

DARROW CLOSES FOR W. D. HAYWOOD

Asks Mercy and Justice for Defendant, and Pleads for the Poor, Weak and Weary.

SENATOR BORAH FOLLOWS.

Prosecution Makes No War on Organized Labor, but There is Interest of Law and Justice.

Boise, July 25.—The case of the state of Idaho against William D. Haywood, charged with the murder of Frank Steunenberg, of former governor of the state, will rest with judge and jury tomorrow night.

Clarence Darrow, after speaking for 11 hours, concluded the final plea for Haywood's life at 4:20 p. m. and at 7 o'clock this evening United States Senator Borah opened the closing argument for the prosecution. He will speak for three sessions, or about seven hours. Judge Fremont Wood will instruct and charge the jury on Saturday morning.

At least 1,000 people were unable to find seats in the courtroom tonight. Two hours before the hour set for the third session of the day, crowds began to arrive and within half an hour the doors were closed to all but court officials and newspaper men. It was an audience composed almost entirely of Boise people gathered to hear the speech of the young man who, recently elected by the people of Idaho to represent them in the United States senate, has been the assistant counsel for the prosecution in the case against Haywood.

Aside from the unaccustomed crowd in the courtroom, and the large number of women present, the scene was much as it has been at the previous sessions during the last 11 weeks. Mrs. Steunenberg, the widow of the murdered governor, appeared in the courtroom for the first time since the trial opened. She occupied a seat inside the railing, beside her youngest son, Julian. Gov. Gooding, with a number of the executive staff and a large representation of the state judiciary and bar were among the audience. Haywood was surrounded by seven of his counsel and his wife in her invalid chair, as usual, by his side.

At the prosecution's table, when Senator Borah rose to speak, were seated two assistant counsel, but James H. Hawley, leading counsel for the state, was not in his place owing to serious illness.

Senator Borah's speech was a sensation. From time to time he turned on counsel for the defense, fierce denunciations pouring from his lips, and at times brought protest from Richardson and Darrow; but with blazing eyes and hot retorts, he silenced every effort to break the rush of words. The climax was reached when, in behalf of the state of Idaho, its people, its governor, and himself, he disclaimed all intention or desire to give immunity to Haywood. Finally, his face pale, and every muscle quivering with emotion, the senator raised his arm and said: "If I should ever join in or give approval to immunity to this man, may the great God may wither my right arm to the socket."

DARROW'S FINAL ARGUMENT.

Clarence Darrow continued his final argument at 2 o'clock. He took up the alleged attempts to assassinate Peabody, Goddard and Gabbert in Denver, and announced that he would devote most of the afternoon to the assassination of Steunenberg.

Before passing on the Colorado troubles in which the federation was involved, Atty. Darrow accused Gov. Peabody of trying to kill the late Sherman Bell of having tried to assassinate him, and the Mine Owners' association of having had him arrested on false charges. As opportunity offered, the attorney attacked the mine-veigh against the newspapers and "the capitalist class."

Leaving Denver with Orchard, Darrow followed him through Idaho, up to Portland and Seattle and back to the Coeur d'Alenes in 1905. Here at Wallace, Darrow again argued the inspiration of the motive for the killing of Steunenberg. In the finding of all his old partners in the country for the rich, while Orchard himself was poor.

Ignoring entirely the argument of Richardson that Orchard was in the employ of the Pinkertons, at the time he killed Steunenberg, Darrow asserted that the position of the defense was that Orchard's sole motive for the murder of Steunenberg was to pay off the old grudge and revenge for having been driven out of the Coeur d'Alenes, and the loss of the opportunity to get rich like his old partners.

Turning rapidly through the list of witnesses who have testified to threats made by Orchard against Steunenberg, Darrow had a good word to say for each, and argued their credibility as against Orchard. Gen. Engley of Colorado, a former attorney-general, afforded an opportunity for an eulogy of the former Gov. Walte, who Darrow said, would be revered by tens and hundreds of thousands of people throughout the country for the noble stand he took in the cause of labor.

"And so this man, filled with hatred," Darrow continued, "went down to Caldwell to kill Steunenberg, whom he hated, and he borrowed the money from his old partner, Paulsen, in order that he might be able to do the deed. Jack Simpkins was at Caldwell, too, and he went from there to the mine and then to Denver. He traveled on Orchard's ticket. I promised to prove this to you, but I haven't done so. I am not permitted to tell you why, but I must say that our witnesses were killed in the night time at Denver when he was starting recently for Boise to testify on this subject."

