

HAWLEY BEGINS ARGUMENT.

Denounced Defendant and Co-conspirators as Worst Band of Criminals That Ever Infested Country.

Boise, Idaho July 19 .- The field for argument both for the prosecution and defense of William D. Haywood has been limited by Judge Wood, who in a decision handed down today removed from consideration of the jury all evidence bearing on the alleged conspiracy by mine owners and others against the Western Federation of Miners, Judge Wood decided that the defense of Hay-wood had made no legal connection of the Mine Owners' association, the Cili-zens' alliance of Colorado and the Pink-erton detective agency as laying a foundation for the evidence introduced by the defense to show that the charge against Haywood and his co-defendants is the out come of a conspiracy to ex-terminate the federation. Immediately following the announce-menced. Judge Hawley, leading com-sel for the state, spoke for two hours and 15 minutes of the afternoon session, the morning session having been ad-journed to enable the judge to prepare his decision. Wood decided that the defense of Hay

COURTROOM CROWDED.

COURTROOM CROWDED. Every seat in the courtroom was oc-cupied. Outside the enclosure reserved for attorneys and newspaper men were many persons prominent in public and private life, and a sprinkling of women in summer costumes added color to the auditorium space. Gov. Frank Good-ing, ex-Gov. Morrison, a number of the officers of the state administration, Capt. James McFarland, Julian P. Steunenberg, a son of the murdered ex-governor, and a large gathering of members of the bar of Idaho and ad-joining states were present. Haywood

Steurenberg, a son of the murdered ex-governor, and a large gathering of members of the bar of Idaho and ad-joining states were present. Haywood sat behind six of his counsel. His wife, in her invalid chair, was placed on his right and his eldest daughter sat be-side her mother. Haywood's half sister and step-father ocupied seats close to the defense group. Mr. Hawley, who has been ill for several days as the result of the strain of the long trial, commenced his ad-dress in a volce almost inaudible to anyone except the jury. He apologized for this, however, explaining that he had feared he would be unable owing to ill health to deliver a prolonged ad-dress. Mr. Hawley is the Nestor of the Boise bar. He is a man of impressive presence and aggressive speech. Warm-ing to his subject, this afternoon, his volce lost all trace of weakness. His address after the opening statement in which he explained that he had "none of the grace of words that constitute an orator" was at times eloquently im-passioned, but withal a plan analysis of the exidence. He characterized the case as the "most important ever given to the jury in the United States," and urged the jury to serious consideration of this country," was forceful and his co-conspirators as the "worst band of or this country," was forceful and his denuctation of the defendant and his co-conspirators as the "worst band of orthe streme. Mr. Hawley des-cribed Orchar's story as truthful not on this country," was forceful and his cellogy of ex-Gov. Steunenberg elo-quant in the extreme. Mr. Hawley des-cribed Orchar'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. Then when he found reason for the con-fession in the conscience of the crim-inal stirred by memories of a happy bybod in a virtuous home there was a summer his audience.

among his audience. Counsel for the defense repeatedly



ride country. DEFENDANT INVOLVED. The testimony of the state, for what, ever it may be worth with the jury, connects the defendant on trial directly with the various acts of violence in-volved in the cvidence of the state, so far as they apply to the state of Colo-ando, while the testimony of the defends which will be withdrawn from the jury does not point to or indicate that any the such acts of violence, or procured the commission thereof. For these rei-sons the court will instruct the jury when arriving at its verdict to disre-sard all evidence introduced by the de-fare and upon rebuttal, relating to deportations of miners and other per-sons from Cripple Creek and the vi-introduced by the de-in relation to the conflicts in the same localities between the Western Feder-anization, detective associations and inthe owners' associations and individ-ults in the same localities on the other. "Counsel for the defense have re-newed their motion as mide at the con-tistion of the case first made by the state, that the court advise the jury to to the one side and the military or-state, that the court advise the jury to to the motion will be denied." The defense noted an exception to the whole of the cecision. The defense noted an exception to the state was begun by James H. Hawket. HAWLEY'S ARGUMENT.

