

Trial Commenced

Selecting a Jury Consumes Lots of Time—Large Number of Wit- nesses for Prosecution

Boise, Idaho, May 9. The first of the great Western Federation trials opened to-day with Haywood called to the bar. It is a trial the length of which no one can tell, can even estimate accurately. It may last six weeks and it may last six months.

Almost all of the time was taken up in the examination of jurors and at just before five o'clock in the afternoon the talesmen of the general panel available for jury service if found special venire of 100 talesmen was ordered to be summoned by the sheriff to report at 2 o'clock Monday, to which time a continuance in the case was ordered. At the closing of the proceedings there were eleven jurors in the box. All had been passed upon by the attorneys for the prosecution on examination for cause, after several had been excused on challenge for cause by the prosecution. The examination by the defense had been commenced and several had been excused upon challenge by Mr. Richardson for cause and three had been passed by him on examination for cause. Neither side had as yet taken advantage of any of its ten preemptory challenges.

Crowd not Extra Large.

When the court convened aside from the many newspaper writers in attendance and many members of the local bar, there was a smaller crowd in the court room than anyone had anticipated. There were but three or four women spectators. The seats back of the rail are about three-fourths occupied by members of the jury panel. There were several more news writers than on the previous day and three photographers were in the room taking views of the court as it appeared during the opening proceedings.

Sheriff Hodgins has arranged the tables and desks within the railing so as to be able to accommodate nearly a dozen more newspaper writers than had previously been arranged for and had also provided more chairs for members of the bar inside of the rail than he had at first thought could be accommodated. These alterations had been made upon suggestions by Judge Wood. The spectators in the body of the court room were a miscellaneous assemblage. Professional men of the city and out of town bumped elbows with laboring men interested in the proceedings. A number of socialists who had come here from far off points, sent as delegates to attend the trial for the purpose of reporting proceedings to particular organizations to which they belonged, were scattered through the audience.

Haywood's Family Present.

Mrs. Haywood had been carried up the stairs and into the court room in her invalid chair. She was dressed in black with a white collar at her throat and wore a black hat with a white flower. She was accompanied by her two daughters and nurse. The daughters sat in the same line with Haywood behind the attorneys; first the wife, then Verna, then the nurse with Henrietta on her lap, and then the man on trial for his life.

Haywood was clean shaved, well dressed and looked in the best of condition. His face held an expression of confidence that showed that his mind was not greatly disturbed.

As he sat down by the side of his daughter, Haywood placed his hand fondly upon her head and the two exchanged quick, loving smiles. Then he glanced over toward his wife and the two exchanged similar smiles. A moment later Haywood leaned over and began talking earnestly with Attorney Richardson. He was apparently asking some important questions and his attorney nodded vigorously at intervals. Then Haywood said something that caused them both to laugh heartily.

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The attorneys for the defense present were E. F. Richardson, C. S. Darrow, Edgar Wilson, John T. Nugent, John M. Murphy, Fred Miller and Walter Griffith; attorneys for the prosecution James H. Hawley, W. E. Borah, W. E. Stone, and Owen M. Van Duyn.

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and social position. None of the legal fraternity are annoyed because the trial is long drawn out. The judge was occupied until 3:30 in dealing with excuses, then the jury so far passing examination, was brought in; eleven of these have been passed for cause, by the prosecution, and three by the state. At the close of the afternoon session two men had been examined. Lister stated that he had an unqualified opinion and was excused. He had previously asked the judge to excuse him and had been refused. Chinn took the stand and passed the battery of the prosecution, he did not seem to know anything about anything; an ideal juror under capitalism, where the truth is not the point at issue, but the interests. When Richardson got hold of him he immediately brought out the fact that his brother was in the last legislature but Mr. Chinn could not remember whether he voted for Gooding's trial appropriation bill of \$104,000 or not; he knew his brother had voted for Borah for senator, however, he had belonged to the butchers union. He was passed for cause by the defense. This makes four passed for cause by both sides.

The Haywood family, looking as fresh and attractive as daisies, were all in court. It is touching to see Henrietta's joy when her papa comes in, she sits with one arm lovingly around his neck and her head on his shoulder, her dainty dress and beautiful white arms make a pleasing picture.

Clarence Darrow's lecture on Whitman at the Columbia house attracted a large attentive crowd. It was one of the best strokes for the working class side of the controversy that has been made. The lecture was artistic, wonderful in its sympathetic analysis of the great evolutionary poet and vibrating with the strong words for democratic justice and hatred of the horrors of this present foolish system, as Mr. Darrow said, it was written ten years ago, so it could not be accused of applying to present circumstances. Judge Wood, Borah and indeed the leaders of the Boise "uppers" were there, it was amusing to watch them. They evidently went to hear a demagogic tirade in behalf of the working class, and had fallen amidst an art, beauty and high conception of life and its purposes to which these brute tools of human oppression were utterly lost and confounded strangers. Their out-casting was so palpable and painfully evident, the lecture, without a word being said openly on the subject has put the socialists and the demanders of working class justice on a superior plain with the world's pure and ideal thought.

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James L. Ayres, J. G. Breckenridge, Henry W. Baker, Wm. Cathcart, Sylvester Gaunt, James H. Butts, Frank Foster and Paul A. Cowgill.

Those excused on challenges by the defense were Captain J. E. Yates and Albert Beck, the panel being exhausted before the attorneys for defense had finished their examination beyond the third seat.

Of the 11 now in the chairs the defense has passed after examination for cause William Van Orsdale, S. D. Gilman and A. L. Ewing.

Judge's Decision

Defense Loses in First Round—Judge Overrules Bill of Particulars— Fund to Corrupt Jury

Boise, May 9.

