabetes at the home of his daughter, Mrs. Wayland Trask, 1829 St. Andrews place, rested well last night and is reported as considerably improved, though by no means out of danger. Dr. J. J. Still left his patient at 8:30 p. m. much encouraged and the improvement noted at that time continued.

Edward Murphy, lieutenant governor of Pennsylvania, and a son of one sick man, left his home yesterday for Los Angeles and is expected to reach here Saturday.

The operation which Drs. Still and Davison had expected to perform has been postponed, owing to the weakened condition of the patient, which would, it is thought, have rendered operating hopeless.

PLAN TO OUST PRISON WARDEN

Edgar of San Quentin Slated to Go, According to Report in Sacramento—Director Felton Resigns

By Associated Press. SACRAMENTO, June 25.—The Bee today says it has private advices that the board of prison directors has asked for the resignation of Warden Edgar of San Quentin to take effect July 1. John E. Hoyle of Shasta county, now a clerk at the prison and formerly chairman of the Shasta county Republican central committee, has been elected his successor.

Warden Yell of Folsom is not to be disturbed at present. Director Felton was selected to secure the resignation of Edgar. Director Felton has sent in his resignation to Governor Gillet to take effect July 1. A letter from Felton was received at the executive's office this morning announcing the decision of the director.

This news, following as it does the report that Felton was chosen by his fellow members of the board to ask for the resignation of Warden Edgar of San Quentin, is considered significant. It is known Felton and Edgar are old friends and it is declared that Felton prefers resigning to requesting Edgar to resign.

SOCIAL REVOLUTIONISTS BLAME CZAR NICHOLAS

By Associated Press. ST. PETERSBURG, June 25.—The Social Revolutionist and Group of Toil members of the late parliament, numbering 139 deputies, yesterday issued manifestos summoning the people to continue by force the struggle for the land, liberty and popular representation. The documents, which proclaim that parliament perished for defending the people's rights, are remarkable for the fact that the emperor for the first time is attacked by name for breach of faith. The revolutionary proclamations having hitherto attributed all sins to the government on account of the lingering sentiment of loyalty to the emperor among the peasant masses.

Saved by His Brother

By Associated Press. PETALUMA, June 25.—James Moriel, a young man of this city, has just had a very narrow escape from death. While fishing in the river near here the boat in which he was seated upset and he was thrown into the water. He sank to the bottom and was believed to be dead when brought to the surface by his brother, William.

FATHER SAYS HE SHORTLY AVENGE GIRL'S HONOR

Former Judge Admits Killing Youth

Elizabeth Loving Takes the Stand and Tells Pitiful Story of Night Ride with Her Admirer

By Associated Press. HOUSTON, Va., June 25.—When the trial of Former Judge Loving, charged with the murder of Theodore Estes, adjourned yesterday, the defendant had begun to relate a conversation with his brother-in-law, Harry Sneed, who told him of the alleged drugging of his daughter, which led to the killing, when the attorney for the prosecution objected upon the ground that Judge Loving's statement would be hearsay evidence. After lengthy arguments today this objection was overruled, thus scoring an incidental victory for the defense. Judge Loving continuing, said Mr. Sneed came to his office and told the painful story. Mr. Sneed said that while buggy riding upon the evening previous, he saw Elizabeth Loving and Theodore Estes out riding.

E. L. Kidd came to the home of Stevens and inquired for Sneed, saying that Miss Loving had returned from her buggy ride in a bad condition. Continuing, the witness said: "Sneed went to the room at Mrs. Kidd's and saw Miss Loving in the bed. She was delirious and her condition was pitiful. Sneed said that in the parlor of the Kidd home he saw Mrs. Kidd and Theodore Estes and told them that he would go for a doctor. Estes, however, insisted on getting a doctor himself. Dr. Strothers arrived and she did not recognize him. Harry Sneed, my daughter was in the care of Dr. Strothers. He then went down the street when W. D. Lee, a merchant of Lovington and kinsman of his wife told him that Dr. Strothers had said that Theodore Estes had informed him (Strothers) that Elizabeth was drunk, and to treat her for that and say nothing of it.

