

# The Caldwell Tribune.

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## HAYWOOD CASE GOES TO JURY SATURDAY

### Attorneys Finished Pleas Friday

#### JUDGE WOOD WILL INSTRUCT THE JURY THIS MORNING AND THE FATE OF THE DEFENDANT WILL BE IN THE HANDS OF HIS PEERS—GREAT SPEECHES MADE

This week makes the last milestone in the events of the great trial which will go down in law history as one of the most important that has ever been in the annals of the court of any land. Before another week has closed the case will have been given to the jury and it will rest with them what shall be the verdict which Haywood awaits with bated breath.

Thursday of the past week was taken up with arguments on both sides in regard to the materiality of much of the testimony introduced. These arguments were made before Judge Wood in the absence of the jury. Mr. Darrow opened for the defense and it might easily have been called "the awakening of Clarence Darrow," for he certainly seemed to have awakened to the many spectators who had come day after day and watched him at the table for the defense. This truly was a new man. He talked as if he believed what he said; he forgot to polish his eyeglasses, he even forgot to be funny. He was solemn, he was earnest, he was eloquent, in fact he made a great speech. At the close of Mr. Darrow's speech adjournment was taken until 1:30 and Senator Borah replied in the afternoon. He never

appeared better able to handle his side of an argument than yesterday. His sentences were clear-cut and delivered decisively. He said it was not his purpose to argue that the defense did not have the right to show a counter conspiracy if they could do so, but he said they had utterly failed to show a counter conspiracy. Senator Borah confined himself largely to the legal side of the question of admissibility. He spoke for an hour forcefully reviewing the evidence and claims made by the defense which he said failed to show by any member of the alleged conspiracy between the mine-owners and the Pinkertons that any such conspiracy existed. He took the position and quoted authorities to show that a conspiracy can only be considered after the introduction of direct evidence of a co-conspirator. Mr. Richardson followed Mr. Borah and he argued that a conspiracy had been shown by the contributory effect of all the evidence introduced by the defense and closed with the statement that if the court saw fit to exclude the evidence bearing on the Colorado situation introduced by the state counsel, counsel for the defense would be satisfied to see their evidence barred from consideration.

After the conclusion of Mr. Richardson's speech court adjourned until 10:00 Friday morning when Judge Wood announced that he would be prepared to decide the matter.

A large crowd had gathered Friday morning expecting to hear Mr. Hawley make his opening statement to the jury, but they were doomed to disappointment for that session at least for immediately on convening and after approving the record of yesterday's proceedings he announced that he would render his decision on the matters argued yesterday at 2 o'clock and a recess was taken to that time. Judge Wood announced when court convened in the afternoon that he would give his decision. It removes from consideration by the jury all evidence introduced by the defense bearing on the alleged counter conspiracy by mine owners and others against the Western Federation of Miners. Judge Wood decided that the attorneys defending Haywood had utterly failed to make any legal connection of the Mine Owner's Association, the Citizen's Alliance of Colorado and the Pinkerton Detective Agency as laying a foundation for evidence introduced by them to show that the charge against Haywood and the co-defendants is the outcome of a conspiracy to exterminate the Federation, and that nowhere had the defense introduced any testimony to show that the crimes confessed by Orchard, if committed, were committed by anyone other than himself or that he had been employed to commit by any other persons than he had confessed employed him. After Judge Wood had announced his decision the jury was immediately called in and Mr. Hawley began his argument. The case he said had caused the eyes of the world to turn toward Boise. The case marks an epoch in the history of the world and it is an important duty the jury has to perform. History is being made and all the State of Idaho is asking is that equal and exact justice be done and the attorneys for the prosecution were representing no one but the State of Idaho. He said a larger number of witnesses had been examined than were ever examined in this court before; he placed the number at 150. He asked the careful consideration of not only himself but also of the attorneys for the defense. He then went into a review of the case. He described Orchard's story as truthful not only because of the manner in which it was told but because it had been corroborated in every important detail. He said, "Harry Orchard will be fiercely attacked in the arguments of the attorneys for the other side. They will insist his story is immaterial, that he could not have told the truth. But gentlemen, there is some mysterious but powerful influence back of this confession. I'll tell you what I believe it was: It was the saving power of divine grace working upon his soul and through him to bring to justice one of the worst criminal bands that ever operated in this country. Orchard's faith is now in God. He is a Christian. He has told his story that justice may reign and he fully expects to bear the punishment the law demands. Orchard told you with tears in his eyes, with voice hushed, that he told his story because he knew it was a duty he owed to God, himself and humanity." Mr. Hawley, after reviewing the events of Orchard's confession and testimony as far as the Bunker Hill and Sullivan Mill in 1899 and the Vindicator mine explosion in 1903, concluded his argument for the afternoon by saying that he had already shown enough to convict unless a jurymen sought only to rid himself of an unpleasant duty to his state. Court adjourned until Saturday at 9:30.

