

LAST EDITION.

FRIDAY EVENING.

TOPEKA, KANSAS, JUNE 7, 1907.

FRIDAY EVENING.

TWO CENTS

**TOO FAST FOR HIM**

**Harry Orchard Protests Against the Rapid Fire Method**

**Of Attorney Richardson of Counsel for W. D. Haywood.**

**CROSS EXAMINATION**

**Is Brought Down to Blowing Up of the Vindicator.**

**He Didn't Know the Defendant Until Fall of 1902.**

Boise, Idaho, June 7.—The cross examination of Harry Orchard, leading witness in the Haywood trial, has been carried down to the dynamiting of the Vindicator mine at Cripple Creek, Col., in September, 1902, and its progress indicates that it will consume much more time than the direct examination. After protest from Orchard against the speed of Attorney Richardson's questions, which he said cut off his answers, and a wrangle between counsel on the subject the cross examination of the witness as to his experiences in the Coeur d'Alene country was resumed.

The defense laid the foundation for a showing that Orchard was not at Wardner the day the Bunker Hill and Sullivan mine was blown up, and then passed on to the life of Orchard in Utah in 1899, 1900 and 1901. The witness owned up to a lot of gambling at which he repeatedly lost his earnings. The defense showed that until he went to Cripple Creek in the autumn of 1902, Orchard had never known Haywood, Moyer, Pettibone or Simpkins. The witness testified that he stole ore and powder from the Vindicator mine.

The witness testified that he heard Haywood and Moyer deliver speeches at Cripple Creek in the wood business of 1903 began, protesting against any violence by the union men.

Attorney Richardson sought to show that Orchard had suggested blowing up the powder in the Vindicator and while the witness admitted that he told W. F. Davis of the existence of the powder, and that the idea of setting it off had come to him, he swore that Davis first suggested the act.

Orchard identified William Easterly, who at the call of Mr. Richardson came from the back of the courtroom, as the man who had aided him in the experiments that led to the making of the bomb finally used in the Vindicator.

Proceedings in Detail.

When Orchard resumed the stand today Attorney Richardson began at once to ply him with a rapid fire of questions before answering the witness' request for permission to correct two statements of yesterday. He said he had neglected to give the name of his sixth sister—Minnie. He said he had a man named Rogers and who lived in New York state somewhere, Orchard also said that he stated yesterday he had no partners in the wood business in Burke, Idaho. He remembered today that there were two men to whom he owed money and to whom he had promised an interest in the mine. While Orchard was making the latter statement Richardson interrupted him with a question.

The attorney asked for the state at once objected to counsel cutting the witness off. Orchard also protested to the court, saying he would like to have the opportunity to answer his answers before being interrupted.

"We both can't talk at the same time," he said to Mr. Richardson, "and yesterday you asked new questions before I could answer the old ones."

Counsel again joined in the protest and Mr. Richardson became somewhat excited, declaring that if it was the purpose of counsel to talk a row between him and the witness he thought they might just as well have it out at once.

"The witness will be allowed to answer the questions without interruption," said Judge Wood sternly and the examination proceeded.

He Was a Poker Player.

Orchard admitted that while he was in the Idaho mining country he became quite a gambler, playing poker most of the time. He was asked how he voted the day the unions decided to go down to Wardner and blow up the Bunker Hill and Sullivan mine and said he did not remember.

Mr. Richardson asked the witness to name all who attended the meetings. He gave the names of five or six.

"And those are all you remember?" asked Richardson.

"Not all I remember, but they are the only ones whose names I can recall at this time," replied the witness coolly.

The attorney took the witness through a description of the make up of the train which took the rioting miners to Wardner. Orchard said it was composed of 11 cars, some being freight and others passenger coaches.

"Are you sure," finally asked Richardson, "that you were not at Burke or Mullin playing poker when this explosion occurred?"

"I am sure," came the reply. "I lit one of the fuses which fired the powder under the mine."

Mr. Richardson wanted to know the names of all who helped unload the powder at Wardner and who helped to place it under the mine.

Orchard gave several and said they were all he could remember.

**MAKES 'EM RED.**

**Officials at Washington Weary of Japan's Complaints.**

**Gave the Matter More Attention Than It Deserved.**

**THINK WE ARE SCARED**

**The Mikado's People Misunderstand the Situation.**

**No Other Nation Would Fuss About Such Trifles.**

Chicago, June 7.—A dispatch to the Tribune from Washington says: There is beginning to be manifested here a distinct feeling of irritation against an apparent disposition on the part of certain people in Japan to persist in an endeavor to precipitate trouble between this country and Japan. For months the state department has been extremely tender of the susceptibilities of the Japanese. Ever since the president went out of his way to settle the long question in California, which was, strictly speaking, entirely beyond the province of the federal government, there has been a manifest disposition to criticize the United States and to complain about all sorts of little things. The Japanese consul in San Francisco and the ambassador in Washington are perfectly well aware that conditions exist in San Francisco which are wholly unusual, and are beyond control of the state authorities, to say nothing of the nation.