"Harry said that he returned home that night and decided to tell me. I was shocked and sent for my wife and daughter. I received a letter from Miss Annie Kidd saying that my daughter was still there. My wife went after Elizabeth in a surrey, returning with her. I told Elizabeth of the conversation with Harry Sneed. She got down on her knees and begged me to throw her, said that Sunday evening Theodore Estes requested her to go riding with him; she declined, but upon being urged accepted. After they got in the buggy they drove to the house where Theodore Estes lived; he got out and remained for some time.

Offered Her Whisky "They then drove, she said, in the direction of Gap." While returning Estes produced a bottle of whisky and offered her a drink. She declined, but later did take a drink, and in a second felt dizzy and queer. She requested him to drive fast and return home, instead of continuing to Lovington. After that she became unconscious and did not know what happened. When asked if Estes had assaulted her she said Estes had forced himself upon her and she had only a faint recollection.

"This revelation came to me as a thunderbolt from a clear sky. I love my daughter and had no power on earth could have restrained my hands." The witness here began to weep. Several of his relatives also shed tears. Continuing Loving said: "In this condition of mind I went out intending to put that man to death. I got my shotgun and drove along to Lovington, but found he was at Oak Ridge. I went to Oak Ridge, where I learned Estes was in a car at the station. I then turned my horse to a livery stable, got out of the buggy and loaded my gun. I saw Estes in the car with two negroes and waved them aside and said to Estes: 'You're the young man who takes ladies out driving and drugs and ruins them. I heard no reply and when he made a motion as to leave the car I shot him. I then surrendered to the sheriff."

Harry Sneed, who lives upon the Oak Ridge farm, who is assistant manager of the estate of Thomas F. Ryan of New York, was the next witness. He related that upon the morning of the tragedy he told Judge Loving that he had been sent for to see Miss Loving and found her in a drunken, unconscious condition. He also testified about his meeting Miss Loving and Estes in a buggy.

Elizabeth Loving took the stand at the afternoon session of court and told her story of having been drugged and assaulted by Estes. It was a pitiful recital, during which she and her relatives broke down and wept bitterly.

DRIVER OF AIRSHIP HAS NARROW ESCAPE

By Associated Press. NEW YORK, June 25.—A big cigar-shaped airship, in charge of Lincoln Beachey, sailed across the bay from Staten Island today, circled above Brooklyn, swept over the East river and alighted gently in the midst of a crowd numbering thousands in Battery park. A few moments later the operator set the machine in motion again and the ship rose to an altitude of about 500 feet and started northward over the sky scrapers of Manhattan island. Mr. Beachey then sent his airship over the East river toward Long Island sound. In some manner he collided with a spindle which marks a ledge at the sunken meadows, his airship was badly damaged and he was thrown into the water. He was rescued by a boatman, much exhausted.

INDIAN GIRLS SOLD AS SLAVES; ONE, 9 YEARS OLD, BRINGS \$1400

By Associated Press. VANCOUVER, June 25.—At an Indian potlatch held at Alert Bay, participated in by 2000 Indians yesterday, an Indian girl, nine years old, tall for her age and unusually pretty, was sold to an Indian 50 years old, who bid a higher price than a young brave 20 years old, for \$1400.

Indian girls of tender age were sold to chiefs of the neighboring islands. Two maidens of the Tsimpanas brought good prices, and the wealthy Indians bidding them in.

CRISIS IS NEAR IN CENTRAL AMERICA

SALVADOR FEARS NEIGHBOR, NICARAGUA State Department at Washington Informed That Serious Trouble Is Brewing—Cruiser Milwaukee Is Ordered South

By Associated Press. WASHINGTON, June 25.—The state department today received a cablegram from the American minister at Guatemala City stating that the situation in Salvador is disquieting and that Guatemala and Salvador are sending troops to the frontier.

Coupled with the news received by the state department reporting disquiet in Salvador and the movement of troops to the frontier by both Salvador and Guatemala is the information received by the Salvadoran minister from the president of Salvador that news had been received by his government that Nicaragua is planning another expedition against it.

The navy department has directed the cruiser Milwaukee, now at the Mare Island navy yard, to proceed to Central America for the protection of American interests. This action was taken in view of the dispatches received today which indicated the possibility of trouble in Central America.

SOCIALISTS FIGHT TO CONTROL FEDERATION

DENVER, June 25.—The crisis in the fight against Acting President C. Mahoney of the Western Federation of Miners was reached today when the clause of his report in regard to the Industrial Workers of the World was taken up in the federation convention. Vincent St. John of Goldfield, Nev., led the attack upon the acting president. It is conceded that the fight is an incident in the struggle for control of the federation by the Socialist party.

