

## DARROW OUTLINES CASE OF DEFENSE

### Members of Western Federation Not Angels

### A FIGHTING ORGANIZATION

### It Has Had a Troublous Career Owing to War Made on It By Enemies.

Boise, Idaho, June 24.—A great crowd gathered this morning in the court room where William D. Haywood is on trial for murder to hear the speech of Clarence Darrow, chief counsel in outlining the purposes of the defense in combating the evidence put in by the state. Darrow began in a slow, mellow drawl, characteristic of him, to state the theory and plans of defense.

"The state's attorney has told you," said Darrow, "that the murder of Governor Steunenberg was but an incident. They have told you that the Western Federation of Miners was an organization whose purpose was to commit murder, to control politics to hire lawyers and to do their criminal things. Part of this is true, part of it is not true."

Darrow then mentioned the fact that State's Attorney Hawley was the first lawyer employed by the Western Federation and that he laid out the plan of organization.

"Angels Do Not Work in Mines." "The Western Federation of Miners," said Darrow, "is an industrial and not a murderous organization. It has from time to time taken a hand in politics but we are not going to hang every organization which has done such a thing. If we did then no corporation would be safe."

Darrow said that there was no claim made that the Western Federation was an organization of angels. "Angels do not work in mines," declared the attorney, for the defense, "they are mine owners."

**Has No Apologies to Make.** "We are not here to apologize for anything the Western Federation of Miners has done. It has been a fighting organization from the first and if it dies it will die a fighting organization. It has had a troublous career, it has been opposed by every device known to the mine owners but it has prospered."

Darrow detailed the benefits the organization had brought to the miners and said that the Butte, Montana, Union alone has paid more than a million dollars to the widows and orphans of its members.

**Blames All on Pinkerton Agency.** Darrow said that as soon as the mine owners set about to destroy it and employed as its chief means Pinkerton detectives with Chief McPartland at its head.

"We will show you," he said, "that they have hired detectives and placed them in positions of responsibility, such as secretaries and presidents of local unions, that these hired men constantly advised the miners to strike and that when a strike was on they counselled violence, dynamite and murder. They did it at Telluride, they did it at Cripple Creek and at many other places. We will show that the Pinkerton agency has been the chief factor in this case from the very beginning."

**Alleges Orchard is King of Liars.**

"I do not like to take any bloom off a peach like that, but while we will show that he is not the murderer he boasts himself to be, we will compensate him by proving him to be the most monumental liar that ever existed. Before our first witness takes the stand gentlemen, we will convince you and we will convince Hawley, himself, that this man Orchard has lied in the most essential points of his story. We believe we have from twenty-five to thirty witnesses who will take the stand and contradict this man absolutely. Some of these witnesses will be miners, but others will be eminently respectable people who have never done a day's work in their lives."

Darrow then took up the career of Haywood, Moyer and Pettibone. He declared that all three were Americans and "plain, honest men." Haywood, he declared, is a plain, blunt, courageous, fighting man, even fighting the militia when necessary, and fighting for the protection of the widows and orphans.

"Moyer, as the head of the Western Federation," he said, "fought every conceivable fight as men like him born of such stock will always fight."

"Pettibone," he said, "was a happy, careless, sunny man with a laugh and a joke for everyone."

## THREE CYCLONES VISIT KANSAS TOWN

One Follows Other Within Few Hours—Many Houses Wrecked and a Number Injured.

Medicine Lodge, Kan., June 24.—Three distinct tornadoes struck Medicine Lodge last night, destroying twenty-five houses in the northern part of town. Six persons were injured seriously, one is missing, but so far as known no lives were lost.

The most seriously injured person is Mrs. May Lyle. She is injured internally and may die.

The first tornado struck here shortly after 7 o'clock Sunday evening, destroying telegraph and telephone wires and cutting off all communication.

The second storm approached shortly before midnight and the third early this morning.

