

HAWLEY FOLLOWS ORCHARD'S CAREER

Goes Over it to the Haywood Jury In a Careful, Passionless, Merciless Way.

SEVERE ON FEDERATION.

Steenberg was Particularly Obnoxious to It—Calls It Un-American—Time Brought to Justice.

Boise, Ida., July 20.—James H. Hawley, leading counsel for the state of Idaho, presenting the first of the arguments to the jury in the case against William D. Haywood, spoke for nearly eight hours, distributed over three sessions of court. Even when the afternoon session had extended far beyond the customary time limit, every seat in the courtroom was occupied and remained so until the last word was spoken. Outside the sun beat down pitilessly and the atmosphere of the room was almost stifling, the fans and open windows furnishing little or no relief.

None listened more attentively to the argument than Haywood, the defendant, and none showed less emotion. From time to time he took copious notes in a small book and frequently made suggestions to one or other of his counsel, seven of whom were in court today. Throughout the day Mr. Hawley used an almost conversational tone. Step by step he followed Orchard along the road the great criminal had selected after he left the Cour d'Alenes, stopping at the Vinciguerra mine and then at the Independence depot to count its dead. In Denver one more was added to the list and the analysis of testimony in contradiction of Orchard's story concluded frequently with the declaration of witness after witness as willful perjurers or guilty of unintentional falsehood.

When he had spoken five and a half hours Mr. Hawley reached the close of the year 1905 the preparations for the murder of Steenberg were afoot. His voice now found a sympathetic note, and as he told of the last moments of the ex-governor, the courtroom was hushed and the jury leaned forward to catch the speaker's every word. Young Julian Steenberg, who had a seat inside the railing, watched the speaker with lips drawn tight and face quivering, but gave no other sign of emotion.

Mr. Hawley's peroration was impressive. There was no attempt at any flight of oratory, but only a strong note of deep sincerity and great earnestness when he pleaded for an honest judgment from honest men of Idaho. "We will be charged," he said, "with making war on this Western Federation of Miners, but I ask for your honest judgment. I do not seek to hang the scalps of innocent men on my belt, I am here to hunt down the guilty."

Mr. Hawley said he did not charge that a majority or even that many of the Western Federation of Miners were criminals, but that the evil deeds of the officers and of the acorn of the organization had brought discredit on the rank and file. The time had indeed come, he said, when right-thinking men should rise and make war upon the evil influences that were the curse of all labor organizations.

"We must show the world," he concluded, "that here in Idaho we are a law-abiding and a God-fearing people, who will deal out even-handed justice to the criminal accused of the highest crime, petty breach of the law."

HAWLEY'S ARGUMENT.
Resuming his argument after recess, Mr. Hawley traced Orchard's movements after the Bradley explosion showing how he changed his costume to soldier's clothing in order to get out of San Francisco. The charge was accomplished in the rooms of D. C. Copley, who had been a member of the executive board of the Western Federation of Miners.

Referring to the testimony of Dr. L. L. McGee, of Wallace, Idaho, that he saw Orchard there during the summer of 1904, Mr. Hawley said Orchard could not have been there and that McGee was either gravely mistaken as to dates or stated a deliberate falsehood.

McGee was recently arrested for perjury. As to the killing of Lytle Gregory, Mr. Hawley said the evidence showed that Gregory was a companion of Detectives Scott and Sterling against whom the Western Federation of Miners had long grievances. Orchard must have been serving the federation in killing the men, for he had no personal motive.

"Again in this crime of killing Gregory we find Steve Adams directly involved and George Pettibone as giving the instructions. Again may I ask why these two men have not been called here to deny the allegations Orchard has made against them? I leave the

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answer to your judgment and your intelligence.

The prosecuting attorney next went over the various attempts made by Orchard on the lives of Judges Goddard and Gabbart and Gov. Peabody. The case of each of these men from destruction, especially Peabody, was miraculous. Mr. Hawley declared, and the motive for their removal lay in the Western Federation of Miners and not in the breast of the man hired to commit the crimes. The size and destructiveness of the bomb finally made by Orchard to destroy Gov. Peabody would seem incredible if the deadly engine itself had not been introduced. After he had spoken for nearly an hour at the afternoon session, Mr. Hawley finally brought his argument down to the death of former Gov. Frank Steenberg.

STENBERG OBNOXIOUS TO W. F. M.

"He appears to have been particularly obnoxious to the Western Federation of Miners," said the attorney. The articles which have been introduced here from the Miners' Magazine show the lasting hatred that the organization bore him. Never has a man been more hated by the miners. Frank Steenberg had been a member of a labor union, so when the mining troubles started in northern Idaho the leaders of the Western Federation of Miners thought he would be found on their side. But Steenberg thought more of law and order and his firm course in stamping out the disorders aroused the animosity of the miners' organization. If there is one class of men the leaders of an organization like this seem to despise above all others, it is those who have once been friendly, but who turn against them because of their misdeeds."