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When Mr. Hawley had spoken for 5 1/2 hours he reached Caldwell where at the close of the year 1905 the preparations for the murder of former Gov. Steunenberg was afoot. His voice now assumed a sympathetic note and as he told of the last movements of the ex-Governor the court room was hushed and the members of the jury gazed upon the speaker as if fascinated. Mr. Hawley's speech was impressive. There was no attempt at any flight of oratory. It was all simple and impressive because it was so simple. All through there sounded a strong note of deep sincerity. He was pleading for justice—for an honest judgment from honest men of Idaho. "We will be charged," he said, "with making war on the Western Federation of Miners, but I ask only for your honest judgment. I do not seek to hang the scalps of innocent men to my belt, but I must hunt down the guilty." Mr. Hawley did not charge, he said that a majority of the Western Federation of Miners were criminals but that the evil deeds of the officers and of the scum of the organization had overshadowed and brought discredit on the rank and file. The time had indeed come, he said, when society should rise and make war upon the evil influences that were the curse of all labor organizations. "We must show the world," he concluded, "that here in Idaho we are a law-abiding and a God fearing people, who will deal out even handed justice to the criminals accused of the highest crime as to the tramp charged with some petty breach of the law." Court here adjourned until Monday at 9:30, when Mr. Richardson opened for the defense. He first defined many phases of the law which he said would come up before the jury in making their decision; he then reviewed the Bunker Hill and Sullivan Mill explosion in which he tried to prove that the Union miners were not responsible any more than many other of the citizens. Then the Vindicator and its attendant circumstances were taken up and he tried to prove that the explosion in that mine was an accident. On account of the extreme heat he got no further in his arguments as court was adjourned until 6 P. M. and such hours were to prevail until the extreme heat was over. In regard to the independence depot explosion Richardson declared it to be the result of a plot to "weed out root and branch from the face of the earth all the members of the Western Federation of Miners." He claimed it was the worst thing that could have happened to the union. Mr. Richardson had considerable to say about Rockefeller and the Standard Oil interests—blamed them for much of the trouble in Colorado. Under the stimulus of Mr. Richardson's talks to the jury the defendant Haywood brightened up a great deal but the deep lines which have been growing all the time during this trial were still quite apparent. Court adjourned until 9:00 Tuesday. Mr. Richardson resumed his argument promptly at 9. He seemed to dispute his own theory in regard to the motive Orchard had in committing the crime of killing ex-Governor Steunenberg. He first asserted with all the eloquence at his command that Orchard had killed Steunenberg from a personal motive. He urged that it was true that Orchard hated Gov. Steunenberg because of the part he had taken in quelling the disturbance in the Coeur d'Alenes when he had advanced this theory and had painted go to the jury Saturday. The attention to, he then announced that the murder was all a plot of the Pinkerton detective agency. And that is the way he left it. He treated Orchard with scathing denunciation and the motives for his confession. In

## CANYON COUNTY FAIR IS IN GOOD CONDITION

### There is \$3000.00 in Treasury

#### ASSOCIATION CAN PAY ITS DEBTS AND HAVE MONEY LEFT—PLANS FOR THE FUTURE WILL GIVE CALDWELL THE FINEST GROUNDS IN THE STATE OF IDAHO

At a meeting of the board of directors held at the secretary's office Friday night of last week, the bids for the sale of the old fair grounds were opened. There being but one bid for 15,100, it was rejected and the committee was authorized to sell the grounds at private sale. The sale was made to George Dew, who it is understood, represents a syndicate. The amount received is \$16,000.00. This includes the buildings on the ground.

There has been some discussion on the streets relative to the financial condition of the Fair Association and The Tribune has interviewed the secretary regarding the matter with the following result: There is a debt of \$4600, which was incurred as follows: \$1760 was the premiums paid Froman & Mosby for the block of stock they purchased from the various stockholders last spring and the remainder of the \$4600 is a debt incurred during the life of the association. Then there is the \$5000 paid for the new grounds, and it is estimated that it will require \$11,500 for the new buildings and track, this all totals \$21,100, including everything. The association has property to offset this amount as follows: Sale of the old grounds, \$16,000; unpaid

subscription of stock, \$2,100; treasury for the new buildings and track. This property stock unsold, \$2,000; making in all \$24,100. After deducting all debts and expenses for track and new building the association will have \$3,100 in the treasury.