In spite of this, reports continue to come from Japan like the cabled interview with Count Okuma, in which reference is made in serious fashion to the anti-Japanese outrages in San Francisco. The government here is becoming annoyed at these repeated complaints about petty crimes and insults against Japanese residents.

Mr. Richardson next took the witness through his "high grading" experiences in the Vindicator mine.

**High Grading Experience.**

"When you said the other day that you had high graded in the Vindicator during the strike, you simply meant that you were an ore thief, didn't you?"

"I don't know what you call it," replied Orchard. "We high graded, high class ore out secretly and sold it."

"You often made as high as \$25 or \$30 a day, didn't you from high grading?"

"Yes."

Orchard said he also "high graded" while at work in the Vindicator before the strike.

His direct testimony Orchard said he had reported to Davis the finding of a car load of powder in the Vindicator mine.

"Up to the time you told this to Davis had there been any talk to you of proposed violence to the mine?" asked Mr. Richardson.

"You broached the subject?"

"Yes. I'd heard the leaders of the Federation of Miners had blown up the mine."

The witness could not recall who had told him of this. He believed it was Arthur Doolin.

"Your object was to suggest to Davis the blowing up of the powder?"

"I felt some enmity to the mine owners and had thought of it. The soldiers had been brought in there and were cutting us around."

Asked how he came to know there was powder in the mine, Orchard said he had stolen some and sold it.

"Was there anything in your experience at Wardner, Idaho, which also suggested the touching off of this powder to you?"

"Did you suggest that the powder in the mine be touched off come from you or Davis?"

"From Davis. He said he would give me \$200 to touch it off."

Orchard said he had communicated his "thoughts" about blowing up the mine to Davis.

**Would Have Killed Fifty.**

Orchard said there were about fifty nonunion men work in the Vindicator mine. He believed the touching off of the carload of powder would have meant the death of fifty men.

"And you proposed to murder fifty men for \$200?" asked Richardson.

**TRUST RUINOUS-UP.**

**One Is Being Arranged by President Roosevelt.**

**His Cabinet and Members of Department of Justice.**

**ONE CONFERENCE HELD**

**And Another One Is Scheduled for This Evening.**

**Harriman Case and Harvester Trust to Be Considered.**

Washington, June 7.—Trust matters and alleged violations of the Sherman antitrust and other laws occupied the attention of the president for a time today and will be again resumed tonight. Milton D. Purdy, an assistant attorney general, to whom has been turned over all the evidence in the alleged discrimination by the anthracite coal carrying roads against independent miners was an early caller at the White House. He would not discuss the interview with the president.

Later Edwin W. Sims, United States district attorney at Chicago, was with the president. Mr. Sims is here for the purpose of conferring with administration officials regarding evidence to be brought before the federal grand jury which meets in Chicago next Tuesday. There are said to be several cases of rebates by railroads in violation of law that may be brought to the attention of that body. There also has been some talk of proceedings against the so-called Harvester trust. Mr. Sims would not say just what will be done.

Tonight at 9 o'clock the president is to confer with his advisers regarding the Harriman case and the charges against various coal carrying railroads. "There was a good deal of discussion about routine matters but we saved the trusts for tonight," said a member of the cabinet today, as he was leaving the White House after the usual Friday cabinet meeting.

There were three absentees, Messrs. Cortelyou, Taft and Metcalf.

"Tonight's conference is to cover several aspects of the Harriman case, which are being brought up for consideration by the Harriman case, and the charges against the bituminous railroads," said one of the officials, who is to participate in the meeting at the White House tonight.

"In fact," he added, "the meeting is to be a general symposium on the subject of the trust prosecutions. The president wants to clear up the matter as far as practicable and reach a definitely settled programme on this whole subject before he goes away for the summer. In addition to members of the cabinet there will be present several officials from the department of justice and members of the interstate commerce commission."

**AN INCH OF RAIN.**

**Nearly That Amount Fell in Topeka.**

**Other Sections of the State Were Also Favored.**

This section of the state has been visited by a number of light showers during the past 48 hours, the precipitation amounting to .84 of an inch. Thirty-one-hundredths of this fell during the earlier hours of last night and the remainder during the past 24 hours. The rain has been general over the northeastern portion of the state and light showers have fallen in the central and northwestern sections.

The moisture did not come as a general rain in any section of the state and in most instances the total was reached by the weather bureau which fell during numerous light showers. The showery condition is over for the time being according to the forecast issued by the weather bureau in this city, though conditions may change so that sections of the state will be favored.

**Bright and Warm Today.**

The sun has been shining brightly all day and the temperature rising steadily since early morning until at 2 o'clock it registers 86 and the day is free of every symptom of midsummer weather. Straw hats and shirt waists are no longer out of season and today fans of every description are having their initial and perpetual popularity haunt the shaded side of the street.

The heat is felt more than at any other time this season on account of the sudden change from a muggy and muggy atmosphere.

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Baker, June 7.—The precipitation during the past 24 hours has amounted to .32 of an inch which fell yesterday and during the early hours last night.