The chair, in announcing the question before the convention, said that the final vote on the adoption or rejection of the president's report will decide whether the federation will remain with the Industrial Workers of the World or will withdraw and form a great industrial union organization.

St. John charged that Mahoney stopped at nothing to gain control of the industrial workers and freeze out the Socialists.

Late this afternoon Acting President Mahoney took the floor. He spoke for half an hour before adjournment and will continue his defense tomorrow morning. Mr. Mahoney repudiated all the charges made against him.

HEAT CAUSES FOURTEEN DEATHS IN THREE DAYS

By Associated Press. PITTSBURG, June 25.—Three more deaths from heat occurred here today, making a total of fourteen fatalities since Sunday evening.

Anti-Militarists Acquitted

By Associated Press. PARIS, June 25.—The ten "anti-militarists" who signed the manifesto which was placarded on the walls of Paris May 1, appealing to the powers to join the workmen and fight against capital, were acquitted today by a jury.

FORECAST For Southern California: Fair Wednesday; light west wind. Maximum temperature in Los Angeles yesterday, 78 degrees; minimum, 53 degrees.

TABLE OF TEMPERATURES. City, Temperature, Min. Max. Los Angeles, 53, 78. Baker City, 46, 70. Eugene, 49, 59. Flagstaff, 36, 70. Independence, 54, 78. Phoenix, 69, 85. Portland, 62, 86. Red Bluff, 62, 88. Reno, 42, 72. San Luis Obispo, 50, 70. San Diego, 58, 80. San Francisco, 48, 80. Spokane, 52, 78. Tacoma, 54, 80. Yuma, 68, 100. Due to partial tie-up of telegraph business.

SCHMITZ GIVES UP EFFORT TO SECURE RELEASE

Stays in Jail Pending an Appeal

Will Appear for Sentence Thursday. Judge Dunne Likely to Declare the Mayor's Office Vacant

By Associated Press. SAN FRANCISCO, June 25.—The petition for the writ of habeas corpus which was withdrawn yesterday in appellate court by Mayor Schmitz' attorneys will not be re-offered. This statement was made this afternoon by the mayor's counsel. As Thursday is the day for the sentencing of Schmitz by Judge Dunne, they saw the uselessness of appealing for bail at this late hour. It is understood that no attempt will be made to have the mayor admitted to bail after sentence has been pronounced upon him and pending his appeal to the higher court for a new trial.

Decisive action may be taken by Judge Dunne on Thursday when Eugene E. Schmitz comes up for sentence, to remove any lingering doubt that the one time chief executive of the city has as to his official status. Acting upon the section of the political code that it is within his authority, the judge will notify the supervisors that Schmitz is no longer mayor and thus pave the way for the election of his successor. Significant in this connection is the announcement of the prosecutors that they will take no further steps until after Schmitz has gone before Judge Dunne for sentence.

District Attorney Langdon declared yesterday that he would take no steps for the time being regarding City Treasurer Bantels' decision to pay no warrants unless they were signed by both Schmitz and Acting Mayor Gallagher. Langdon explained that the salaries of city officials were not involved and that there were but few contingencies likely to arise within the next few days that would demand signature of the mayor on a warrant. By the time anything of importance demands attention it is believed that the question as to the validity of Gallagher's appointment and powers will have been settled beyond all question by a court ruling to the effect that Schmitz' conviction by a trial jury carried with it his absolute removal from office.

\$80,000 TAKEN BY FRAUD FROM RUSSO-CHINESE BANKS

By Associated Press. VLADIVOSTOK, June 25.—The Russo-Chinese bank paid out today \$50,000 on a forged check. The man to whom the payment was made escaped.

HARBIN, June 25.—A revolutionist dressed as an officer of the frontier guards today drew \$30,000 from the Russo-Chinese bank on a forged check and decamped.

"BLACK HAND" AGAIN THREATENS FAMILY'S LIFE

By Associated Press. NEW YORK, June 25.—Members of the Black Hand society, who recently attempted to murder Joseph A. Maroney and his family by placing dynamite in the kitchen stove in his home at Mount Vernon, have now set the day for his murder unless he gives them \$1000. Maroney received his last notice through the mail Monday. The letter, which was postmarked New York, had a skull and cross bones at the head and read: "Unless you leave \$1000 where we told you to you'll be killed and buried in the New Rochelle cemetery by July 5."