The buildings to be erected are: Exhibition hall, 104 feet in length and the same in width. The building will be in the form of a malted cross. The grand stand will be 300 feet long and 34 feet wide and will have a seating capacity of 2,200. The old one was 24x148 feet. The poultry house is 160 feet long and is of octagonal shape of one-fourth of a circle. Office room 24x30, and a ladies rest room 20x30. There will be 300 sheds 30x200 feet for cattle, hogs and sheep. There will be 40 stalls for exhibition purposes and 60 stalls for race horses. The grounds will be fenced on three sides, that portion along the railroad will remain open. A half mile track is now under construction. Wells will be sunk and it has not yet been decided whether connection will be made with the city water or not.

When the plans are all completed the Canyon County Fair association will have the best equipped ground in the state.

#### Railroad Building.

Work on the grading is being pushed with all possible speed. One important matter regarding right of way has been settled this week, that of getting through the Johnson ranch. Mr. T. T. Johnson, the owner, selected H. W. Dorman and George Stafford to assess his property with all possible speed, abide by their decision. These two gentlemen performed their work Thursday, but have not yet given the results. It is said that it will require 12 acres for the right of way. Mr. Johnson will be amply protected so far as ditches and fences are concerned. The only objection that he has regarding the road passing through his property was that it would bring him and his brothers too much company and otherwise disturb the quietude of the old home.

A crew of surveyors are running the line for fencing and the wire has been purchased for the entire road to the river. One of the grading camps will be moved to Snake river next week, when work will be commenced at that end of the line. The bonus of \$45,000 is now fully assured and not further delays are anticipated. The road will, without doubt be graded to the river before snow flies this fall.

#### The Boise Inter-Urban.

A crew of workmen on the Boise Inter-Urban have been in town this week, stretching the last wire, and connections have been made with the power house in this city. The wire on the side track was tested Thursday. The final work on the line will soon be completed, so that the work train may be expected to appear on Main street most any hour, and it is rumored that power will be turned on, for testing the machinery in all departments some time next week. Regular trains will not run until the power from Swan Falls can be utilized.

#### Well Written Advertisement.

One of the most attractive and best written advertisements that has appeared in The Tribune for a long time is that of the Portland Business College, printed elsewhere in this issue. The heading is strong and artistic, the wording clean cut and impressive. Send for the catalogue mentioned in the advertisement. It is a beautiful production and tells

#### all about the school and its splendid work.

No educational institution in the Northwest is better known than the Portland Business College. Its principal, Prof. A. P. Armstrong, has been engaged in school work all his life, and has an enviable reputation as an educator. He knows the requirements of employers of office help and can prepare any willing student to meet them.

In this commercial age, King Business is monarch of all he surveys. Opportunities are not wanting for those who are properly qualified. A course in the Portland Business College will prepare any young man or woman for work in the commercial world, and result in a position that will render the investment of time and money in a business education the most profitable that can be made.

#### Sent to Reform School.

The attention of the Probate Court was taken up Wednesday by a case from near Notus, in which two girls figured as the culprits. The charge was filed by Attorney Plowhead and the information was given by the girls' brother. Evidence sufficient was introduced that warranted Judge Hagelin in committing them to the reform school at St. Anthony. R. B. Manning was deputized to escort them to their destination.

#### L. Lunderback returned from Vale.

L. Lunderback returned from Vale Wednesday, where he had a crew of men at work painting the Vale bank building.

Rice, Thompson & Buckner have added another room to their suite of rooms and are having all repainted and decorated by Lunderback.

#### No More Base Ball.

As was predicted by The Tribune in a recent issue there will be no more league ball in this part of the moral vineyard. Weiser has disbanded, so has Nampa, and this week it was decided by the Caldwell club to loot the treasury and divide the spoils which amounted to something over \$18.00 for each of the players. So far as the pennant is concerned that is still in the air, there being no official decision.

The games this season have been of more than usual interest, several of them exceeded any of previous years. The expenses of maintaining the Caldwell team was trifling in comparison to some seasons, and yet the games were much more interesting.

