

**COURT MAY LIMIT
HAWLEY'S DEFENSE**

Particularly as to the Existence
Of a Counter Conspiracy Against
Defendant and Associates.

ORGANIZATION OF MINERS.

Ed Boyce Details It—Admits and
Stands by His "Buy Rifles" Speech
Made in Salt Lake City.

Boise, Idaho, June 27.—A ruling made today by Judge Wood, while Ed Boyce, for years the leader of the Western Federation of Miners, and now a wealthy mine owner of the Coeur d'Alenes, was testifying in behalf of William D. Haywood, may materially limit the showing of the defense as to the existence of the counter-conspiracy against Haywood and his associates which it alleges.

Mr. Hawley, for the state, objected to a general question as to the policy and practice of mine owners throughout the west, in blacklisting miners, and in the argument that followed, Clarence Darrow, for the defense, claimed the same latitude in proving a counter-conspiracy that the state enjoyed in showing its conspiracy.

Mr. Hawley contended that the state had directly shown the existence of a conspiracy by Harry Orchard, and by so doing had laid the foundation for the defense to show the connection of all the evidence subsequently offered on the subject. He said that the defense was to show conspiracy by proving the various isolated instances and certain instances, none of which were connected with the case, and for none of which a proper foundation had been laid.

In ruling, the court accepted in part the contention of the prosecution and limited the proof of the defense along this line to events in Colorado and the Coeur d'Alenes connected with the case as now established.

ED BOYCE

Ed Boyce was the principal witness of the day and his testimony was chiefly devoted to the history of the work of the Western Federation. He denied the existence of an "inner circle" or that there had ever been a conspiracy in the organization to do an illegal act. The chief importance of Boyce's cross-examination was the production of a speech made by him at the convention of the federation held at Salt Lake in 1898, in which he said that every union should have a rifle club, and every member a rifle, so that the federation might march with 25,000 armed men in the ranks of labor.

Mr. Boyce would not agree with the accuracy of the quotation, but saying that the sentiment was correct, declared with spirit that when he spoke the words imputed to him he had, in mind, the misconduct of state troops in Colorado, the use of troops elsewhere against the federation, and the constitutional right of all citizens to bear arms which was as much the right of the miner as the aristocrat.

Mr. Hawley produced evidence as to a counter conspiracy might be admissible if it tended to show that the mine owners in any particular community were responsible for the crimes charged to the Western Federation of Miners.

Mr. Hawley asserted there was nothing to show there was a general mine owners' association, and that isolated cases could not be taken as proving a conspiracy. The prosecution, he said, had introduced a co-conspirator to show a conspiracy on the part of the federation leaders and had then connected up isolated incidents as proving the conspiracy. He thought the defense should proceed in a similar course.

DEFENSE SCORES.

The question involved in the discussion was as to the obstacles placed in the way of organizing the federation by the mine owners. Judge Wood allowed the witness to testify as to this, although he said the proper foundation had not been laid.

"I was refused work in the Coeur d'Alenes because I was a union man," said Boyce. "When I went to visit local unions I was refused food from the company stores. Men were blacklisted in Colorado and Idaho, and it was for this reason that many of them changed their names."

Boyce said he never knew Orchard personally; in fact, he never saw the man until he took the witness stand. Boyce secured his interest in the Herndon mine through his wife, who held part of the claim. He denied Orchard's statement that Boyce had given him a union transfer card in Butte. The witness said he had never issued such a card to anyone and had no such authority.

The witness started the Miners' Magazine and edited it unassisted for a long while. Boyce met Haywood in 1896 and in 1897. The witness said he knew Charles Siringo of the Pinkerton detective agency, and that Siringo in 1892 was secretary of a general miners' union in the Coeur d'Alenes.

"Now, Mr. Boyce," said Darrow, approaching the close of his examination, "has there ever existed in the Western Federation of Miners a so-called 'inner circle'?"

"No, sir," replied the witness.

"There never was,"

GUARDED AGAINST PINKERTONS.

Boyce said as president of the federation one of the things he had to guard against was the placing of Pinkertons

in the Coeur d'Alenes.

On cross-examination, Boyce said that when he was elected treasurer of Silver Bow county, Mont., he was not now a member of that organization.

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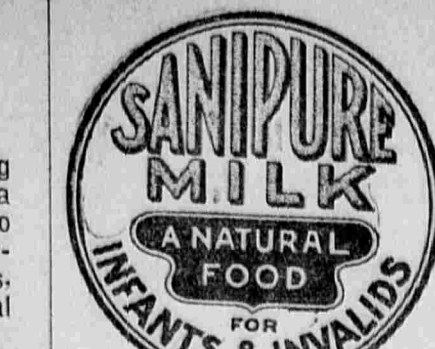
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