

HAYWOOD WAS NOT GUILTY

(Continued from page one.)

missed for the term in less than three minutes' time.

NEWS OF VERDICT

The news of the verdict was received with a shout of joy. Extra editions of the papers carried the tidings far and wide and during the day there was a general discussion in clubs, bars, hotel lobbies and upon the street corners. The surprise which had been so manifest in the courtroom was present everywhere. The long time the jury was out had conveyed the general impression that there could be no other outcome than a disagreement. The rumors which spread so rapidly and frequently throughout the night, and which were as unreliable as such rumors always are, were generally to the effect that a majority of the jurors had decided in favor of the defendant. Some were even so radical as to say that the only difference of opinion existing in the jury was as to the degree of guilt. The apprehension of disagreement spread even to members of the defendant's family, and when to this feeling were added the rumors of an adverse decision, which continually beat about their ears during the night, there could be found none to doubt the genuineness of their joy at the verdict was read.

Clarence Darrow of Chicago, who had made a plea describing this man as a "class against class," who had defiantly told the jurors that they were hostile to his client and had had their minds poisoned by a corrupt and capitalistic press, had entered the courtroom with the mood of his speech still upon him, but as Haywood was freed and as the jury was passed out, he was with the other members of counsel and with the prisoner himself in thanking with many evidences of sincerity the 12 citizens of Idaho who had rendered the verdict. Mr. Richardson, too, hastened to dictate a statement, in which he declared that his client had been given an absolutely fair and impartial trial, and that he had indeed reason to be proud of himself.

HAYWOOD'S FIRST THOUGHT

Haywood's first thought was of his aged mother, who on yesterday had suffered a complete nervous breakdown after the jury had retired. Leaving the courtroom in company with Alky Nugent, he walked down to the jail portion of the building, shaking hands as he went with guards, employees and friends who had arrived on the scene. He made farewell to Meyer, who when he heard the verdict, said: "That's good," and never stopped shaking, and to Pettibone, whom Darrow described to the jury as "a sort of happy Hogan," and who called, "Give my regards to Broadway." Then Haywood walked to St. Luke's hospital, and unannounced, rushed into his mother's room. So great was the effect upon the elderly lady that tonight she was up and about and happy. Next Haywood went to the little cottage where his wife and daughters have been stopping. He had parted with Alky Nugent at the hospital gate and left alone in Boise, got all but lost, and had to find his way from a country store to his home, Haywood said: "I want to thank the people of Boise for their kindness to my wife, my mother, my family and my friends."

There has been widespread sympathy here for Mrs. Caruthers, the prisoner's mother. Senator Borah, for instance, when first apprised of the verdict, said: "I feel glad for Haywood's mother." Inquiry among the jurors after their dismissal revealed some of the elements entering into their decision. Samuel D. Gilman, the last man to be sworn over to the defense, declared that a majority of the men seemed convinced that the general tone of the court's instruction indicated that the defendant should be freed. Finley McBean, who voted consistently for acquittal from the first, declared that the judge's instructions seemed to settle all doubt as to the course he should take.

JUROR ROBERTSON

Juror James Robertson, the good-natured Scotchman, at whose house here in Boise Gov. Steunenberg boarded for more than two years, said: "I couldn't reconcile myself to voting any other way than with the defense from the very first, and I think that under the law and the evidence there was nothing else for us to do. The last fellow who held out against acquittal belonged to the same fraternal organization that I do. There was some talk of a compromise on a second degree verdict, but we wouldn't stand for that. It either had to be acquittal or I would have stayed there forever."

JUROR RUSSELL

Juror Samuel F. Russell, the senior member of the panel, said: "There was nothing against Haywood but suspicion and inference, and when we came to the evidence in the jury room it didn't seem somehow to fit." Juror Gilman, Samuel D. Gilman, Juror No. 3, said: "I cannot point out any particular instruction that seemed to decide the boys on a verdict of not guilty. I do not think there was any particular instruction that caused them to vote as they did. I believe it was the instructions generally. They couldn't seem to make head or tail of them, but were convinced that the general tone indicated that the defendant should be freed. Some of them seemed to think the instructions were very strong regarding corroborative testimony and some said that they could not be clear as to the reasonable doubt."

There are many in Boise who incline to the opinion that a controlling influence with the jury was their disbelief of Orchard. Haywood's counsel in all of their arguments heaped abuse upon Orchard and told of the general contempt in which all classes held such a man. The attorneys played upon the probability that Orchard had been promised immunity by some one connected with the prosecution and called attention to the fact that he had been treated with the greatest consideration by the penitentiary authorities since his confession was made to a Pinkerton detective. Judge Wood in his charge warned the jury to view Orchard's testimony with great caution and as a test of the corroborating evidence suggested that the story told by Orchard be laid aside and the remainder of the evidence viewed in that light. It was not necessary, however, he added, that the corroborating evidence should prove every point.