HAWLEY'S ARGUMENT.

HAWLEY'S ARGUMENT. Mr. Hawley has been ill for a week past and looked in bad physical condi-tion as he began his address in a low voice. He congratulated the jury upon reaching the end of what he termed the most important criminal case which has ever passed into the hands of any jury in the United States. All that the state desired, he declared, was that equal and exact justice should be And gentle applications of Cuticura Ointment, the great Skin Cure. This treatment permits rest and sleep, and points to a speedy cure

in the most distressing cases, when done. The attorney plunged almost immed-iately into the confession of Harry Or-chard, upon which the people present-ed their case. He characterized the story as the most extraordinary recital ever heard in a courtroom. There was no attempt at concealment, and the story was told in a way which im-pressed one with its truth and carried conviction. all else fails. Guaranteed absolutely pure under the United States Food and Drugs Act, and may be

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story was told in a way which im-pressed one with its truth and carried conviction. "Harry Orchard told his story in no spirit of bostfulness," declared Mr. Hawley, "nor did he tell it in a spirit of revenge. I say to you gentlemen that Harry Orchard has no more hope in his future than he has pride in his past. He expects no earthly reward. In the light of an awakened conscience he told the truth, with no desire to shield himself or any one else." Mr. Hawley asserted that the truth of Orchard's story, instead of being shaken was strengthened by the cross-examination of Atty, Richardson of the defense, a cross-examination unpar-alleled in its flerceness and length. Sin-stained criminal though he is, Mr. Haw-ley asserted that Orchard' story stood the test of fire and left the impress of truth upon all who heard it. The state, Mr. Hawley said, had corroborated all of the important de-tails of Orchard's testimony. The contradictions from the defense came only from witnesses who had been parties to the confessed crimes or proven perjurers. He expressed the belief that Orchard's story would bring to justice "the worst set of conspirators that ever infested any section of the United States." Referring to the laws of conspiracy, Mr. Hawley said that if a combina-tion is shown to exist, every person connected with it is equally guilty with the others for every act, deed or utterance growing out of the con-spiracy. As to the method of bringing Moyer, court and argued by counsel," said Judge Wood, "involves the materiality of evidence introduced by the defense showing a long series of deportations of miners and other persons and other acts of violènce involving the destruc-tion of property belonging to the West-ern Federation of Miners or certain local unions thereof; also as to the materiality of other evidence intro-duced by the defense showing that the Pinkerton detective agency had placed its detectives in various local unions of said federation of miners. The court suggested the immateriality of this evi-dence before the conclusion of the state's rebuttal and advised counsel that argument would be invited there-on before the instructions of the court were settled. This testimony was all admitted upon the promise and as-surance of counsel that the proper con-nection would be made showing that some at least of the various acts of vio-lence testified to by the witness Or-chard were either not commitlence testified to by the witness Or-chard were either not commit-ted by the witness, Orchard, on it committed by him gome other person of persons procured him to commit such acts of violence, either of which defenses were proper and le-gitimate, if any evidence could be so-cured tending to establish such defense. cured tending to establish such defense. In the opinion of the court no evidence was introduced by the defense even pointing to or indicating that the acts of violence testified to by Orchard, if actually committed by anyone, were committed by any other person or per-sons than as testified to by the last; memed witness.

spiracy. As to the method of bringing Moyer, Haywood and Pettibone to Idaho from Colorado, Mr. Hawley said the course adopted was the only one open to the prosecution and had been passed upon by the highest court of the land. Counsel for the defense would dwelt upon the matter, he said, but it could merely be an effort to divert the minds of the jurors from the real named witness. "Neither is there any evidence tend-ing to point to or from which it might be inferred that any individual or any

DESERET EVENING NEWS SATURDAY JULY 20 1907

for the defense accidentally and unwit-tingly brought it out in the cross-ex-amination of the man who acted as "powder-man" in the mine. As to the theory of the defense that the Vindicator explosion was an acci-dent, Mr. Hawley admitted this was true as far as Supt. McCormick and Shift Boss Beek were concerned. "The leadors of the strike did not in-tend to kill these two men," said the attorney; "their taking off was not what they had planned. The bomb was placed there to blow into eternity some 60 or more non-union men who were about to go to work in the level where the explosion occurred."

