

BORAH USES MORE LOGIC

Idaho Senator Equal to Darrow's Vituperation.

COVERS GROUND CLOSELY

Closing Hours of Haywood Trial Marked by Increasing Interest.

Boise, July 25.—The case of the state of Idaho against Wm. D. Haywood, charged with the murder of Frank Stuenkel, a former governor of the state, will rest with judge and jury by tomorrow night.

Clarence Darrow, after speaking for 11 hours, concluded the final plea for Haywood's life at 4:30 p. m., and at 7 o'clock this evening United States Senator Borah opened the closing argument for the prosecution. He will speak for three sessions, or about seven hours. Judge Wood will instruct and charge the jury Saturday morning.

At least 1,000 people were unable to find seats in the court room tonight. Two hours before the hour set for the third session of the day, crowds began to arrive and within half an hour the doors were closed to all but court officials and newspaper men. It was an audience composed almost entirely of Boise people gathered to hear the speech of the young man, who, recently elected by the people of Idaho to represent them in the United States senate, has been the assistant counsel for the prosecution in the case against Haywood.

Aside from the unaccustomed crowd in the court room and the large number of women present, the scene was much as it has been at each of the sessions during the last 11 weeks. Mrs. Stuenkel appeared in the court room for the first time since the trial opened. She occupied a seat inside the railing beside her son, Julian, Governor Gooding, with a number of the executive staff and a large representation of the state and bar, were among the audience. Haywood was surrounded by several of his counsel and his wife in her invalid chair was, as usual, by his side.

Senator Borah's speech was a sensation. From time to time he turned upon counsel for the defense and the fierce denunciation from his lips at times brought protests from Richardson and Darrow, but with blazing eyes and hot words, he silenced every effort to break the rush of words. The climax was reached when in behalf of the state of Idaho, the people, and himself, he disclaimed all intention or desire to give immunity to Orchard. Finally, his face pale and voice quivering with emotion, the senator raised his arm and said:

"If I should ever join in or give approval to immunity to this man, I hope the great God may wither my right arm in the prosecution's table, when Senator Borah rose to speak, were seated two assistant counsel, but James H. Hawley, leading counsel for the state, was not in his place owing to serious illness.

"I am aware," said Senator Borah, "that I am in this case as a prosecutor. Why they should attack Mr. Hawley, who went fearlessly into the investigation of this matter; why they should assail in a personal way a man who has practiced law in his community for 40 years and whose loyalty, whose honesty has never before been questioned, I do not know. It is usually thought sufficient to do away with a man's conscience, but this case is an attack upon every one, be he high or low, who has had anything to do with the investigation of the crime of December 30, 1905."

Senator Borah declared the state would prosecute whoever was guilty on evidence to warrant some conviction.

The senator denounced Attorney Darrow's speeches. Nowhere, he declared, could a fairer trial have been held than in Boise. No defendant ever sat in a court room where there was a greater desire for an absolutely impartial and just trial.

"You men know there has been justice and I think the world knows it. You know it when you lifted your hands to high heaven and took your oath of service and it is all that the state asks of you in this, its closing hour.

"We are not here fighting organized labor; we are not here fighting the weak or the poor. Neither are we here to consent that organized labor shall be a shield to crime. This is not an industrial war, as my eloquent friend of the defense would have you believe. We are not arraying class against class, or one phase of society

against another. This is not a battle of the rich against the poor or the poor against the rich. We are here in the interest of law, of justice, of fairness. That is all."

Senator Borah here plunged into the assassination of Governor Stuenkel. He declared Orchard had planned a bomb as he had done many times before. He was an old and experienced criminal and was not alone in the commission of crime.

"If," he cried, "you stand at the gate of Frank Stuenkel's home, broken and stained with his own blood, and if from there you follow the devious ways of Harry Orchard you will find that the trail of blood passes up the stairway in Denver up which Orchard ran that day while the darky held his horse at the curb below."

"The defense would have you believe that, notwithstanding what Moyer may have done; what Pettibone may have done; what Simpkins may have done; or what Orchard may have done; Haywood is not guilty. But the law, gentlemen of the jury, says that when men knowingly join together to commit a crime the act of one is the act of the other, no matter where that act may be committed. It is not an answer to the charge of the defense to say, 'We care nothing for Jack Simpkins; let him go overboard. We care nothing for what Pettibone may have done, we will take care of him later.' I tell you and I think the court will instruct you, that in a case of this character the acts of Pettibone are the acts of Haywood; the unexplained letters and telegrams of George Pettibone and Jack Simpkins are the unexplained letters and telegrams of Wm. D. Haywood.