In the days of jury selection a vein

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of prejudice against Orchard was uncovered unexpectedly when the trial panel was more than half completed. One of the proposed jurors volunteered as an excuse the information that he would not, could not, believe Orchard under any circumstances. This was a cause for his challenge and removal, and thereafter the attorneys for the state intimated carefully into the matter of antipathy to a confessing witness.

When the jurors retired yesterday morning shortly after 11 o'clock they proceeded to the election of a foreman. Thomas B. Gess, No. 1, being selected. Then came the first formal ballot, which resulted:

FORMAL FIRST BALLOT.

Not guilty—3. Guilty—2. Blank—2.

The blank ballots were cast by Foreman Gess and A. P. Burns, both farmers. The second vote was 9 to 3, Gess going over to the majority. Then Burns joined in, making it 10 to 2. Here the jury remained in seclusion for 12 hours, the two men insisting upon conviction in some degree being Thomas Powell and Samuel D. Gilman, ranchers. The jurors in favor of acquittal took turns in arguing with the recalcitrants. Once during the long debate, as the doors of the juryroom stood open, Mr. Powell could be seen seated at the table pointing over a copy of Judge Wood's instructions. At 2:30 a. m. he succumbed and then all the jurors turned in for a nap. It was a little after 6 o'clock when Juror Gilman was aroused with the announcement that another vote was about to be taken.

"Well," he said, "anybody would stick with me I would stay here as long as any of the rest of you, but as I am alone I will fall in with your wishes."

The vote was cast and William D. Haywood was declared acquitted of all complicity in the death of former Gov. Steunenberg.

JUDGE TELEPHONED FOR.

Judge Wood was telephoned for at 7:10 a. m., and arrived at the court for defense and prosecution were slower and did not arrive until just before 8 o'clock. Mr. Darrow being the first. Haywood entered the court at 7:45 and smiled his customary greeting to counsel and newspaper men. Asked as to how he felt he declared: "Very well, indeed." He had laid down most of the night and had some sleep. Judge Wood took his place on the bench at 7:45 o'clock and four minutes later the tired, bedraggled, worn-out juror in Haywood sat with his right elbow hung over the high back of his armchair—a characteristic attitude. As the clerk began to call the roll the silence in the big courtroom was painful. The tick of the clock on the wall sounded like blows from a sledge.

Then came the voice of Judge Wood asking:

"Gentlemen of the jury, have you agreed upon a verdict?"

Haywood turned his single eye upon the 12 men.

"We have," came the response from Foreman Gess, who handed a plain, white, official-size envelope to the court.

Judge Wood delved into the envelope hesitated looked again and then in some amazement said: "There is nothing in here."

"There's the right envelope in your coat pocket," said Foreman Gess. The foreman was palpably nervous, and this added materially to the strain felt by all in the courtroom. The second envelope was handed up. "That's the paper to the clerk, who read:

THE VERDICT.

"State of Idaho against William D. Haywood—We, the jury, in the above entitled case, find the defendant, William D. Haywood, not guilty."

"THOMAS B. GESS."

Then came the congratulations of Haywood in the midst of which Judge Wood said:

"The defendant will be discharged, and the jury dismissed for the term."

Atty. Richardson was on his feet. "Would your honor permit," he began, but changing his mind sat down with the sentence unfinished. It was announced later that Haywood had desired to make a speech to the jury but had finally contented himself with expressing his thanks personally to each one.

"And if any of you ever come to Denver," he said, "as they were leaving the courtroom, 'you will always find a welcome at the Haywood home.'"

Haywood received scores of telegrams of congratulation during the day from all sections of the country. Many were from individuals and many more from labor and Socialist organizations. Eugene V. Debs was among the first to send greetings.

Tonight Haywood issued this formal statement:

HOW HAYWOOD FEELS.

"I appreciate the support of the working class extended to us by working men throughout the country. I hope to be able during the coming year to personally express that appreciation."

"I have no feeling nor ill-will toward any person. I am charitable toward all. My intention is to go back to Denver and take up my work where I left off when I was placed under arrest."

"I do appreciate the kindness and consideration with which my family has been treated by the people of Boise."

"I do appreciate, and in so stating, express the sentiments of my companions in jail, the courtesies extended to us by Sheriff Hodgins, former Sheriff Moseley and his deputies."

"As to the outcome of the trial, I have never had any fear, and would have expressed yesterday the same belief I expressed when first arrested, that is, that with a fair trial and an impartial jury the verdict would be such as has been given to the country."

"Senator Borah treated me most fairly and I appreciate it."

"Judge Wood was eminently fair, and I have extended to him my thanks for his treatment of me during the ordeal of this trial."

"I do not in any way blame Gov. Gooding for the position he took."