SUBTERFUGE OF AN ACCIDENT.

SUBTERFUGE OF AN ACCIDENT. The defense could urge no personal motive on the part of Orchard or any-one but the Western Federation of Min-ers, so they resorted to the subterfuge of an accident. The only witness they could find to give testimony tending to bear out the theory was Thomas Wood, who had been employed in the mine but a day and a half. Mr. Hawley de-nounced Wood as a falsifier who delib-erately lied to assist the defense. The testimony in rebuttal, he claimed, showed this conclusively. Mr. Hawley said the Vindicator ex-plosion clearly showed the responsibili-ty of Haywood and his subordinates for the crime. "And men," he asserted, "who would conspire to commit such an act as this,

"And men," he asserted, "who would conspire to commit such an act as this, who would, if they could, have sent a carload of unprepared men to their death, would not hesitate to murder the ex-governor of the state of Idaho if it suited their purpose or assisted in carrying out their plans. And, gentle-men, a juror who is not content with such evidence as we have adduced in regard to the Vindicator is looking for an opportunity to rid himself of the consequences of an unpleasant verdict and is not actuated by a desire to serve his country and his state as an honest citizen." citizen." Mr. Hawley suspended here, and will

sume when court convenes at 9:30 a n. tomorrow.

SONORA QUESADA DEAD.

She Was Known as the Cuban Joan of Arc.

New York, July 20 .- Cable advices from Havana, Cuba, announce the death of Senora Juan Quesada, the Cuban Jean of Arc, at the age of 70 years.

years. Senora Quesada was the best known woman in the island. She came of a good family in Camaguey, but despite the comforts and luxury which her cir-custances gave her, she chose to aid her countrymen in the field in the 10 years' war against Spain. Senora Quesada was only one of the many amazons who wielded a machete in the struggle, but her bravery and the standing of her family made her the best known. She served throughout that long, hard campaign under the command of Gen. Maximo Gomez. Again, in the revolution against Spain, that began in 1895 and ended in 1898, with the overthrow of the Spanish rule, Senora Quesada, though then advanced in 42.6, took part in the uprising for "Cuba libre." Senora Quesada was the best known

"Cuba libre." The time uprising for "Cuba libre." For several summers before Cuba at-tained her independence, Senora Ques-ada spent the season at Manhaitan beach. She was old and gray-haired, and her gentle manner and evident re-finement seemed hardly consistent with her reputation as the Cuban Jean of Arc. Patrick Sarsfield Gilmore, who in those days conducted the Twenty-sec-ond regiment band at Manhaitan beach, often publiky honored the woman patri-ot. Whenever Senora Quesada was in the audience in the amplitheater, the band would play the "Hymno Byz-mess," which since has become the Cu-ban national hymn.

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Counsel for the defense repeatedly interrupted Mr. Hawley with protest and objections, but these only seemed to stir him to greater effort. Once or twice he turned to Clarence Dar-row and faced him with a roar of an-ger and another time he said, "it does not lie in the mouth of counsel to find excuse for those awful crimes." Mr. Hawley concluded this aftermoon with the statement that already he had shown enough to convict and that any juryman not willing to cenvict on the evidence connecting the conspira-tors with the blowing up of the Bunk-er Hill and Sullivan concentrator in 1899 and the explosion at the Vindica-tor mine in 1903 alone "sought only to rid himself of an unpleasant duty to his state." his state.

