

ORCHARD STANDS ORDEAL WELL

Counsel Failed to Make Him Contradict Himself But Showed Him in His True Light.

ONCE A RAILROAD DETECTIVE.

Paved the Way for Contravening His Evidence on Various Points—Lie Passed Between Attorneys.

Boise, Ida., June 7.—Counsel for William D. Hayward continued their attack on the testimony of Harry Orchard at both sessions of the trial today and centered their strongest assault on the events beginning with the explosion in the Vindicator mine and ending with the earlier meetings between the witness and the leaders of the federation in Denver. To the extent that traffic with "the other side" in the war of labor and capital in Colorado was discreditable, they succeeded in discrediting the witness.

Taking up the admission that Orchard made in direct examination that he had been treacherous to his comrades in Cripple Creek by tipping off a train-wrecking plot, they developed the fact that Orchard entered the employ of D. C. Scott, who had charge of the railway detectives. Orchard said that with Scott he had met K. C. Sterling, a detective in the employ of the Mine Owners' association, and that Scott had paid his expenses and accompanied him to Denver on the trip when first he had met Moyer and Hayward from the but that he had agreed to report to Scott, but that he was lying to him, never intending to make reports to him and never did make genuine reports to him. The defense also tried to show that because he stood in with the other side Orchard was never molested by the militia in Cripple Creek during the strike. Orchard testified that Scott had told him if the militia interfered with him he was to send for him and that the militia never did interfere with him or search his house.

Orchard said that he went to Scott first because he had not been paid for his work at the Vindicator mine, and he was jealous because he was given hard work like the indicator job, while other men got the simple task of train-wrecking by displacing a rail. More crimes, great and small, were added to Orchard's record today. The Creeper Creek woman with whom he committed bigamy had three sons; Orchard stole high-grade ore from a messmate, he stole two cases of powder from the indicator mine; he stole powder to make one of the bombs thrown into the Vindicator coal pile.

The defense endeavored in various ways to throw the shadow of doubt and improbability around the whole Vindicator story and the alleged connection of W. F. Davis and William Easterly with the affair and the circumstances under which Orchard testified he met Moyer and Hayward and was paid for the commission of a crime, and to discredit Orchard's story that he was sent back to Cripple Creek with unlimited credit and orders to commit any act of violence that he cared to. They confronted Orchard with Eastern and O'Connell and paved the way for the contradiction by them of the story told by Orchard and several times during the day, and in the last passage at arms. Prosecution attorney said that Richardson told a falsehood when he testified that Orchard was a fixed witness.

AFTERNOON SESSION.
Resuming the stand at the afternoon session of court, Orchard said that prior to his marriage in Colorado he lived at Johnny Neville's house in Cripple Creek. He admitted taking some high-grade ore from a roommate's trunk and selling it for \$10. The roommate, John Thompson, had "highgraded" the ore. After first reporting to D. C. Scott, a detective of the Florence & Cripple Creek railroad, about the attempt to wreck a train, Orchard said he had seen the officer several times. He denied that he was reporting to the detective. Orchard also said he had been to see D. C. Sterling, who had charge of the detective force of the Mine Owners' association.

"Didn't you tell Scott and Sterling that you were going to the headquaters to get something against the leaders of the Western Federation of Miners?" asked Richardson.

"I told Scott I was going to try to find out something about Eastern," Orchard said.

"Who paid your expenses to Denver?" asked Richardson.

"Who paid your expenses in Denver?" asked Richardson.

"I got some money from Moyer," Orchard said.

"Didn't you tell Scott you were going to find out something about Hayward and Moyer?" asked Richardson.

"Yes, I told him that," Orchard said.

Orchard said he was not employed by Scott and went to Denver only once—in

WEIGHT AND HEALTH

THIN, NERVOUS PEOPLE NEED THE TONIC TREATMENT.

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The symptoms indicating the decline which may have results so fatal could scarcely be better described than in the statement of Mrs. William Manley, of 92 Court street, Utica, N. Y. Her case is a typical one. She says:

"For six months after the birth of my baby, I suffered from sick, dizzy headaches, which seemed like a rush of blood to my forehead, just back of my eyes. Some days they twitched so I could hardly see and black spots floated before me. My appetite was poor and I was often sick to my stomach.

"I got to work my feet soon became swollen, pained me terribly. I had sinking spells and grew pale and nervous. I was so thin that I weighed only 100 pounds.