"In closing, I wish to express appreciation of the wonderful support given to me by the presence in the courtroom during the trial of the rep-

resentatives of labor, industrial and political organizations."

WHAT DARROW SAYS.

Clarence Darrow of Chicago, whose argument to the jury was largely special plea for labor and an attack on the methods of the state and of counsel, said:

"The trial has been fair, the judge impartial and counsel considerate. We have no complaint to make. I do not desire to be understood as wishing to reflect on the integrity of the state or the people of Idaho. Had I been governor at that time I would have been murdered, and had the evidence been brought to me that was brought to the governor of this state, I would have done probably just what Gov. Gooding has done. Senator Borah has conducted his part of the case with marked fairness and with ability unsurpassed by counsel in any great murder trial in this country. I am naturally glad that Haywood has been acquitted and I am glad that the cause of labor has been advanced."

James H. Hawley, leading counsel for the state, left tonight for the west, under doctor's orders. Immediately after the verdict he returned to his home. Mr. Hawley has broken considerably under the strain of the trial and preferred not to make a statement as to the case.

NO COMMENT BY BORAH.

Senator Borah said: "I have no comment to make on the verdict. It is good news and true of the state of Idaho have passed upon the case and that disposes of it so far as the state of Idaho and Haywood are concerned. The prosecution of the other men indicted will be pushed vigorously and without any reference to the Haywood trial."

RICHARDSON'S VIEWS.

E. F. Richardson, one of Haywood's leading counsel, said: "We have had a fair trial. We have had the most vigorous and effective counsel opposed to us that it has ever been my fortune to meet. The state has at all times been fair. The defendant has no complaint to make, nor have his counsel. Idaho has covered herself with glory."

John Murphy, general counsel for the Western Federation of Miners, who in the opinion of the fact that he was to a skeleton by consumption, had remained a place at the defense table throughout the trial, was unable to be present at the closing argument or scenes. He is now dying in the hospital here. Haywood called on him early today and the scene between the two is said to have been most affecting. Haywood looked the slightest form of the dying man in his arms and Murphy is quoted as saying between stifled sobs, "Bill, in this hour of your great triumph be humble and thankful. Murphy is not expected to live many days."

GOMPERS ON VERDICT.

Washington, July 28.—President Gompers of the American Federation of Labor tonight, in an interview regarding the outcome of the Haywood trial at Boise, Ida., declared that no American citizen could have brought in any other verdict. Mr. Gompers said:

"It was inconceivable that an honest American jury would have brought any other verdict than was rendered by the Boise jury, acquitting William D. Haywood. That he was innocent of the crime charged against him, the murder of ex-Gov. Steunenberg, was absolutely certain from the beginning when the charge was brought against him and his colleagues. Even if Haywood, Meyer and Pettibone had caused to feel resentment against Gov. Steunenberg during his administration, at the time of his being killed and for almost two months before he was in no way in a position to interfere with the work of the Western Federation of Miners; he was removed from the field of opposition to the miners' organization."

"The organization as a matter of necessity, was compelled to deal with new conditions, with new men and with new opponents, and could not have the time, money and inclination of motive to wreak a murderous revenge upon one who was no longer in their path. There was no motive and no purpose for Haywood to kill or to conspire to have killed Gov. Steunenberg."

"The Idaho jury and all the American people are to be congratulated upon the acquittal of Haywood. The testimony of Orchard was so full of contradictions that he was a manifest murderer; that he was a bigamist, burglar, incendiary, thief and fraud, was enough to sicken the hearts of all of our people. Upon such testimony it was unthinkable that a jury of honest American citizens would hang even a yellow dog."

HAYWOOD AND PRESIDENCY.

New York, July 28.—Morris Hillquit, lawyer and author and one of the most prominent Socialists of the east, expressed the conviction tonight that William D. Haywood, who was acquitted today of the murder of Gov. Steunenberg at Boise, Ida., might be nominated for the presidency in 1908. He added that Mr. Haywood was expected to be in this city next week, when a demonstration in his honor would be held.

"The innocence of Haywood I or any other Socialist never doubted," said Mr. Hillquit. "He is a leading spirit of Socialism and I might as well tell you that Mr. Roosevelt, who termed Haywood an 'undesirable citizen,' may find him an opponent for the presidential chair."

"The members of the Meyer-Haywood conference committee will secure Madison Square Garden for next week some night and we expect and have already made arrangements to have Mr. Haywood there."

Mr. Hillquit was the chief promoter of the fund raised to aid the Haywood defense.

PARADE FOR HAYWOOD.

Butte, Mont., July 28.—Seven thousand stalwart miners and other union workers of Butte paraded the streets in this city this evening as an expression of their gratitude at the acquittal of William D. Haywood. Preceded by pictures of Haywood, banners on which were inscribed the sentiments of the marching thousands and by big American flags, and with the Boston and Montana band playing stirring march music, the great procession started, four abreast, from in front of the Miners' Union hall and traversed all the principal thoroughfares of the city. Occupying a position of honor between two American flags at the head of the procession was his silk banner of the union bearing its motto, "Charity to All; Malice Toward None."