Mr. Hawley will continue his argu-ment tomorrow when court meets at 9:30 and will probably conclude before adjournment. Judge Wood has notified counsel for the defense that he ex-pects argument for their side to com-mence on Monday. The courtrocm was crowded to the doors when the afternoon session be-gan at 2 o'clock. Gov, Gooding of Idaho was present for the first time. When Haywood came in he found his wife's invalid chair had been placed some distance from his. He took hold of it himself and wheeled it into a po-sition immediately at his right. JUDGE WOOD'S DECISION.

JUDGE WOOD'S DECISION.

JUDGE WOOD'S DECISION. Judge Wood as soon as he had tak-ern his place on the bench began to read his decision as to the exclusion of certain evidence. He announced that his decision was but a prelimin-ary to the instructions he will give the jury at the conclusion of the argu-ments. The most important phase of the decision was that striking out of the case all relating to the deporta-tion of the miners from the Cripple Creek and Telluride districts of Colo-rado.

rado. In the first instance Judge Wood struck out of the record that portion of Orchard's testimony relating to what Pettibone told him of a trip on which he had sent Steve Adams to get rid of claim jumpers in northern Idaho. This matter, he said, had not been con-nected up in any way with the de-fendant, Haywood.

MATERIALITY OF EVIDENCE. "The next question suggested by the

be inferred that any individual or any combination of persons procured any other person to commit said acts of vio-lence, if they were committed, than as testified to by said witness. At the farthest the testimony introduced could only furnish a motive perhaps for someone else to commit or procure the commission of the various acts of vio-lence involved which were testified to in behalf of the state. "But it is clear that the motive alone in a third person to commit an offense for which a party is being tried is not admissible in the absence of the other testimony in some way connecting or pointing to such third person as the suilty party. The witness Orchard has testified minutely and in detail to the circumstances involving the Vindicator explosion, the explosion at the Inde-pendence depot and other acts, and at-tempted acts of violence in the city of Denver. Denver

AS TO DEPORTATIONS.

As to Derontrations. The testimony introduced by the de-fers in relation to deportations, the destroying of property belonging to the destroying of the Western Federation of Miners and the Willia and the various titzens' alliances, does not point to distance. And in the absence of such of volence. And in the absence of such distance in the court feels connecting evidence the court feels on the jury and instruct them totally to distance it is a responsibility that the court be jury, when called upon for a fam-tis testimony is withdrawn from the strong explosion and other acts of violence in the state of colorado testified to by the witness orchard should be withdrawn from the bury. This evidence the court has no power to withdraw from the jury un-bury. This could be withdrawn from the power to withdraw from the jury un-bury. This could be withdrawn from the power to withdraw from the jury un-bury. This could be withdrawn from the power to withdraw from the jury un-bury. This could be withdrawn from the power to withdraw from the jury un-bury. This could be withdrawn from the power to withdraw from the jury un-bury. This could be withdrawn from the power to withdraw from the jury un-bury. This could be withdrawn from the power to withdraw from the jury un-bury. This could be withdrawn from the power to withdraw from the jury un-bury. This could be a state of the court from the power to withdraw from the jury un-bury. This could be a state of the state or complete and a coordinate of the state of th "The testimony introduced by the de-

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itself, but soon the blood becomes so contaminated that the mouth and throat

itself, but soon the blood becomes so contaminated that the mouth and throat ulcerate, glands in the groin swell, hair and eye-brows come out, copper-colored spots appear on the body, and frequently sores and ulcers break out on the flesh to humiliate the sufferer. S. S. cures Contagious Blood Poison by purifying the circulation. It attacks the disease in the right way by going down into the circulation, neutralizing and forcing out every particle of the poison, and making this fluid pure, fresh and health-sustaining. The im-provement commences as soon as the patient gets under the influence of S. S. S., and continues until every trace of the disease is removed from the blood, and the sufferer completely restored to health. Not one particle of the poison is left for future out-breaks after S. S. S. has purged and purified the blood. Book on the home treatment of this disease and any medical ad-wice desired free. THE SWIFT SPECIFIC CO., ATLANTA, GA.