"One day when at the drug store to get headache powders I decided to try Dr. Williams' Pink Pills instead. I soon found that my headaches were disappearing and my nerves gradually grew stronger. The pills gave me a hearty appetite and I now weigh over 130 pounds. I believe the pills to be the best tonic and builder a woman can take, as they certainly helped me when my condition was critical and I have never been seriously ill since."

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If you are ill and the treatment you are taking does not cure you, write for proof of what Dr. Williams' Pink Pills have done in similar cases. Your druggist sells them or they will send you a package of 24 pills, each of price 50 cents per box, six boxes for \$2.50, by the Dr. Williams' Medicine Co., Schenectady, N. Y.

December, 1903. He said he had tried to conceal the fact that he had been to see Scott and Sterling, but told Parker and Davis, of the union, about it when they got out of jail. Orchard denied that he had ever given any information concerning Moyer or Hayward and said he was lying to Scott when he promised him information for him.

Atty. Richardson again began to interrupt the replies of the witness to some of his questions and this brought out a protest from the prosecution.

"You mustn't lift the lid without expecting what is beneath to come out," taunted Senator Borah, for the state.

"When I lift the lid I want it to come out," replied Richardson. Then after a moment he added:

THE LID AND THE LIE.
"I know that this lid has been fixed up for us and what's beneath is also fixed up."

Atty. Hawley was on his feet in a jiffy.

"If you make a statement like that," he shouted to Richardson, "you make a statement that is absolutely false."

"Proceed, gentlemen," called out Judge Wood.

Richardson did not reply to Mr. Hawley, but again took up the cross-examination.

Orchard said that when he went to Denver on money applied by Detective Scott it was the first time he had met Hayward and Moyer. He had not heard of Pettibone up to this time. Hayward and Moyer told him, when he introduced himself, that they had heard of him.

Richardson read an extract from Orchard's testimony of yesterday. The witness interrupted him once to say he had omitted something. Richardson read again and Orchard inserted one or two words which he said the stenographer had left out.

"These words were under the lid yesterday, I suppose," the attorney snarled at the witness.

"I don't know anything about a lid," replied Orchard, unperturbed.

Orchard said he had never told Detectives Scott and Sterling anything about the explosion in the Vindicator mine.

Richardson questioned the witness closely as to the shaft he used in entering the Vindicator mine. He said he thought he went down No. 11 to place the bomb.

"Didn't you say the Whiting shaft yesterday?" asked Richardson.

"No, sir."

"Has some one told you since yesterday that there is a shaft which prevents entrance to the mine by the Whiting shaft?" asked Richardson.

"No, sir."

"Did you see Detective McParland since yesterday?" asked Richardson.

"Yes, sir."

"Ah, ha!" called the attorney. "How long were you with him?"

"I saw him for five or ten minutes in Mr. Hawley's office today at noon," Orchard said.

Orchard said that when he returned to Cripple Creek from Denver he had told Moyer and Hayward, to get busy at Cripple Creek and do whatever he could—that he couldn't go too far for them. Moyer gave him \$20 and Hayward said he could get more money for him.

"So you never were broke after that?" suggested Richardson.

"I was broke several times, but I got money every time I asked for it," Orchard said.

MADE TWO BOMBS.

Orchard was next told to describe the making of the two bombs in Cripple Creek which were to be thrown into the Vindicator coal bins. The witness said he stole the powder from a man named Charley Perkins. He

and O'Connell Barnes made the bombs in Barnes' cabin.

Then, for a second time during the day Orchard was confronted with a prospective witness for the defense. Barnes was in the audience and was told to stand up. Orchard told him at him and once more, without hesitation, said:

"That's the man with whom I made the bombs."

Barnes, a short, heavy-set man, with a large mustache, grinned and set down.

Orchard said no one had told him to take these particular bombs—he did it in accordance with the understanding at the interview with Moyer, Hayward and Easterly in Denver to go ahead and do what he could. He said he got \$150 from Moyer in Cripple Creek.

Richardson said that in December, 1902, he was told by Hayward and Moyer to turn things loose—he could not go too far to suit them. During the first days of January he said he was told to keep quiet until some of the federation men had been arrested in Cripple Creek, he had been tried.

"So the policy of the federation changed completely inside of two weeks," asked Richardson.

"It was more than two weeks," replied the witness.

Richardson asked Orchard if Railroad Detective Scott had not told him that the company had arranged to stop a train at a certain curve, draw spikes and charge an attempt at train wrecking to the Western Federation of Miners? Orchard denied that he had ever heard such a story.