All three storms came from the northwest and were accompanied by a terrific fall of rain and hail which greatly damaged crops.

## PECOS RANCHER UNDER ARREST

Lyttleton Lewis Accused of Having Shot and Killed Cattle Not His Own.

Charged with having shot and killed cattle belonging to others, Lyttleton Lewis, who has a small ranch in the upper Pecos region, just across the river in San Miguel County, was arrested by Lieutenant John W. Collier of the Territorial Mounted Police. Lewis was arraigned before the justice of the peace at Pecos and bound over to await the action of the grand jury. Being unable to furnish bail which was placed at \$500, Lewis was brought to his city last night and will be turned over to the authorities of San Miguel County. An officer is expected to arrive here tonight. Lewis was placed under arrest on information furnished by Anthony Dockweiler.

## UNKNOWN MAN STRUCK ON STREETS OF DUKE CITY.

Special to the New Mexican. Albuquerque, N. M., June 24.—While walking along First Street here this morning, an aged man whose identity is as yet unknown, suddenly threw up his hands and sank to the pavement. He was picked up in an unconscious condition and taken to a local hospital where he lies at the point of death. There is nothing on his person to ascertain who he is or where he is from.

## COAST STEAMER SINKS ALL BUT TWO PERISH.

Santiago, Chile, June 24.—The Pacific Steam Navigation Company's coasting steamer Santiago, trading between Panama and the south coast of South America, has been wrecked in a heavy squall, fifty miles north of Corral. All the crew and passengers except one passenger and one officer, perished.

## JUDGE PLEADS UNWRITTEN LAW

### Killed Man Who Ruined His Daughter

### A VIRGINIA TRAGEDY

### Culminates in Trial of Slayer on Charge of Murder—Story of Crime.

Houston, Virginia, June 24.—Empanelling of a jury for the trial of former Judge W. G. Loving for the murder of Theodore Estes, son of Sheriff M. K. Estes, of Nelson County, began here today. This trial promises to eclipse in sensational interest the recent McCue and Strothers-Bywater's case at Culpepper. Judge Loving, armed with a double-barreled shot gun, shot and instantly killed Estes while he was unloading a car of fertilizer in Oak Ridge on April 22d last.

The shooting was a sequel to a bumpy ride taken on the evening prior to the homicide by young Estes with Elizabeth Loving, the 19-year-old daughter of Judge Loving. The girl when brought home, it developed, had been drinking and it is alleged her escort had maltreated her. Acting under the impulse that his daughter had been drugged and assaulted, Judge Loving immediately searched out Estes and killed him.

The plea of the defense will be emotional insanity and the "unwritten law."

## WAS IT CONSPIRACY TO RUIN BURSUM?

### Facts and Figures Before Referee Safford in Investigation of Penitentiary Accounts Strongly Lead to Such Conclusion.

Was there a conspiracy to ruin H. O. Bursum former superintendent of the Territorial penitentiary and chairman of the Republican Territorial Central Committee, officially, personally and in business, to blacken his reputation and good name and to place him before the people of the Territory as an embezzler and as a man recreant to the public trust reposed in him, by Territorial officials, by the Albuquerque Morning Journal and other yellow sheets in their pay and a few New Mexico fake reformers?

In view of recent investigations and events connected with the case of H. O. Bursum vs. the Territory of New Mexico pending in the Third Judicial District Court for the county of Socorro in which Mr. Bursum petitioned for a full judicial investigation into the accounts and financial transactions of the Territorial prison during the term for which he was its superintendent and in which case Traveling Auditor Charles V. Safford is the referee, the opinion is gaining ground that there was a cowardly and infamous conspiracy against Mr. Bursum and with a view to discredit him in every possible way and present him to the people as an embezzler and as a boodler.