When it came to the taking off of Steenberg, Hawley said it was but natural that Orchard should be selected. He had attained the distinction of being "the boss killer of the leaders of the Western Federation of Miners," his exploits had eclipsed even those of Steve Adams, "the" Minister, and the others who had enjoyed the confidence of the "inner circle." Tracing Orchard's movements about the time of the tragedy, Mr. Hawley told of his meeting with Frank Simpson, a member of the executive board of the federation, who agreed to help in the destruction of Steenberg. The two went together to Caldwell on their mission of murder. Had Caldwell been a mining camp there might not have been anything strange in Simpson's going there, but it was a small town with an agricultural population, and the man who was an organizer of the federation could have had no good reason for remaining there day after day under the assumed name of "L. Simmons."

WHY WAS SIMPSON THERE?

"Tell me by your verdict gentlemen of the jury," exclaimed Hawley, "what this man Simpson, this associate of Moyer, Haywood and Pettibone, this leader of the Western Federation of Miners, was doing there if it was not to accomplish the death of Steenberg?"

Simpson was finally called away to a meeting of the Federation in Denver, leaving the murder to Harry Orchard, in whom he had reason to repose every confidence. On the eve of the new year the terrible deed was accomplished. The death of Steenberg was a shock not only to his home community, to the state which he had ruled, but to the entire nation. It was for this act—the killing of Frank Steenberg by Harry Orchard, with the assistance of Jack Simpson and at the instigation of William D. Haywood, Charles H. Moyer and George A. Pettibone, that this trial has been had, declared the prosecution, who then continued: "And after we consider all the evidence, how can we arrive at any other conclusion than that Orchard was actuated solely by a desire to serve his employers and to earn more money by his misdeeds?"

As connecting Haywood, Moyer and

Pettibone directly with Orchard at the time of the killing of Steenberg, Mr. Hawley read the letter which reached Orchard in the jail at Caldwell, and which Orchard testified was in the handwriting of George A. Pettibone. The letter read:

"That was sent to Jack for you and should reach you so far as I am concerned."

At this same time Haywood admitted sending a draft for \$100 to Jack Simpson, saying the latter had left the money with him when he started out on a prospecting trip.

FEDERATION TO ORCHARD'S AID.

Nearing the close of his address, Mr. Hawley dwelt for some time upon the rush of the federation attorneys to defend Harry Orchard. He told of the \$500 retainer paid to Fred Miller of Spokane and demanded to know why the Western Federation should defend its members accused of crime any more than the Masons, Odd Fellows or any other organization defends its members.

"I tell you, gentlemen of the jury, that if Harry Orchard had killed a man who had not been prominent in political life, a man who had not incurred the displeasure, the enmity of Moyer, Haywood and Pettibone, the Western Federation of Miners would not have spent \$1,000 in his defense, much less \$1,500."

"Too much stress, gentlemen, cannot be laid upon the connection of Jack Simpson with this crime. His failure to appear here, his being a fugitive from justice in the face of an indictment charging the grave crime of murder, are proof positive that he is a guilty man. Yet in the face of this, what do we find? That Jack Simpson is retained through two annual elections as a member of the executive board of the Western Federation of Miners and stands today as one of the highest officers of that organization. I ask you, in all seriousness, gentlemen of the jury, if you can imagine anything more defiant of public opinion than this?"

Mr. Hawley reviewed the testimony of the various witnesses who testified that they had heard Orchard make threats against Gov. Steenberg. Most of this testimony came from "bright and shining lights of the federation," from an old soldier who had been in the insane asylum twice and whose testimony was shown to be false in practically every detail; from Gen. George Enloe, a military general of Colorado, "one of those military politicians who floated into office when Bloody Bridges Waite was placed in the governor's chair, the gift person who came here and discoursed on the rights of anarchy and philosophy of socialism, and would have been talking yet for his own counsel hadn't stopped him; from Dave Coates, who, when he believed Harry Orchard was about to kidnap the children of Gus Paulson, failed to say anything to Paulson about it, and from Steenberg, whose testimony the attorney characterized as unworthy of belief."

"It seems," said Mr. Hawley, "that all the threats made by Orchard to casual acquaintances, the threats he has failed utterly to show that he talked to any one of his friends about his grievance against Steenberg. He said nothing to Paulson, his old partner; he said nothing to Haywood or to Moyer, as they themselves have testified, or to Pettibone, so far as we know. Orchard had sold out his interest in the Hercules mine more than a year before Gov. Steenberg ran him or anybody else out of northern Idaho."

LEADERS MUST BE BROUGHT TO JUSTICE.

Mr. Hawley declared it was time the leaders of the Western Federation of Miners were brought to the bar of justice and shown that there is a higher law in this land than their own desires.

"It is time for us," he continued, "to show them that here in Idaho we are a law-abiding, a God-fearing people, who intend to do our duty, toward the leaders of the Western Federation of Miners or some lowly tramp just blown into the state and charged with some minor offense. We believe you men of the jury are impressed with a firm desire to do your duty as you see it. All that the prosecution asks is your best judgment, your honest judgment."