#### Even despite the extreme heat

when court opened on Saturday the court room was fully occupied and remained during the entire two sessions of the court. Mr. Hawley far from being in first class physical condition, handicapped by a severe attack of stomach trouble, spoke altogether for nearly eight hours, distributed over three sessions of court. Throughout the day, Mr. Hawley used an almost conversational tone only at intervals becoming enthused and warmed by the topic under consideration and then letting his voice soar until it could be heard in other parts of the building. Step by step he fol-

#### lowed by the great criminal witness.

Thoroughly he reviewed the testimony of witness after witness. Scathingly, without mincing of words he denounced witness after witness as willful perjurers or guilty of intentional falsehoods and showed the strength of the contradictory testimony, he reiterated with great force the statement made on the previous day that in no material matter had the confession of Harry Orchard been disputed except by persons directly interested as parties to the charge of conspiracy or by persons whom the state had proved to have given perjured testimony.

#### closing he made feeling references

to Mr. Haywood's invalid wife and children and said Haywood had led an exemplary life and always been a good citizen, proud of his family and would leave the case in the hands of the jury confident that they would do justice.

On Wednesday morning Mr. Darrow began his argument and began by stating that he did not expect to consume more than 3 sessions of court and that Mr. Borah had promised not to use any more time than he did, so that probably the case will go to the jury Saturday. The attitude that Mr. Darrow took in regard to the case was a spirit of denunciation of the prosecution in general and Mr. Hawley in particular. He stated that the whole trial of this case was a conspiracy between the Mine Owners, the Pinkerton Agency and the officials of the state of Idaho to destroy the Western Federation of Miners. He had no words strong enough with which to describe the part "Father McParland" had taken in the management of this trial and for Orchard there was no word vile enough to tell what he thought of him in fact no word seemed to suit him, except the name Orchard for he stood alone. In speaking of Orchard's confession he pictured him as a cherub with wings sprouting from his shoulders and in heaven with Mr. Hawley on one side and "Father McParland" on the other, in fact, wherever either of these three characters could be brought up to ridicule, Mr. Darrow brought them forth. The session adjourned to meet at 6 o'clock Wednesday evening when no doubt Mr. Darrow will go more minutely into the circumstances of the case.

#### Cigars Found.

William Mowberg had 500 cigars stored in his cellar. The cigars were the remnant of his stock when he run a restaurant. By some means the location became known to some boy or boys with the result that 250 of the cigars were missing. Marshal Maxey took hold of the case and finally found where they were cached. It was found that about 50 had been taken. Five boys were brought before Judge Shorb, but they all denied the charge. Circumstances point to one as being the principal. The entire lot were permitted to go free. No warrants were issued. Mr. Mowberg will be reimbursed for the 50 cigars and the

#### matter will be dropped.

#### Case in Chambers.

Judge Bryan heard the case of C. W. Van Kirk et al, vs. George Duval. This is a case where the waters of Indian Creek are in controversy. From the evidence adduced it appears that Van Kirk filed on the water of Indian Creek in 1898 and has used the same ever since. The defendant, George Duval, sunk a well near the bed of the creek where it passes through his land, and installed a power pump for the purpose of irrigating a piece of land that is planted to beets. The result of Duval's operations depleted the creek of any surplus water, consequently Van Kirk and his associates asked that Duval be restrained from using his pumping works.

The case consumed the greater part of two days. Duval was represented by Silas Mood and G. W. Lamson; while Rice and Thompson looked after Van Kirk's interest in the case. The Judge took the case under consideration and will render a decision in a few days.

In the matter of Fouch vs. Bates, which was heard in chambers recently and which Judge Bryan had under consideration, was decided in favor of both of the litigants. The decision holds that Bates and Fouch are owners in common and that an accounting must be made of all property sold and all expense entailed and the remainder be owned jointly. In all probability Judge Bryan will be selected as accountant for the final settlement.

Legal business being a little dull the past week, some of the Caldwell attorneys done a little business on their own account. The firm of Scatterday & Buckner was dissolved by mutual consent. Mr. Scatterday associating himself with Judge Smith. Mr. Buckner is now a member of the firm of Rice & Thompson. W. G. Compton having accumulated a surplus while in partnership with Judge Smith, has concluded to go into the sheep business.

#### WANTED—Freighters to haul steel and cement to Jordan Valley.

Inquire of G. A. Dunlap.

The Gem State Rural goes to its readers in magazine form. The magazine. The change is an improvement and the readers will like it.