**Expert's Report Full of Errors.** While but little has been ascertained so far concerning the official investigation, which has been in progress before Referee Safford for some weeks, sufficient has been learned to make the plain and unequivocal statement that numerous errors both on the debit and credit side, arithmetical and otherwise, omissions and clerical inaccuracies have been discovered to prove that the report made by one Francis M. McMahon then secretary of the Colorado Title and Trust Company for and on behalf of the Territory and by employment of ex-Governor Herbert J. Hagerman is partially incorrect, partially incomplete and in many items unreliable and not such a document as would establish the criminality, malfeasance or misfeasance in office of any official. In short, it is not a report that sustains in any manner the charges made by the Hagerman administration against Mr. Bursum. In this respect more cannot be said until the investigation is finished and the report submitted to the court.

**Refused to Commit Himself.**

In the proceedings on Saturday last in which Referee Safford endeavored to procure testimony as to the correctness or incorrectness of certain portions of the so-called expert's report the following very singular facts were demonstrated:

1st. The expert who, after several months' labor made this report, could not and would not remember anything about it, although one of the copies of the report signed by himself was submitted to him for reference and although one of the carbon copies of the report made by him, but not signed was also ready for inspection by him. The carbon copy submitted to McMahon was the same copy which, by the way, was served on Mr. Bursum a number of weeks after the report was published and which up to the time of this hearing was deemed sufficiently good for ex-Attorney General Reid to base his demand on Mr. Bursum for the repayment of monies claimed to be due the Territory.

2d. On Saturday last Referee Safford learned of the visit of this expert to this city. Mr. Safford deemed it proper to call on McMahon and informed him in the presence of witnesses that as there were a number of discrepancies, between his, the expert's report and items both of credit and debit so far ascertained by the referee, that he felt it his duty to request McMahon to appear before him to make reconciliation if possible between figures and amounts of the referee and those shown in the expert's report. This McMahon declined flatly. Thereupon the referee in performance of his duty and in order to get all possible testimony for a full and fair investigation and report issued a subpoena for McMahon and compelled him to appear before him. Now, why this reluctance and holding back on the part of McMahon? Why would he not voluntarily give the testimony requested as nothing but the truth and facts were desired.

3d. At the hearing a carbon copy of his report was shown him and McMahon asked to identify the same. This he refused to do on the ground that it was not signed by him and without a comparison of a signed copy, he could not say whether it was correct or not. Whereupon the referee sent to the Governor's office for the official, signed report, which could not be found and as a further effort to satisfy the demand of Mr. McMahon the referee sent to the penitentiary and secured from Captain Trelford a signed copy which was complete with the exception that certain exhibits were not attached. In addition to the reports the referee had also ready for the inspection of Mr. McMahon, all the original books, papers and data used by McMahon in compiling his report, also a portion of the original work of McMahon from which certain exhibits were compiled. With all this data McMahon still refused to testify or even look at or consider any of the data submitted and absolutely refused to attempt to reconcile any differences with the referee.

**Strange Loss of Memory.**

It is certainly passing strange that this expert could not even remember the amount of money paid him for his services to the Colorado Title and Trust Company, although he was its secretary at the time being and all financial transactions had to pass through his hands. It is also strange that this expert holding the confidential position of secretary of the said company could not or would not remember the agreement between ex-Governor Hagerman and the company in this matter, when it is a well known fact that a secretary of any corporation must, perforce, be as well acquainted with its business as the president thereof.

**Where is the Official Report?**

Why was the officially signed report of this expert submitted to ex-Governor Hagerman and which was the basis for the slanders, the libels, and the falsehoods published by the Albuquerque Morning Coyote Journal and other Democratic yellow sheets in New Mexico and which should have been on file in the executive office, not there and in whose possession is it? This report is an important official document which cost the people of the Territory about \$1,250. If it is in the possession of ex-Governor Hagerman it is plain that he had no more right or power to take it with him than he had to take a desk or other property of the Territory from the executive office. What is behind this and what is the explanation?