could increase the jurors from the real issue involved and to incite possible ill-will in their minds against the prosecution or some member of it. Under the laws of the state of Idaho, an accessory to a murder is regarded in the same light as the murderer himself, and, if absent in body at the time of the commission of the crime, is regarded by the law as being present in spirit. The pres-ence of the defendants in the state of Idaho at the time of the death of Gov, Steuenberg was sworn to by the county attorney in the light of that law.

law. EXCHANGE OF PERSONALITIES.

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BUNKER HILL OUTRAGE.

EUNKER HILL OUTRAGE. After dwelling upon the Bunker Hill dismissed it with the declaration that it certainly could not be charged to any presonal motive on the part of Orchard. The Western Federation of Miners, and only the Western Federation of Miners, and only the Western Federation of Miners, and only the Western Federation of Miners, and then passed on to the Cripple Creek troubles. Orchard's story as to the Vin-dicator mine explosion, in which Mc-Gornick and Beck were killed. Mr. Hawley claimed, had been amply cor-timony of a witness on rebuttal, who void of the finding of a bomb in the void of the finding of a bomb in the state of the state did not know what had become of this bomb antil the attorneys

TO MEET IN CARNEGIE HALL.

TO MEET IN CARNEGIE HALL. New York, July 20.—Delegates from all the Hebrew organizations in the United States will be in lotted to attend the meeting in Carnegie hall next Oc-tober to establish an international Jew-ish conference. Arrangements to this end have been made by the executive committee, of which Dr. Julius Weise is chairman. It is expected that fully 2,600 delegates will attend. Abraham S. Schomer is the promoter and president of the organization, which is to act as a bond of union for the Hebrews of the world. It is pro-posed to call the body the Internation-al Congress of All Israel. One of the advantages urged is that it would be able to act authoritatively in case of coppression or massacre and be entitled to recognition from the car of Russia or any other ruler. International headquarters probably will be in Lon-don or Paris.

FAMINE IN JAMAICA.

FAMINE IN JAMAICA. Kingston, Jam., July 20.—The serious-ness of the famine in eastern Jamaica, caused by the eight months' drouth, is increasing. The crops have been de-stroyed and there has been a great loss of cattle. Hundreds of persons are subsisting on mangoes and many are dying from hunger. There is no pros-pect of relief till the October rains fall. Gov. Olivier is on his way to the fam-ine district today. Relief is being sent from this country.

ROYALTY STONED.

ROYALTY STONED. London, July 20.-Dispatches from Lisbon and Bucharest bring stories of royaliy being stoned while motoring. While Queen Maria of Portugal and her son, Prince Samuel, were automo-biling, they were stoned by hoodiums. Her majesty was struck on the arm, but not seriously hurt. The culprits es-caped. Crown Prince Ferdinand of Roumania was stoned and hurt by a peasant while motoring in a district affected by agrar-ian unreg. The prince stopped the car, alighted and chased and captured the man whom he handed over to the police.

FAVORS GERMAN TREATY.

New York, July 20.—The result of the vote of the members of the Merchants' association of New York, upon the pre-ambles and resolution approving the action of the government in success-fully negotiating a tariff agreement with Germany has been overwhelm-ingly in support of the preambles and resolutions submitted.

HAPRIMAN BUYS A HOME.

New York, July 20.-Edward H. Har-rinnan has bought the home of the late Heber R. Bishop, at \$81 Fifth avenue, paying for it about \$700,000. After certain alterations have been completed the financier is expected to occupy the house. Mr. Harriman's latest purchase is one of the largest houses in the Fifth avenue section.

Chicago, July 20,-For the first time in 61 days, George E. Hufford, a lawyer, joined his family at the breakfast ta-ble yesterday. For all of two months Mr. Hufford listened to the tinkling



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Day. See large ad. on page 12.

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