"In the argument on the other side we will hear much of capital waging war on labor—Nobles could be more untrue in this case. All that has been spent in this inquiry has come from the coffers of the state of Idaho. As to labor unions, no man has a higher regard than I have for them and no man believes more strongly than I do that laboring men should band themselves together to secure shorter hours and higher wages. But the Western Federation of Miners, under the leadership of Moyer, Haywood and Pettibone, cannot be classified with any of the labor organizations we know of and which will be referred by counsel for the labor organizations that we know are not in criminal hands and are not criminal in intent and purpose. Neither are the rank and file of the Western Federation of Miners but the organization has fallen into sinister hands."

"As to the part I took as counsel for the organization of the Western Federation of Miners I have no apologies to make. If my advice and counsel had been acted upon the organization would have been a powerful factor for good in the development of the west, instead of an engine of oppression, its unenviable position of today is due to the actions of its leaders in seeking to control the politics and society of the communities where it operates."

FEDERATION IS UN-AMERICAN.

"I tell you in all earnestness that the Western Federation of Miners, as represented by its leaders, is not an American institution, but is trying to subvert the laws of the land. It is not in harmony with our institution and our laws."

"Gentlemen of the jury, I have omitted many of the hundreds of incidents that have come up in the evidence of this case, because of the length of time it would take to read and the fatigue it would cause you. I have no desire, gentlemen, to have the scalp of any innocent man dangling over your heads. I would not have an innocent man convicted through a single word of mine. I wish I could find some way of reconciling the testimony in this case with the innocence of this defendant. But I can reach but one decision—that he is not only responsible for the murder charged before you, but scores of other grave crimes. But my opinion is nothing, the opinion of the opposing counsel is nothing; you, with the evidence to guide you, are the sole judges, and I for one will be satisfied whatever your verdict may be."

Mr. Hawley concluded at 4:45 p. m., at which time the court adjourned until Monday morning at 9:30 o'clock.

FIFTY MEN SUFFOCATED IN A SULPHUR MINE.

Rome, July 21.—Fifty workmen are reported to have been suffocated as the result of a fire in a sulphur mine in Girgenti, Sicily.

BURNED TO DEATH.

Dr. E. J. Gallagher in an Automobile Accident on Long Island.

New York, July 21.—Dr. Edward J. Gallagher, a New York physician, was burned to death in an automobile accident on Long Island tonight, while his fiancée, who accompanied him, was fatally injured. Dr. Gallagher accompanied by Miss Helen Madigan, was driving his machine over the Locust avenue crossing of the Long Island railroad in Jamaica, L. I., when the car was struck a glancing blow by a fast passenger train. The machine was thrown a considerable distance and turned over upon its occupants. A fire in the gasoline tank exploded and shot the burning oil over the half-stunned motorists. The physician was so badly

burned as to be barely recognizable. He died in a few minutes. Miss Madigan was also frightfully burned. Her left leg was broken, her jaw bone fractured and her teeth knocked out. She is not expected to live until morning. Miss Madigan and Dr. Gallagher were to have been married in August.

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LOOKS LIKE MURDER.

John Javlovich's Body Found on Ranch Near Death Valley.

Goldfield, Nev., July 21.—The corpse found on the Steinhilber ranch on the edge of Death valley, several days ago, has been identified as that of John Javlovich of Goldfield. Javlovich was on the bond of Tom Argentes, charged with horse stealing. In the sum of \$1,000, and stated for Death valley with Argentes to look at some mining property the latter had promised to deed him. Argentes returned alone and could give no account of his companion. Last Tuesday a prospector found a partly decomposed body on the Steinhilber ranch, where the two men were seen together. An uncle and a cousin of Javlovich went to the ranch and identified the body. Argentes is in jail at Tonopah on a misdemeanor charge. He will be extradited and tried for murder in Inyo county, Cal.

AUTOMOBILE ACCIDENT.

Machine Goes Over Embankment, Killing One, Fatally Injuring Others.

Pittsburg, July 21.—John J. Wallace, a well-known business man of this city, is dead with a broken neck, his wife dying at her home with internal injuries and J. S. Henner and wife, friends of the Wallaces, are in a serious condition as a result of an accident to their motor car, which plunged over a 150-foot embankment on the road to Butler tonight. About five miles out from this city the chauffeur stopped the car to inquire as to the direction to Butler. The car started without apparent cause and the chauffeur jumped the side of the machine, but before he could get control of the machine, which the entire party had leaped over the embankment and landed in a big tree, Wallace was dead when picked up. The others were unconscious.

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We collected about \$500 for Charles M. Plant of 267 West First North street, Salt Lake City. This was an old note. The party who owed it first claimed forgery; afterwards, that it was outlawed and finally went into bankruptcy for the express purpose of getting out of paying this debt.

We collected a little over \$500 for Mrs. Mary Ann Frew, a widow of Syracuse, Utah; she wrote us a nice letter thanking us for our efforts, and intimated to advise her friends to turn their claims in. She also collected \$3,000 for Mrs. Charlotte Cowell, another widow, formerly of Coalville, but now of Provo, Utah.

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