In the investigation by this expert why did ex-Governor Herbert J. Hagerman ignore and set aside the request of Mr. Bursum to be represented by an expert bookkeeper and by reliable accountants at the investigation? This was so fair and just a request that its denial by ex-Governor Hagerman certainly indicates great hostility to Mr. Bursum and shows that he acted without the least desire to give Mr. Bursum a chance to be heard, to satisfy himself of the correctness of the statements by the expert, to give him a fair hearing so as to establish his innocence or to make settlement of any amounts that might be found justly due to the Territory.

**Wasn't It a Conspiracy?**

Again the fact that the original report of this expert has disappeared from the files of the executive office and that this expert when within the jurisdiction of the referee absolutely declined for most trivial and silly reasons to give testimony which would enable the referee to insure accuracy in the preparation of his report to the court the appearance of a lying and false special dispatch in the Albuquerque Morning Coyote Journal in this matter, certainly are more than sufficient to ask, "Was there not a venomous and cowardly conspiracy in this whole affair and a dastardly attempt for the undoing and destruction of H. O. Bursum as an official, as a citizen and as a man?" Certainly so far a good deal has appeared to give strong rise to such opinion and to such belief.

When the referee's report shall be published and the investigation by the referee closed, it is more than likely that this seemingly very grounded suspicion and opinion may develop into stern and absolute fact.

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## SLUMGULLION IS FED TO CONVICTS

### Jap Clark Testifies as to Cruelty and Brutality

### LOSES THIRTY-SIX POUNDS

### In One Year's Confinement—Convict Forced to Work With Broken Arm.

Taking of testimony was resumed this afternoon by Attorney General George W. Prichard in the investigation of charges of inhuman treatment of convicts in the penitentiary filed against Superintendent Arthur Trelford. Jap L. Clark, who was confined in the prison there as a jail prisoner awaiting trial from February 5, 1906 to February 12, 1907, was placed upon the stand and related instances of abuse to convicts, and also testified as to the poor quality of the food served to inmates of the penal institution.

**Shovels Coal With Broken Arm.**

Clark told of a case of a convict named Clarence Hamilton, who had been put to work shoveling coal, who had met with an accident about three months previous in which he sustained a fracture of the right arm. The witness stated that this convict's arm had apparently not yet healed, as it was still kept tightly bandaged. Upon cross-examination later by Attorney R. H. Hanna, counsel for Superintendent Trelford, Clark stated that Dr. David Knapp who had been treating Hamilton, said the latter would not be able to perform manual labor or use the injured arm for at least six months. Clark testified that he had occasion to examine Hamilton's injured arm one day in the bath room after he had been compelled to go to work shoveling coal and he said that it appeared to him that it was still broken.

**Sixteen Days Strung Up in Dark Cell.**

Another instance was related of punishment of a convict by the name of Claude Doan. Witness said he saw the assistant superintendent Samuel Sample taking this convict Doan to a dark cell where he was confined for sixteen days. When Clark saw the prisoner after the latter had been released from solitary confinement, Doan looked awful poor and seemed awfully weak he said. Clark said the convict told him his hands had been chained so high in a dark cell that it almost broke his back. "He seemed weak. Knight had to hold him for support. It was told they fed him on bread and water and I saw them taking bread and water down to the cell several times."

**Club to Revive Fainting Negro.**

Clark told of still another instance of cruelty to a negro convict called Tony. He said he heard water thrown one day and asked Knight who had

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## FIVE DIE IN CRASH OF TRAINS

### Passenger Over-takes Freight on Curve

### CARS ARE TELESOPED

### Victims Include Crew and Passengers—Engineer's Son Crushed in Cab.

Rochester, N. Y., June 24.—Five persons were instantly killed and a score injured last night on the Auburn branch of the New York Central Railroad one mile east of Pittsford, when a passenger train crashed into a fast freight on a sharp curve at a point known as Mitchell's Farm.