The line of march was thronged by thousands of men, women and children, and as the parade progressed hundreds of men on the sidewalks stepped into the ranks and marched along. It was one of the largest parades ever held in Butte. Returning to Miners' Union hall, speeches were made from open windows by labor leaders and by President Duffy of the miners' union.

ARRESTED FOR SHOOTING SISTERS AND BROTHER.

Versailles, July 28.—Henry Huntington, son of Douglas St. George Huntington, former attaché of the American embassy in Paris, was arrested here tonight on the charge of shooting his two sisters and one of his brothers. The condition of one of the sisters is serious, Elizabeth having received a bullet near the heart, and is thought to be dying.

The tragedy occurred at the bedside of the father, who was dying. Henry had returned to ask his father's forgiveness, having been estranged from his parents for some time past. Mr. Huntington, Sr., was suffering from pulmonary congestion, and it was believed that he was near to death, a telegram was dispatched to Henry to return. The latter hurried to the bedside, around which were gathered his wife, the daughter, Edith and Elizabeth, and her sons, Alonzo and Douglas. Henry pleaded forgiveness

for the sorrow he had caused, and had received his father's blessing, when Douglas requested him to seek the pardon of his mother also.

This Henry declined to do, and thereupon Alonzo asked him to leave the room. According to the police, Henry immediately drew a revolver and fired at Alonzo. He then wheeled and shot both sisters and endeavored to make his escape. He was captured, however by a guard who ran into the house to investigate the cause of the shots. The Huntingtons are well known in and about Paris, where Alonzo is a prominent artist.

Mr. Huntington Sr. who is 60 years of age, survived the shock of the tragic scene and was still alive at midnight. He was sinking rapidly, however, and was not expected to survive the night.

Later it developed that Douglas Huntington also had been hit by flying bullets.

SENATOR E. W. PETTUS OF ALABAMA DEAD.

Asheville, N. C., July 27.—United States Senator Edmund W. Pettus of Alabama died at Hot Springs, N. C., at 10 o'clock tonight.

Senator Pettus of Alabama was stricken with apoplexy while seated at the breakfast table at a hotel yesterday. He had somewhat unconscious until the end. The attending physician today held a consultation with a doctor from Asheville. The senator's case was pronounced hopeless.

Senator Pettus' critical illness followed quickly the death of his colleague from Alabama, Senator Morgan. Both were notable types of the old school southern states, much alike in temperament, appearance, age and political convictions. Mr. Pettus came from revolutionary stock, and during the Civil war he rose to the rank of brigadier general in the Confederate army. He entered the senate 10 years ago, and while not among the brilliant orators of that body, he was notable for his conscientious attention to the details of public business. He was 85 years old and has not been in robust health during recent months.

Senator Pettus' daughter and his grandson, E. W. Pettus, Jr., reached Hot Springs an hour before the senator's death, but he did not recognize them. The attending physicians say that from the moment of the apoplectic stroke Senator Pettus suffered no pain and that he passed away quietly.

Senator Pettus celebrated his eightieth birthday at Tate Springs last week and on that occasion his unusual vigor was the subject of comment.

PETTUS' SUCCESSOR.

Birmingham, Ala., July 28.—The successor to Senator E. W. Pettus, who died yesterday in Hot Springs, N. C., will be former Gov. Joseph E. Johnston of Birmingham. At the state primaries last year candidates for the alternate senatorships were voted on and Senator J. B. Bankhead received the highest vote. He was therefore given the first vacancy, upon Senator Morgan's death. Gov. Johnston received the next highest vote and will therefore be elected by the legislature in joint session one week from

Wednesday to the second vacancy, caused by Senator Pettus' death. Johnston is 64 years of age, has a lively war record, and has always taken a lively interest in Confederate affairs. He served as governor of Alabama from 1896 to 1900.

Auburn, N. Y., July 27.—The steamboat Frontenac was burned and beached opposite Farley's Point at Lake Cayuga today and nine lives were lost. The victims were all women and children passengers and all were drowned. Several other passengers were severely burned before the boat could be beached. She lies tonight burned and blackened in the seven feet of water. The bodies of the drowned women and children have been recovered.

NINE LIVES LOST ON STEAMER FRONTENAC

Miss Homer Genung, Freeville, Carl Genung, 7-year-old son of Mrs. Genung. Mrs. Zalia McCreery, Cohoes. Miss Lida Bennett, Frankfort. Miss Stella Clifton, Ithaca. Miss Marietta Sullivan, Syracuse. Six-year-old daughter of Howard Able, South Bloomingburg. Two unidentified women.

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