Darrow admitted that the letter written by Pettibone to Orchard and received by Orchard after his arrest, in which Pettibone said that \$100 had been sent to Simpkins by Haywood, was a suspicious circumstance, but not incriminating. In any event, he said that, outside of Orchard, there was no direct evidence to show that Pettibone sent the letter.

The letter from Haywood to Mrs. Orchard and the sending of money by Pettibone to Orchard in San Francisco, Darrow said, were perfectly legitimate transactions. This, he said, he said, like all the other evidence brought by the state, failed utterly to incriminate his client.

At five minutes after 4 o'clock, after having spoken altogether for 11 hours, Darrow reached the peroration.

"I lack the voice and the strength," he said, "to accuse with you the many things I would like to call to your attention."

He paid a tribute to Senator Borah as the able counsel who would follow and plead for law and order and speak of the flag and the country.

NOTHING IN CASE BUT ORCHARD.

"But I tell you, gentlemen, that there is nothing in this case but Orchard. I am confident that you will realize this and in this confidence I leave the case with you, and may peace be with you."

"Mr. Hawley says that he believes

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In this case, I believe in it as I believe in my life. I've given 30 years of my life to the poor. I have pleaded cases for them, but never before have I pleaded a cause in which I felt such an interest, and never did I hope for a verdict in favor of my client as I hope for this.

Eloquently Darrow appealed for mercy and justice. He said he had known Haywood for years, and that the day of his conviction would be a sad day for him. The sun would not shine and the birds would not sing.

"But it is not for Bill Haywood I plead," he cried, "or for his widow or his orphans. If he dies, 45,000 men who work in the mines will send their mate to support the widow and the little ones and a million people send their message of sympathy. I don't plead for Haywood. Don't think for a moment that, if you kill Haywood, you will kill the labor movement of the world, or the hopes and aspirations of the poor. Haywood can die, if he must, but there are others who will live if he dies, and they will come to take his place and carry the banner which he lets fall. I plead for the poor and the weak and the weary. The eyes of the world are on you 12 men of Idaho tonight, and wherever the English tongue is spoken and throughout the civilized world they are wondering about your verdict. If you decree his death the spiders and the vultures of Wall street will send up pangs of praise and wherever men live, who hate Haywood because he works for the poor you will receive your need of praise."

"But if you acquit this man there are millions of men—out on the broad prairies, on the wide ocean, in the factories and mills and down deep in the earth—there are—women and children who will pray for you. These men and women and children stand here with hands and hearts stretching out their hands and imploring God to guide your judgment and imploring you to save Haywood."

Mr. Darrow finished abruptly, and as he walked to his table plainly showed his emotion, and many women in the audience were in tears. Court immediately adjourned until 7 p. m., when Senator Borah commences his final argument for the state.

BORAH BEGINS ARGUMENT.

Senator Borah began his argument to the jury shortly after 7 p. m. He said he appreciated that the jurors were fatigued from their long ordeal, and promised he would be as brief as possible under all circumstances. Much of his speech he declared would be an answer to the argument of the opposing counsel.

"I am aware," said Senator Borah, "that I am in the case as a special prosecutor. The learned counsel of the other side has impressed this fact upon you. But let me say that the state which does not protect its citizens or punish wrongdoers would soon lose the respect of its people and have no standing in our civilization."

"But counsel has gone further with my associate. Why should he attack Mr. Hawley, who went fearlessly into the investigation of this matter, why they should assail in a personal way a man who has practiced law in this community for 40 years, and whose honesty has never before been questioned. I do not know. It is usually thought sufficient to attack a man's argument—to do away with the logic—but running through this case is an attack upon every one, be he high, or low, who has had anything to do with or been in any way associated with the investigation of the crime of Dec. 30, 1905."

Senator Borah declared the state did not want Haywood convicted of any crime for which Orchard or Pettibone or Moyer or Simpkins or anybody else was responsible, and desired a verdict of guilty only if the evidence was deemed sufficient to warrant such a conclusion.