The smoking car of the passenger train was telescoped and three of the fifteen passengers in the car were instantly killed. The son of Engineer Lyons of the freight, who was in the cab with his father, and a brakeman were the other two killed. The dead are:

EMMETT LYONS, aged 14 years. MILES S. CUTTING, station agent at Railroad Mills. B. H. VROM. BRAKEMAN, name unknown. J. B. MCARTHUR, a bridge foreman. An unidentified man.

## PREFERRED DEATH TO LIFE TERM

### Olguin Wanted 99 Feet of Rope Instead 99 Years

### MURDERERS INCARCERATED

### Prisoners Convicted at Recent Term of Rio Arriba Court.

Seven prisoners and five of them convicted of murder in the second degree were lodged in the Territorial penitentiary Saturday evening by Sheriff Narciso Sanchez and two deputies of Rio Arriba County. Four of the men found guilty of homicide were sentenced to terms of ninety-nine years which is equivalent to life imprisonment. The other man was given the minimum sentence of five years on account of mitigating circumstances connected with his crime.

Trinidad Olguin and Henry Romero, two of the life term convicts sentenced at the recent term of the district court of Rio Arriba County, were convicted of the murder of a man named Archuleta which occurred about three months ago at Chama. Archuleta it will be remembered, was lured from a saloon for the purpose of robbery and was struck over the head with a rock which resulted in his death almost instantly. Olguin and Romero fled but were later arrested and the latter confessed his part in the crime.

When Romero was arraigned he agreed to plead guilty and give the details of the killing and the plot to rob Archuleta if he was let off with a life sentence. Inasmuch as it would have been difficult to have secured a conviction of Olguin without the testimony of Romero and for the further reason that Romero insisted that he had been an unwilling accomplice the plea of guilty in the second degree, was finally accepted by the court, and a sentence of ninety-nine years in prison imposed.

**Begged to Be Hung.**

Olguin who is the older of the two men and has served a term in the penitentiary once before, was tried by a jury and was found guilty on the evidence furnished by Romero. Olguin was also given a sentence of ninety-nine years. Olguin protested his innocence and when he was before the court for sentence he begged to be hung rather than sent to the prison for the rest of his natural life. He said he would rather the judge would give him ninety-nine feet of rope than ninety-nine years in the penitentiary but the court was unable to accommodate the prisoner owing to the verdict of the jury.

Crescencio Gonzales, who was another of the prisoners sentenced to ninety-nine years imprisonment was convicted of the murder of his wife which occurred last year at his home in Rio Arriba County. There was no eye witness to the tragedy aside from Gonzales but suspicion pointed strongly to him as being the perpetrator and he finally confessed. Gonzales is said to have acted peculiarly on the night before the murder was committed and some of the people in his home community are of the opinion that he was mentally unbalanced at the time. Gonzales had been away from home working for about a year and killed his wife shortly after his return. When arraigned a plea of guilty to murder in the second degree was accepted by the court.

Carlos Valdez, who was the fourth man who received a life term in prison entered a plea of guilty to murder in the second degree which was accepted. He was arrested for killing one man and wounding another while on a drunken debauch lasting four days. The wounded man has since recovered. Valdez is married and has a wife and five children.

**Indian Gets Five Years for Murder.**

Antonio Trujillo who was sentenced to five years in prison for second degree murder is a Pueblo Indian who killed a fellow tribesman in a fist fight at Santa Clara. Trujillo offered to plead guilty to murder in the second degree which was accepted. Superintendent Clinton J. Crandall of the U. S. Indian agency informed the court that the Indians had been on a general drunk at the pueblo at the time the killing occurred when saloons were selling liquor to them in the belief that there was no law under which the proprietors could be punished after the Territorial Supreme Court had decided the United States law inapplicable to the Pueblo Indians and before the present law forbidding the sale of intoxicants was enacted by the Legislative Assembly. The Indians involved in the fight

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