The message was signed "Black Hand." After the signature was drawn a coffin. Maroney, the proprietor of the Wigwam Hotel, Mount Vernon, is a wealthy Democratic Italian leader in the section. The police have arranged to guard Maroney night and day.

ONE SAVED OUT OF 92 ABOARD WRECKED VESSEL

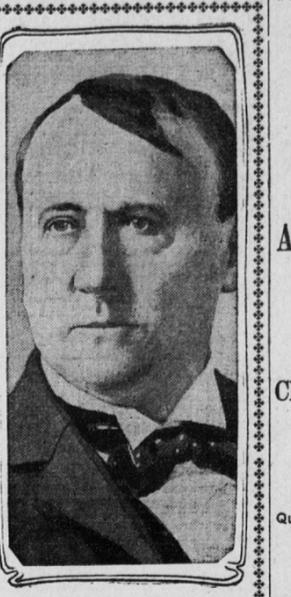
By Associated Press. SANTIAGO, Chile, June 25.—It is officially announced by the Pacific Steam Navigation company that there was only one passenger aboard the Santiago, wrecked in a heavy squall fifty miles north of Corral, and he was drowned.

The only survivor was the fourth officer. All the rest of the crew, numbering ninety and including twelve English officers, are said to have perished. Only one boat was launched and it was dashed to pieces upon the rocks after drifting several days.

TELEPHONE LINEMAN KILLED, OTHERS HURT

By Associated Press. STOCKTON, June 25.—H. Diegelman was killed and George Klentz, Frank Phillips and L. Swartout were badly burned yesterday afternoon near Placerville while stringing a telephone wire for the American River Electric company, in whose employ they were. The wire caught in some bushes and when they jerked it loose it struck a power wire carrying 35,000 volts. The three injured men, who were painfully burned about the hands, breast and legs, are in a hospital at Placerville and will recover.

MAY WIN CALHOUN'S CASE



ATTORNEY D. M. DELMAS

JUDGE ATTEMPTS TO KILL HIMSELF

Disgraced Jurist of San Francisco Tries to Take His Own Life, but Is Prevented from Doing So by Newspaper Man

By Associated Press. SAN FRANCISCO, June 25.—Overcome with grief and humiliation at the drastic action of the Bar association in recommending that he be impeached if he did not immediately resign, Superior Judge J. C. B. Hebbard tried to take his own life this morning in his chambers at the Temple Israel. He was saved from death with the barrel of a revolver pressed against his temple and his finger twitching on the trigger. The pistol was taken from him by a representative of an evening newspaper. When the gun was taken away from him Judge Hebbard sank down again in tears. He declared that life was not worth while after the shame which had been laid at his door.

MARK TWAIN'S GUEST OF HONOR

Chief Secretary for Ireland Introduces American Humorist, Who Responds in Characteristic Manner

By Associated Press. LONDON, June 25.—The finest tribute which Mark Twain has received in England is the pilgrims' luncheon in his honor today. The hosts numbered 160. Two notable speeches were made, that of Chief Secretary for Ireland Tyrrell introducing Mark Twain, which was a classic and full of humor, concluding with a tribute which brought the company to its feet with prolonged cheering, and Mr. Clemens' reply, which was largely humorous.

A telegram of congratulation, signed "The Undergraduates of Oxford," was read and another from the New York Pilgrims. The presence of many members of parliament was particularly complimentary, as they were obliged to absent themselves from one of the most important and interesting debates of the season.

The committee in charge of the luncheon was obliged to refuse the applications of nearly a thousand persons of prominence who desired to attend.

BIG MINING PROMOTERS ACCUSED OF SWINDLING

By Associated Press. DENVER, Colo., June 25.—Charged with using tip mails in furtherance of a scheme to defraud, the medium being the Financial Security and Trust company, the Goldfield Glow Mining company and the Free Coinage Mining and Smelting company, W. F. McQuarrie, president of the first named company and one of the most prominent and wealthiest mining promoters in Denver; I. R. A. Saunders, one of his associates in the business, and F. A. Saunders, the secretary of the Financial Security and Trust company, were indicted by the federal grand jury.