At a subsequent trial of alleged train wreckers, Orchard said he heard one of the witnesses testify that he was a detective of the Thistle agency and at the same time a member of the Miners' union. This man was involved in the Carlinville case.

"Did Scott ever give you a passport through the military lines?" asked Richardson.

"No, sir. He told me if I ever got in trouble with the militia to let him know."

"Did you ever have any trouble with the soldiers?" asked Richardson.

"No, sir."

"You went where you pleased?" asked Richardson.

"Yes, sir."

"And you was never searched by the militia?" asked Richardson.

"No, sir."

"But the searching of houses was very general?" asked Richardson.

"I understood so."

PLOT AGAINST SCABS.

Before returning to Cripple Creek in January, 1904, Orchard said Pettibone gave him several cans of "Pettibone dope," or Greek fire—enough to make four gallons. He was to throw it in cars where "scabs" were riding and down mine shafts. Orchard said he buried the "dope" and never used it.

After his arrest in Caldwell, Orchard said McParland about the dope and the latter, he heard, had dug it up. Orchard would not admit that the militia were searching each train at the time he took the dope into the district.

"You had no fear of being searched?" Richardson asked.

"I tried to keep away from the soldiers as much as possible."

Orchard told of Moyer sending to Cripple Creek for him soon after this. Moyer wanted him to go along to Ouray and to Silverton, where the Telluride miners who had been deported by Gen. Bulkeley were of the Colorado militia were gathered. Moyer told him that the mine owners' thugs had threatened to beat him up if they caught him outside Denver. Orchard was to go along to help defend Moyer in case of attack. Two sawed-off guns were placed in their grips. Moyer said the guns would be good protection in the event of an attack. Orchard said he had also carried two pistols. He said Moyer had the shotguns all ready when he reached Denver.

Nothing happened on the trip to Ouray and once there Moyer was busy with the miners.

Moyer eventually was arrested for deserting the American flag, having drawn pictures of the flag and printed something on the stripes.

Orchard said he took the two sawed-off shotguns back to the miners' headquarters in Denver, where they remained until he got them some time later, using one to kill Lyte Gregory with.

Richardson asked the witness if he didn't know as a matter of fact that Moyer still has possession of his gun and that it had never been fired. Orchard said this was true, although he there were more than two of the guns at headquarters.

It was evident that Orchard's cross-examination was one-sided, completed when court adjourned until tomorrow morning at 9:30 o'clock. Tomorrow being Saturday there will be but one session of court.

COLORADO WIFE COMING.

Cripple Creek, Colo., June 7.—Mrs. Ida Toney, the woman whom Harry Orchard married in Cripple Creek, is on her way to Boise to appear as a witness for the defense.

According to intimate friends of Mrs. Toney she will swear that at the time she married Orchard he claimed to be a Pinkerton detective. She will also testify that Orchard's home was never searched by the militia although he was considered to be a strike leader. All the surrounding houses were searched.

FRANCO-JAPANESE ENTENTE TEXT SHORT.

Paris, June 7.—According to the Flg., the text of the Franco-Japanese entente is very short, consisting of a declaration followed by a statement. The declaration is said to be as follows:

France and Japan being mutually desirous of reaching an understanding and strengthening their friendly relations and having examined their interests in the far east, namely: The sovereignty of France over Indo-China, and the occupation of Japan by China, and the occupation of Port Arthur by Japan and the protection over Korea by Japan, agree that the recognition of the independence and integrity of China is the best guarantee of their interests and proclaim this principle in order to strengthen the interior peace and security of China, so necessary to all European interests.

In consequence France and Japan mutually guarantee the continental status quo.

Although the entente does not include a commercial treaty for Indo-China, pending the conclusion of such a treaty, it guarantees the most favored nation treatment for Japan in Indo-China and French subjects of Indo-China in Japan.

CORP. KNOWLES' CASE.

Record in It Has Been Received at the War Department.

Washington, June 7.—Acting Judge Advocate General Porter has received the record in the case of Corp. Edward L. Knowles, company A, Twenty-fifth Infantry, who was tried by court-martial on the charge of having made a murderous assault on Capt. Edgar A. Macklin, Twenty-fifth Infantry, with intent to commit robbery at Fort Reno, Okla., several months ago. Corp. Knowles was found guilty on both charges and sentenced to be dishonorably discharged, to forfeit all rights and allowances due him and to be confined to hard labor for 15 years.