"The only question here is as to whether the evidence has not said that there was no conspiracy. It is said that we have not proven this."

"The evidence in this case shows that somewhere in the Western Federation of Miners there is a power which controls a power which commits crime—it is proved as clearly as the fact that Frank Stuenkel is dead. Take the 29th of April, 1899, when the members of the Western Federation of Miners walked boldly from their work, organized with military precision, went to Warden and there blew up the Bunker Hill and Sullivan mill. Mr. Darrow tells you myself that the miners went to the next day to their work in the mine. Why did they? Because they believed there was no such thing as law and order in the state of Idaho. Oh, no, gentlemen of the jury, this was not a criminal act; this was not the Western Federation of Miners. What was it? Was it an accident? Jim Shayne was killed; oh, yes, but he was a scab, Darrow tells you. The Bunker Hill mill was blown up; oh, yes, but it employed non-union men. Darrow says that whenever you get a lot of men together and do something it is something that ought to be done. That may be the rule in Chicago, but it does not go in Idaho.

"Darrow has painted Harry Orchard to you as a veritable devil, and I agree with him."

Senator Borah declared that Attorney Darrow in his address to the jury had offered justification for everything charged against the defense. He set himself up in defiance of all the laws of public decency.

"If the doctrine that Darrow preached to you be true, I am not surprised that these men committed murder," said Senator Borah, who then turned on Attorney Richardson and declared that if Harry Orchard is crazy it was no complaint to one of the greatest lawyers in the west that the mania did not disclose any of his insanity in the 11-weeks' cross-examination.

"The counsel for the defense," said Senator Borah, "will tell you that Orchard was caught red handed in the act of killing Stuenkel; that he confessed to save his own neck and that if he had not confessed the dates would have been blooming over his grave for a year past. Oh, no, gentlemen of the jury, if Orchard had not confessed the attorneys for the Western Federation of Miners would be in this court room defending him and eulogizing him as a brave man, a member of the great working class, and my friend Richardson would convince you beyond a reasonable doubt that Orchard could not be guilty of the killing of Governor Stuenkel because he was in his room at the Saratoga hotel when the bomb went off. Darrow says my associate has 'Orcharditis.' Well, maybe he has, but we got it from the depths of the West-

(Continued on Eighth Page.)

DELMAS SPRINGS SURPRISE IN GLASS CASE

Resourceful Attorney For the Defense Rests His Case Without the Introduction of Evidence.

San Francisco, July 25.—The Louis Glass bribery case should be in the hands of the jury at 1 o'clock tomorrow afternoon. Attorney Heney, for the prosecution, and T. C. Coogan for the defense today made each his opening argument. At 10 o'clock tomorrow morning Delphine M. Delmas will begin the closing argument for Glass. No one expects to forecast an acquittal.

The chief sensation of the trial came at 1:20 o'clock this afternoon, when the prosecution, having closed its case, Delmas crisply announced: "So have we."

This determination to offer no evidence was a sudden and complete surprise to everyone most of whom to the prosecution, for the previous day Delmas had casually—or so it seemed—mentioned Rudolph Spreckels as "one of the witnesses we shall call."

Heney, after stating frankly to the jury that the declaration of Second

vice President Zimmer, the most important individual witness for the state, to testify, had put it beyond the power of the prosecution to establish definitely the connection of Glass with the crime of bribing Supervisor Charles Bixton. He devoted himself to a vigorous exploitation of the circumstantial case made. He claimed that by carrying out successfully process of elimination he had proved beyond all reasonable doubt that other than Halsey, only two men had the power to supply the telephone funds for the bribery of the supervisors—Emile J. Zimmer and Louis Glass, the former now in the county jail for contempt in refusing to testify, the latter of whom has exercised his right as a defendant not to take the stand.

"Justice," said Attorney Coogan, the white-haired friend of the defendant, in opening his argument for Glass, "should be the same kind in all cases. Here is a man who has run over three-fourths of the space allotted to mankind and who now finds himself confronted with a serious crime before

a jury. It means a great deal to him. But if he is guilty of this offense you should not consider the consequences to him. One thing you must at all times remember, and the court will so instruct you: That the presumption of evidence is ever with the accused and you must give to him the benefit of any reasonable doubt that in your minds may arise.