Concordia, June 7.—Just a little rain has fallen in this section of the state, hardly enough to lay the dust and the government gauge records the amount at .01 of an inch.

Dresden, June 7.—Ten hundredths of an inch of rain has fallen during the past 24 hours and the indications are that the showers have left this section of the state.

Maxville, June 7.—Light showers have fallen during the past 24 hours and the precipitation has amounted to .14 of an inch, just enough to freshen vegetation and keep it in good growing condition.

Osage City, June 7.—This section of the state was visited by a heavy down-pour yesterday which amounted to 1.64 of an inch and insures plenty of moisture for growing crops for some time to come as there has been plenty

**STANDARD LOSES**

**Court Overrides Exceptions to Bill of Complaint.**

**Give Leave to Answer as to Portion of the Charges.**

**TUCKER TAKES BLAME.**

**Says He Was Responsible for Affidavits, Believing Them True.**

Leavenworth, Kan., June 7.—Albert Wilson of Kansas City, and ex-Attorney General Monet, of Ohio, representing H. H. Tucker, the indicted secretary of the Pacific Steam Oil company, left last night for Washington to institute habeas corpus proceedings before the United States supreme court to secure Mr. Tucker's release from the Leavenworth county jail.

The attorneys for Tucker said that they will base their application for a release on the physical exercise. He has a good ground that Tucker is not guilty of contempt for the reason that the allegations in the affidavit can be proven.

He apparently does not regret the filing of the affidavit. He said: "I will fully take all the blame for that affidavit. I was misled by the affidavits of the last night. I think I can prove that every allegation in it is true, provided the judges will give me an opportunity to present proper witnesses. I am personally responsible for the filing of the affidavit, for I insisted that it be filed, believing that the allegations contained in it were true."

Tucker is not at all dispirited about his confinement and is making preparations to do a good deal of work that he can do in his cell. He said this morning: "I have not done any manual labor for a good while, and I am going to ask Sheriff Brown to allow me to spend a portion of my time on the rock pile; the exercise will be good for me."

It is reported that John Marshall, a noted New York attorney frequently in the employ of William H. Hearst, is preparing to spring some sort of a sensation to relieve his pent-up feelings as a result of being barred out of the court here. Judge Pollock refused him admission to practice before his court, taking the matter under advisement.

Mr. Pollock will not sit in the case, so that the matter will be argued by the attorneys. He said that he is making an effort to be allowed to be heard before Judge Pollock. He wanted to represent Tucker in this case.

After Mr. Tucker was sentenced yesterday it was announced that the United States marshal at Leavenworth would go over until October. It was announced last night, however, that the bankruptcy hearing would come up in the United States court here on Tuesday and all interested were directed to be ready to proceed with the case at that time. It is said that Judge Pollock will not sit in the case.

One of the regular circuit judges will come from St. Paul to preside. It is not known yet which one will come.

The United States marshal at Leavenworth is now traveling in Europe. He states that the recall of Viscount Aoki, ambassador of the United States, is one of the progressive plans. They desire a "more aggressive" representation at Washington and Baron Kaneko is his successor.

"Count Okuma is out of politics," the comment concludes, "and is regarded as a Japanese Toistoy."

Foreign Minister Hayashi declares the Japanese and American governments are at one in their views and there is likelihood of international communications pending fuller consular advice not yet brought before the cabinet.

Count Itagaki, one of the foremost of the elder statesmen and a leader in the former Okuma-Itagaki cabinet, the dispatch adds, has written an open letter to the president of the United States conference urging international consideration of the exclusion question.

He says race differences often cause war and that exclusion is a progressive and can not be permitted. From the viewpoint of humanity, he says, the Hague conference should inaugurate an international conference.

**Objects to Restriction on Emigration.**

Tokio, June 7.—A representative of the Japanese residents in America, arrived here yesterday, Viscount Hayashi. He has reported that the latter assured him that the proposal made by the American government for the restriction of labor emigration would be rejected by Japan and that every effort would be made to expunge the last clause of article 2 of the present treaty when it comes up for revision in 1909, but that it was not expected that America would yield easily on this point.

A special commissioner will probably be dispatched to America to investigate the actual conditions prevailing there.

**PRICE OF RUEF'S PULL.**

**Proprietor of the Pup Says It Was \$5,000 a Year.**

San Francisco, Cal., June 7.—Jean Loupy, for eight years proprietor of the Pup restaurant, was the first witness called by the prosecution at the resumption of the Schmitz trial today. The Pup was the fire, Aba Ruef's political headquarters.

On the evening of the day Delmonico's liquor license was revoked, Loupy testified he called Ruef on the telephone and made an appointment.

"The next day," said Loupy, "I called on Ruef and asked why Delmonico's license was taken away."

"I suppose my turn will come next," I said. "Can't you help us? Can't you be our attorney and how much would be your fee?"

"Loupy said: 'Well, if you want me to take your case as a lawyer, it will cost you \$7,000 a year on a contract for two years. And the money must be in currency—no checks go.'"

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**POLITICAL GOSSIP**

**Congressman W. A. Reeder Will Have a Primary.**