They were arrested today and each gave bond in the sum of \$2500.

PARENTS AND DAUGHTERS KILLED BY THE LIMITED

By Associated Press. SALT LAKE CITY, June 25.—Schofield Hershaw, his wife and two daughters were killed by a train on the Oregon Short Line this afternoon near Layton. While driving across the track in a buggy they were struck by the Los Angeles Limited of the Salt Lake route, which uses the Oregon Short Line tracks between Ogden and Salt Lake City.

INDICTMENTS FOR GRAFT MAY BE VOID

Attorney Delmas Says Grand Jury Did Not Exist

Claims That All Actions Against Magistrates Are Invalid

Quotes Highest Authorities to Prove That Work of Heney, Langdon Spreckels in Bribery Cases Was Not Legal

By Associated Press. SAN FRANCISCO, June 25.—All of the various grounds urged by the defense in support of a motion to set aside the bribery indictments against Vice President Louis Glass of the Pacific Telephone and Telegraph company and other big corporation officials were retired to positions of comparative insignificance this afternoon by the importance of a new contention presented and argued by Mr. Glass' attorneys, Delphin M. Delmas and T. C. Coogan.

If their contention is upheld as sound by Judge Lawlor, who has taken it under advisement and will hear further from counsel tomorrow, all but a minor handful of the indictments thus far returned by the Oliver grand jury will be set aside as null and void, and all of the late work of the bribery-graft prosecution will have to be done over again.

Briefly stated, the charge brought by Messrs. Delmas and Coogan in their effort to have the Glass indictments set aside, and which by formal understanding is for the benefit of all of the other defendants as well—Abraham Ruef, Mayor Schmitz, Theodore W. Halsey, Patrick Calhoun, Thorneville Mulally, Tiley L. Ford, William M. Abbott, Abraham K. Detweiler, Eugene de Sable, John Martin, Frank G. Drans, G. H. Umbens and Joseph E. Green—is this:

All of the acts performed by the present grand jury since a date early in January of this year are invalid, because the present grand jury ceased lawfully to exist when the new grand jury list for 1907 was certified by the county judges on the date referred to.

Quote Law in Case The constitution, the law and the supreme court decisions as presented to the court by Mr. Delmas and Mr. Coogan provide and declare that a grand jury shall be selected at least once a year, and that it shall serve until the next grand jury list is made up by the county judges and returned to the county clerk that thereupon the existing grand jury shall expire and its place shall be taken by a new body chosen from the newly prepared list.

The undisputed facts are these: Early in January of this year the grand jury list for 1907 was duly certified by the twelve judges of San Francisco county and was by them returned to the county clerk, but the Oliver grand jury, being in the midst of its bribery-graft investigation, was not thereupon discharged. Instead it was continued in existence, under the belief of Messrs. Langdon and Heney that having been selected in the fall of 1906 it could legally exist for twelve months, or until the fall of 1907. The grand jury list for 1907 was allowed to lie dormant and the Oliver grand jury proceeded to return scores of indictments against the men named in the months of April and May just past.

Judge Lawlor, in commenting upon the merits of the defense's contention, said: "The question for the court to determine is one of jurisdiction, whether the returning of the grand jury list for 1907 operated as a legal termination of the life of the grand jury which found these indictments, or whether the mere act of the filing of these indictments with the court gave the court jurisdiction to proceed in the course laid down by the legislature to try these defendants. Of course if this grand jury has no existence in law its acts have no validity and the indictments must be set aside. The court will welcome any further light that counsel may be able to afford. The hearing is continued until 11 o'clock tomorrow."

MAN BURNED TO DEATH WHILE ASLEEP IN GRASS

By Associated Press. STOCKTON, June 25.—J. E. Bloomer, about forty years of age, was accidentally burned to death at Tracy this morning. The man was asleep in some tall grass near the Southern Pacific station, though his presence was unobserved when the grass was set afire by employes of the company to get rid of it.

CAPTAIN AND CREW OF SIX MEN ARE DROWNED

By Associated Press. BELLINGHAM, Wash., June 25.—A special from Vancouver, B. C., says that the tug Constance, Captain Neilson and crew of six men, all of New Westminster, has been lost at Rivers inlet, 300 miles up the coast, and every member of the crew drowned.