The senator denounced Clarence Darrow's statement that the jurors' minds had been poisoned against the defendants in this case. Nowhere, he declared, could a fairer trial have been held than in Boise, no defendant ever sat in a courtroom where there was a

greater desire for an absolutely impartial trial and just trial.

"Have you men heard anybody on the streets of Boise asking for the blood of William D. Haywood, regardless of his guilt? No, and it is to the everlasting credit of the people of Idaho that, despite the fact that one of our most distinguished citizens was foully murdered, nowhere has there been an outcry for anything but justice, and justice after an absolutely fair and impartial trial. You men know it, and by now I think the world knows it. You knew it when you lifted your hands to high hostility and took your oath of service, and it is all that the state asks of you in this, its closing hour."

NOT FIGHTING ORGANIZED LABOR.

"We are not here fighting organized labor. We are not here fighting the weak or the poor. Neither are we here to counsel that organized labor shall be a shield to crime. This is not an industrial war, as my eloquent friend of the defense would have you believe. We are not arraying class against class, or one phase of society against another. This is not a battle of the rich against the poor, or the poor against the rich. We are here in the interest of law, of justice, of fairness. That is all."

Senator Borah here pleaded directly into the assassination of Gov. Steunenberg. He declared Orchard had planted a bomb, as he had done many times before. He was an old and experienced criminal, and that he was not alone in the commission of crime. "If," he cried, "you stand at the gate of Frank Steunenberg, broken and stained with his own blood, and it from there you follow the devious ways of Harry Orchard, you will find that the trail of blood passes up the stairway in Denver, up which Orchard ran that the curb below."

Day while the darkey held his horse at that, notwithstanding what Moyer may have done, what Pettibone may have done, what Simpkins may have done, or what Orchard may have done, Haywood is not guilty. But the law, gentlemen of the jury, says that when men knowingly join together to commit a crime, each is a part of a conspiracy, no matter where that other may be at the time of the commission of the crime. It is not an answer to our charge for the attorneys for the defense to say 'We care nothing for Jack Simpkins; let him go overboard. We care nothing for what Pettibone may have done; we will talk of him later. I tell you, and I think the court will instruct you, that a conspiracy is the character of the acts of George Pettibone and Jack Simpkins are the unexplained letters and telegrams of William D. Haywood."

"The only question here is as to whether or not the evidence has been adduced to satisfy you that there is a conspiracy. Counsel for the defense has said we have not shown an 'inner circle' or an organized bureau for crime. Well, I could pretty nearly rest the proof of that proposition on the argument of Mr. Darrow himself."

W. F. M'S POWER.

"The evidence in this case shows that somewhere in the Western Federation of Miners there is a power which controls, a power which commits crime—it is proved as clearly as the fact that Frank Steunenberg is dead. Take the 2nd of April, 1906, when the members of the Western Federation of Miners walked boldly from their work, organized with military precision, went to Wardner and there blew up the Bunker Hill & Sullivan mill. Mr. Darrow tells you himself that the miners went back next day to their work in the mines. Why did they? Because they believed there was no such thing as law and order in the state of Idaho. Oh, no, gentlemen of the jury, this was not a criminal act; this was not the Western Federation of Miners. What was it? Was it an accident? Jim Shays was killed. Oh, yes, but he was a scab. Darrow tells you, The Bunker Hill mill was blown up? Oh, yes; but it employed non-union men. Darrow says that whenever you get a thousand men together to go and to do a thing that ought to be done. That may be the rule in Chicago, but it doesn't go in Idaho."

DARROW'S DOCTRINE.

"Darrow has painted Harry Orchard to you as a veritable devil, and I agree with him."

Senator Borah declared that Atty. Darrow, in his address to the jury, had offered subtle justification for everything charged against the defense. He set himself up in defiance of all the laws of public decency.

"If the doctrine that Darrow preached to you be true, I am not surprised that argument—to do away with the logic—said Senator Borah, who then turned upon Atty. Richardson, and declared that if Harry Orchard is crazy, it was no compliment to one of the greatest lawyers in the west that the madman did not decide any of his insanity in a week's cross-examination."