"It is charged that Mr. Glass paid Supervisor Bixton the sum of \$5,000 to influence his vote on the Home Telephone company's application for a franchise. The proposition is this: Was that crime committed, and if so, who committed it?" Thence forward Mr. Coogan bent his energies to the exploitation of three chief points.

"The failure of the prosecution to show by any witness that Glass aided, encouraged or abetted the perpetration of that crime; the improbability of its commission by Glass because of lack of motive and the fatal error of 'laying the sins and wrongs of the Pacific States Telephone company on the shoulders of this defendant.'"

MRS. GRAY GIVES AUTHORITY

Woman Accused Of Defrauding Indians Discloses Names Of Prominent Men.

(Special to The Gazette.)

Helena, July 25.—Charging that the real cause of her arrest was to discredit her story of graft, loot and robbery of the Indians on the Crow reservation, Helen Pierce Gray, who was brought to Helena from Billings, where she was bound over to await the action of the grand jury on a charge of obtaining money from the Crow Indians under false pretenses by United States Commissioner Mann of Billings, is in the county jail, where she is held in default of bail.

She declares she is a newspaper correspondent and magazine writer and that facts she says she unearthed after an investigation which began last October, are so damaging that the interested parties have striven to suppress them. Government officials, several county representatives, prominent sheep men and cattle men are charged with being parties. Some of the persons she names live in Helena and some of these she charges were defrauded of their rights by forgeries. One prominent cattle man of this city she names as having been defrauded by rank forgery. Her story, she says, can be corroborated.

Further, she declares that her story was told by herself to President Roosevelt and Secretary of the Interior Grafton when she made a trip to Washington, April 1, spending nearly two months there. The files of the Indian bureau were opened to her by Commissioner of Indian Affairs Leupp and she collected data and prepared a report on her allegations of affairs on the Crow reservation. This, she says, will be produced within the next week.

Mrs. Gray says she is glad that she has been arrested, for now she can produce her story. Prior to her arrest she was bound by a pledge to a high official at Washington not to divulge the facts she had uncovered until an investigation was made. She says that since June 1 she was arrested five times on the Crow reservation, each time being released until the last time, when she was arrested while waiting at the Billings depot to take the train for New York.

She admits that she received \$460 from the Indians on the reservation. This, she says, was used by her to

cover her expenses to Washington when she laid the story before the president and other officials to have the wrongs of the Indians righted. She says she is not guilty of obtaining money under false pretenses from the Indians, but that she was charged at the hearing at Billings with having received money from wards of the government without the consent of the officials. She declares that the officials at Washington, in particular, the assistant secretary of the interior department, knew that she had received money from the Indians to pay her expenses to Washington and that they thought nothing of it. As a result of her trip to Washington she says that Dalbey, private secretary to Secretary Grafton, was sent out to the Crow reservation; that he interviewed the members of the Indian council and that her charge that the consent of the Indians to the opening of approximately one million acres of the reservation was obtained by forgery, was upheld by the Indians.

That is her chief charge: that the reservation was opened through the agency of rank, employed at the behest of a railroad, a townsite company, several stock growers of Montana and government officials. She says that the Indians have been robbed of \$1,600,000. She says that the Indians never consented to open this part of the reservation until they were paid one dollar and twenty-five cents a acre, but that a forged power of attorney from the Indian council was presented to the legislative branch of the government at Washington by the terms of which the Indians agreed to allow the reservation to be opened, they to receive payment as the settlers took up the land. No settlers, or very few, took up the land; the reservation was opened and according to her story the Indians are now without their money or land.

Mrs. Gray says that she came to the Crow reservation to write up the Crow Indian fair last October for Collier's weekly and a string of newspapers. The story was written and paid for by Collier's, but the Ute trouble came up and the Indian story was killed. She came from Omaha, she said, where she was a partner in a press bureau which represented about 25 eastern papers.

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EMBEZZLER IS LOCATED

Man Who Padded Bills Of Sale Is Arrested In California.

Webster City, Ia., July 25.—Geo. McKeown, under indictment for alleged arson and embezzlement, it was reported to the prosecuting attorney today, has been found in Bakersfield, Cal., after a long search by detectives.

The prosecutor tonight is not certain whether the Geo. McKeown in Bakersfield is the one wanted in Webster City or not.