The findings and sentence of the court were approved by Gen. Meyer, commanding the department of Texas, and the military prison at Fort Leavenworth was designated as the place of confinement. It has been erroneously stated that Knowles was sentenced to 10 years imprisonment.

E. H. HARRIMAN PERFECTLY SAFE

Testifying Before Interstate Commerce Commission Gave Immunity From Prosecution.

CABINET DISCUSSED MATTER.

Alton Deal Was Gone Over Thoroughly, the President Taking Special Interest and Part in Discussion.

Washington, June 7.—That E. H. Harriman, the railroad magnate, is immune from criminal prosecution as the result of his testimony before the interstate commerce commission in New York recently, that the question of prosecution of bituminous coal-carrying railroads should be left in the hands of the attorney general, and that prosecution of the anthracite coal roads will begin in Philadelphia, probably next week, were conclusions reached at a notable conference held at the White House tonight. The Harriman case and

the cases of the coal-carrying roads were discussed for three hours by President Roosevelt, five members of the cabinet, two members of the interstate commerce commission and special counsel for the government.

Following the general conference, Atty. Gen. Bonaparte remained with the president to discuss the so-called harvester trust. It is thought not unlikely that the question of prosecution of that organization will be left in the attorney general's hands.

The bituminous roads involved include the Delaware, Susquehanna & Schuylkill, the Philadelphia & Reading, the Lehigh Valley, the Delaware & Hudson, the New York, Susquehanna & Western, the Delaware, Lackawanna & Western, the Central Railroad of New Jersey and the Erie. The Pennsylvania and one or two others may become involved as the suit progresses, but at this time no formal complaint will be filed against them.

Those who participated in the conference were President Roosevelt, Secy. of State Root, Secy. of War Taft, Secy. of the Treasury Cortis, Secy. of the Interior Gurnell, Atty. Gen. Bonaparte, interstate commerce commissioners Knapp and Lane and Frank B. Kellogg of Minnesota, special counsel for the government. The conference began shortly after 3 o'clock. Secy. Loeb was present. The conference adjourned a few minutes before midnight.

Secy. Taft announced that Secy. Loeb would issue a statement on the subject. Special Counsel Kellogg, who walked from the White House to his hotel, declined to state what had transpired at the meeting and referred all his questions to the statement which Mr. Loeb was to promulgate.

Secy. Loeb at midnight issued this statement concerning today's cabinet meeting:

"The conference was held for the purpose of affording ample discussion concerning the matters which have been

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under investigation by the interstate commerce commission. The commission has not yet formulated its report, and all of the discussion was of a purely preliminary kind. After a report has been made the attorney general will of course carefully consider it."

The discussion took a very wide range. Much of the time was given to the Harriman Alton deal. Every phase of that transaction was thoroughly gone over and discussion also participated in more especially by the president, Mr. Kellogg, Atty. Gen. Bonaparte, Commissioner Knapp and Lane. The conclusion was promptly reached that however damaging the evidence might be against Mr. Harriman, the testimony he had given in the interstate commerce investigation had given him complete immunity from criminal prosecution.

Commissioner Knapp explained that he did not complete his investigation and that therefore he was not prepared to give a definite opinion as to the sufficiency of the evidence to warrant the government in instituting at this time suit to nullify the Alton deal. As soon as the interstate commerce commission has completed its hearing in the case a report will be made to the attorney general, who will at that time take charge of the matter and determine what, if any action shall be taken. It is not expected, therefore, that any suit will actually be begun for some time. The question of the prosecution of the bituminous coal-carrying roads was discussed at some length, but the matter was left in the hands of the attorney general for such action as he might see fit to take. There appears to be some question as to whether any action will be taken in the immediate future.

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DR. VALLE BURGE.
Missing Dentist is on Way to Philippines as a Soldier.

Coffeyville, Kan., June 7.—Dr. Valle Burgee, the dentist who disappeared on the night of March 2 and was believed to have been murdered, is on the way to the Philippines as a member of company F, Twenty-sixth regiment. He enlisted at Oklahoma City March 2, was sent to Fort Sam Houston, San Antonio, Tex., and departed thence with his regiment. The recruiting officer at Oklahoma City, who identified the recruit as Dr. Burgee, will probably receive the reward offered for his capture. The cab driver in jail here charged with murdering Dr. Burgee, will be released tomorrow.

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