"The counsel of the defense," said

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The senator denounced Clarence Darrow's statement that the jurors' minds had been poisoned against the defendants in this case. Nowhere, he declared, could a fairer trial have been held than in Boise, no defendant ever sat in a courtroom where there was a

WORMS

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Senator Borah, "tell you that Orchard was caught red-handed in the act of killing Steunenberg, that he confessed to save his own neck, and that if he hadn't confessed the daisies would have been blooming on his grave for a year past. Oh, no, gentlemen of the jury, if Orchard had not confessed the attorneys for the Western Federation of Miners would be in this courtroom defending and eulogizing him as a brave man, a member of the great working class, and my friend Richardson would convince you beyond a reasonable doubt that Orchard could not be guilty of the killing of Gov. Steunenberg because he was in his room at the Bunker Hill when the bomb went off. Darrow says my as-

sociate has 'Orcharditis.' Well, may be he has, but we got it from the depths of the Western Federation of Miners. They had 'Orcharditis' first; he was one of them, a delegate to their convention, a visitor to their homes. But the difference is that we have him tied up in the penitentiary, while they were sending him broadcast throughout this country on his evil missions."

"Much has been said here in defense of Harry Orchard's religion. Whether he has religion or not I do not know, and it has nothing to do with his testimony one way or the other. But remember, gentlemen of the jury, that the question of Orchard's religion or non-religion was not a matter imposed by the state upon you—it was brought into this case by the cross-examination of the defense."

Dwelling upon Mr. Darrow's views of Christianity, Senator Borah exclaimed eloquently that it was too late in this morning of the twentieth century to write upon the brow of Him upon Calvary, 'Impostor' for info to brand 'false prophet' upon Him who said, 'This day thou shalt be with me in Paradise.'

If Harry Orchard, poor devil that he is, with his hands red with the blood of 20 innocent men and his soul steeped in the very flames of hell, had grasped the doctrine and accepted the beliefs of Christianity, Senator Borah said, he would not be one to take that solace from him.

WON'T TURN ORCHARD LOOSE.

"I do not know what your verdict will be in this case," he went on, "and I don't believe anybody knows. There is one thing I do know, and that is, that you never will get 13 men in the state of Idaho to turn Harry Orchard loose, and you never will get any man as governor to turn him loose. Orchard has been promis-

ed no immunity, and if I should ever have anything to do with such a bargain as that I should want the great God to wither my right arm till it fell from its socket. We are not asking for vicious atonement in this case, like the defense; but we want no compromise. We know one man is guilty; it is for you to determine whether there are others."

At 8:30 p. m. court adjourned until tomorrow at 9 o'clock, when Senator Borah will continue his argument.

GOV. GLENN INSISTS ON ENFORCING RATE LAW.

Raleigh, N. C., July 25.—Nothing came from the conference today between Atty. General Edwards, U. S. Attorney, and Gov. Glenn concerning a basis of settlement of the pending railway rate question between the state and the Southern Railway, involving the jurisdiction of state and federal courts. Gov. Glenn emphasized the fact that it would be useless for the railways to make any proposition that did not first provide that the state railway rate law should go into effect pending the result of the litigation, and that if the railways refuse his offer the state would, in a perfectly legal way, continue to execute the law as he sees it. If necessary, he announced, he will call an extra session of the general assembly, that it might act as it seems fit on matters affecting the litigation; that as he gets his authority and power through it, that body alone, by way of eminent domain, etc., can control and regulate railroads acting in defiance of both the law and the proceedings of the legally constituted state courts. An extra session seems inevitable as a basis of settlement.

The governor suggested to Mr. Sanford that the state should appeal to the state solicitor, at Asheville:

"That the 24-cent rate can be put into effect at once by the railroads until a final legal settlement, the state to appeal from the order of Judge Pritchard discharging from custody the Southern Railway ticket agents in Asheville; the Southern Railway to appeal to the supreme court of North Carolina in the Wake county case, in which the railway was fined \$30,000, and if decided against it, to go by writ of error to the supreme court of the United States; each side to co-operate to have both cases advanced, argued together and speedily determined; the state at its option to indict the Atlantic Coast Line in one case for violation of the rate law; all other indictments to be stopped pending a final determination of the case; the governor to advise all people against bringing family suits pending final determination, and to ask the people as a whole to acquiesce in these arrangements, the injunction suit pending before Judge Pritchard to be diligently prosecuted without the state waiving any question of jurisdiction."

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