A man representing himself to be George McKeown came to Webster City in 1902 as manager of the North-western Felt Shoe company when that company opened its factory. He had been foreman of a similar establishment in New York. The stockholders and directors, however, found fault with the manager's use of the company's funds in purchasing goods in the east. The capital stock of the company was increased from \$50,000 to \$100,000 and the manager was requested to resign. A week afterward

the factory building was burned and McKeown left town, having previously sent Mrs. McKeown away. An investigation followed the disappearance of McKeown and he was indicted on several counts for embezzlement and arson. It was charged that an invoice of supplies purchased in the east by McKeown showed that the bills of sale had been padded.

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INVESTIGATING DISASTER.

Government Officials Take Hand in Columbia Catastrophe.

San Francisco, July 25.—An investigation into the cause of the wreck of the steamer Columbia was begun this afternoon by Captain John Berningham, supervising inspector of steamships in this district.

The first witness called was F. Peterson, lookout of the Columbia. He testified that at the time of the collision the weather was foggy and he could see only two ship-lengths ahead, but he heard the whistle of the San Pedro about 15 minutes before the vessel was sighted. The San Pedro's whistle was sounded about every minute to starboard of the Columbia. When Peterson first saw the San Pedro she was about 150 feet distant, coming "square on" to the Columbia. On sighting the approaching steam schooner he leaped to the bridge, where he was at the time of the collision. He believed that the Columbia steamed for eight or nine minutes after she was struck before she went down. He reported to Captain Doran when he first heard the whistles. In answer to questions he said he could not tell whether or not the Columbia was going at full speed. There was no wind and the Columbia blew her whistle regularly. After the collision Peterson said he was told by Captain Doran to arouse the passengers. He called those in the fore-cabin and then started to the life boat, to which he was assigned, but found it was gone. He had no time to call the people in the stowage or cabin. He ran to another boat and there alone he saw Captain Doran standing near and was asked to give a hand in launching the boat.

Quartermaster Hinner testified that he came on watch at midnight. He said that the Columbia floated for five to seven minutes before going down. The shock of the collision was not very great and he was doubtful if one standing in the middle of a stateroom at the time would have been thrown down.

COMPULSORY ARBITRATION

FRISCO LABOR UNIONS TO PARTICIPATE IN CONFERENCE.

San Francisco, July 25.—Compulsory arbitration was the keynote of the peace conference this afternoon. It was the sentiment of the delegates who spoke that measures should not be adopted to bring about a permanent peace. Some of the speakers suggested that labor laws, based on the Australian system should be adopted in California. Adolph Jacobs, representing the south San Francisco board of trade, even went so far as to offer a resolution that the conference send a committee to various organizations and get their support for legislation to be drafted by the conference tomorrow.

The final day of the industrial peace conference was marked by the establishment of a local branch of the National Civic Federation, the proposition submitted by the committee on resolutions being adopted with much enthusiasm. Professor Miller was appointed to select the delegates. They will consist of 15 representatives of labor, 15 representatives of capital and a like number from the ranks of the general public.

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ON BROTHER'S GALLOWES.

Two Years Separate Execution of Sentence on Johnson Brothers.

Lowanda, Pa., July 25.—Charles Johnson was hanged here today. He was twice convicted for complicity, with his brother, Bigler, in the murder of his brother's wife and niece near here in September, 1904.

Charles was hanged upon the gallows upon which his brother was executed two years ago. The drop fell almost at the same minute as in his brother's execution.

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JAPAN WILL GOVERN KOREA

Hostile Governments Agree In Promotion of Prosperity.

WAR CLOUDS HAVE PASSED

Agreement Signed Giving Japan Practical Control of Hermit Kingdom.

Seoul, July 25.—Ivan Young, president of Korea, acting by authority of the emperor given under the Imperial seal at the palace early yesterday, and Marquis Ito, resident general of Japan, signed the following agreement at midnight at the Japanese residency:

"The governments of Japan and Korea, in view of the early attainment of prosperity and strength in Korea and the speedy promotion of the welfare of the Korean people, have agreed upon and concluded the following stipulations:

"Article 1: The government of Korea shall follow the direction of the resident general in connection with the reform of the administration.

"Article 2: Korea shall not enact any law or ordinance, or carry out any administrative measure unless it has the previous approval of the resident general.

"Article 3: The judicial affairs of Korea shall be kept distinct from ordinary administrative affairs.

"Article 4: No appointment or disposal of Korean officials of high grade shall be made without the consent of the resident general.

"Article 5: Korea to appoint all official positions under recommendations of the resident general.

"Article 6: Korea shall not engage any foreigner, without the consent of the resident general.

"Article 7: The first clause of the agreement between Japan and Korea, dated August 22, 1904, is hereby abrogated."

Viscount Hayashi, the Japanese minister of foreign affairs, received the Associated Press correspondent today and in an interview on the Korean situation said that the new agreement contained Japan's whole program in Korea. His mission accomplished, he said, he would return to Japan on the first ship from Chemulpo; that matters now devolve upon Marquis Ito, who is more than a premier and whose responsibility had more than doubled, adding that Japan's responsibilities in Korea were now enormous. Continuing, Count Hayashi said:

"The provisions of the new agreement were anticipated in the protectorate agreement of 1905 and complete our obligations with the accompanying responsibility to protect. The Hague Korean denunciation was inherently unimportant, only showing the urgent necessity of a close control of the throne. The cabinet is expected to combine the work of purification of the court. In the matter of separating the emperor and ex-emperor, the cabinet is solely concerned.

In regard to the feeling in Japan about the new convention, the people are undoubtedly sufficiently critical, but the agreement ought to satisfy all reasonable Japanese as it ends a long disagreeable situation. The ex-emperor was a spoiled despot, always intent upon the selfish exploitation of his position. The power of the emperor and the throne has been diminished. It is now possible to regulate all of the emperor and ex-emperor's acts.

"The most important thing to be accomplished was the judicial reform, the articles providing for a separation of judicial magistrates and administrative affairs, which is an urgent necessity. Other matters, perhaps, are of less importance, such as taking control of the Korean army and administering the finances and the affairs of the imperial household."

Touche upon the American question, Count Hayashi said:

"It is a fact that the Japanese people have forgotten the American question in the Korean crisis, which has shown the little importance attached by the public to the former. The leaders in the agitation in Japan are men who have gone astray in their judgment of public questions."

Continuing, the foreign minister said:

"If the lesson of the fate of Korea can be so regarded by China, it may have warned that government to put its house in order before, whatever its strength may be, the nation imitate the events in Seoul, where the emperor has to bear a severe lesson. China's despotism is the worst form of government. A crisis is yet to come as, the present ruling mind once gone, the nation will be a prey to intrigues."

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MOTION HEARD IN EDDY CASE

Judge Chamberlain Denies Right to Hamper Masters.

Concord, N. H., July 25.—Motions offered by counsel in the litigation growing out of the suit for an accounting of the property of Mrs. Mary Baker G. Eddy, bearing on questions which have developed in the case, were denied by the judge, R. N. Chamberlain, in the superior court here today.

The motions included, physicians to restrict the scope of the inquiry to be made by the three men appointed by the court to determine the mental condition of Mrs. Eddy; to grant an allowance from Mrs. Eddy's property to defray expenses attending the conduct of the case, and to permit the defendants—a number of leading Christian Scientists—to become parties to the inquiry by the board.

All of these motions were denied by Judge Chamberlain, and while all parties shared in the adverse finding of the court, it was explained by those familiar with the proceedings that the decision not to change the scope of the master's inquiry, gave the advantage to the "next friends" who brought the original action for an accounting.

The court today granted the right to

counsel to take exceptions. It is said the privilege will be accepted and the proceedings thereby become further complicated.

While denying the motions for funds to prosecute the case, Judge Chamberlain intimated that should Mrs. Eddy be found incompetent to manage her property, the question might be reopened and he announced that further consideration of a motion by the "next friend" that the rule requiring them to furnish a bond for the costs of the suit might be suspended, would be given.

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counsel to take exceptions. It is said the privilege will be accepted and the proceedings thereby become further complicated.

While denying the motions for funds to prosecute the case, Judge Chamberlain intimated that should Mrs. Eddy be found incompetent to manage her property, the question might be reopened and he announced that further consideration of a motion by the "next friend" that the rule requiring them to furnish a bond for the costs of the suit might be suspended, would be given.

Concord, N. H., July 25.—Motions offered by counsel in the litigation growing out of the suit for an accounting of the property of Mrs. Mary Baker G. Eddy, bearing on questions which have developed in the case, were denied by the judge, R. N. Chamberlain, in the superior court here today.

The motions included, physicians to restrict the scope of the inquiry to be made by the three men appointed by the court to determine the mental condition of Mrs. Eddy; to grant an allowance from Mrs. Eddy's property to defray expenses attending the conduct of the case, and to permit the defendants—a number of leading Christian Scientists—to become parties to the inquiry by the board.

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