Yesterday morning Judge Fremont Wood overruled the motion of William D. Haywood charged with the murder of former Governor Steunenberg, for a bill of particulars, the court deciding the defendant waived his right to such a bill, not only by pleading on the indictment, but further, by permitting the case to be set for trial before making his application.

In rendering his decision, Judge Wood fully reviewed the motion and the court records of previous proceedings.

He said the only question was whether the defendant was entitled to a specification of the special overt acts by which he was connected with the murder of Governor Steunenberg. He had made continuous application for a trial, and it was too late to provide for a change in proceedings.

Mr. Richardson took an exception to the decision.

Enormous Jury Corruption Fund.

One of the workers for the defense, whose name the attorneys have requested be withheld for the present, has unearthed from among the workers for the prosecution a most monstrous and diabolical plot on the part of Gooding, Borah, the state authorities, the Mine Owners' Association and all those interested in wishing the Western Federation of Miners off the earth, to send the officials on trial to their doom. A corruption fund of \$60,000 has been placed in a Boise bank with which to buy the jury; \$5,000 is the price offered each man who will vote for conviction. And the prosecution has caused it to be circulated secretly through the community that those who will vote for a conviction verdict will be taken care of.

Preliminaries.

Thursday, May 9, at 10 A. M. the famous and long delayed trials of the Western Federation commenced. Every effort has been made by Sheriff Hodgins to provide the utmost possible conveniences for all concerned, and especially with a view to the warm weather that is expected later on. Awnings are at the windows of the court room, electric fans are to be installed, and an exhaust fan in the cupola to carry off the foul air.

Newspaper Writers.

There are now 24 newspaper writers in Boise, representing outside papers and news services, and it is expected about ten more will arrive before the trial begins. It is evident that there will not be as many outside writers here as was at first predicted. Quite a number of the large papers who expected to send representatives have changed their mind after learning how completely the Associated Press has prepared to cover the news of the proceedings.

There are five men here now working exclusively for the Associated Press, two of them being skilled code operators. Mr. Lucky of Salt Lake will send over the leased wire all the day stories from the court house and the evening stories will be ticked off by C. J. Bradley, as Associated Press operator, who arrived yesterday from Seattle.

Luke Grant, for years editor of the labor columns of the Chicago Record-Herald, arrived yesterday, and like all of the writers who have come from the east, he was greatly surprised and pleased with the city. All of the newspaper men have expressed their admiration of Boise.

E. G. Leipheimer, representing the Butte Evening News, was one of the newspaper writers who arrived yesterday. Mr. Leipheimer was formerly on the Denver News and reported for that paper from the field the Cripple Creek disturbances. He has the advantage of an acquaintance with some of the persons who will be here from Colorado as witnesses, both for the prosecution and defense. He kept in

close touch during those troubles with Sheriff Bell.

James Gray of the Minneapolis Journal arrived yesterday. Mr. Gray is one of the star writers of Minneapolis. He says his instructions were to send the news of the trial from an entirely unbiased standpoint.

Federation Attorney Here.

John H. Murphy of Denver arrived in Boise yesterday. Mr. Murphy will to some extent assist the attorneys who are defending Moyer, Haywood and Pettibone, in the coming trial of Haywood. He has for years been the attorney for the Western Federation of Miners and would be more prominent in the defense of the men now accused of the murder of former Governor Steunenberg, were it not for the fact that he has been in poor health for a number of years. His health is now far from good and he will probably not take a very active part in the trial. Still he intends to be on hand to aid in the defense as much as possible. Yesterday he made the defendants a long visit at the county jail.

Fred Miller, one of the attorneys for the defense, arrived yesterday, after being away a week or so looking after matters in connection with summoning witnesses. He was accompanied by Mrs. Miller, who expects to remain in Boise for a time before going east for a summer trip to the seaside or the Michigan lakes.

Attorney E. F. Richardson for the defense, stated yesterday that Mrs. Richardson would not be here during the trials. She is taking advantage of her husband's absence from Denver to make a visit to relatives in California. Mrs. Darrow will remain here with her husband during the trial.

Detectives Arrive.

C. H. Edmundson of Portland, one of the Thiele Detective agency operatives, who is working under W. S. Swain, arrived in Boise yesterday, but says he will leave to-day. He stated that he was not working on any matters in connection with the murder case, was merely passing through Boise. He is the detective who last fall got into trouble in Butte during the strike there.

C. S. Thiele, assistant superintendent of the Spokane office of the Pinkerton Detective agency, returned yesterday from a short trip to Spokane and was accompanied by Mrs. Thiele.

It is rumored that Steve Adams, who is now in jail in Wallace awaiting a second trial on the Tyler murder charge, will be brought here as a witness by the defense. He repudiated the confession he was alleged to have made to McPartland, and swore it had been obtained by threats. It is stated that the state has never disclosed certain parts of the Adams confession.

Subsidize Press.

It could not be expected that the Mine Owners' Association would neglect the newspaper reports. As fast as the representatives of the big press service have come in, Gooding and the attorneys for the prosecution have got hold of them and filled them up and they have practically paid no attention to the attorneys for the defense. There is no doubt but that this news service will be edited very carefully by the papers that receive it the same as has been done heretofore and probably few of the real facts will reach the public.

Cause for the Delay.

Mr. Darrow has published a statement relative to the effect of the statute of the United States under which the trials of the accused men were postponed. He says: "If there could be any doubt under the statute, which there could not, the supreme court of the United States expressly decided the matter in this way in the case of Mrs. Rodgers of Vermont who was tried and convicted pending such an appeal."

Lena Morrow Lewis' work has a revelation to the socialists in Pennsylvania. She sold \$82.80 worth of literature at 12 meetings, the audience averaging less than 100 apiece.

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Mr. Richardson took an exception to the decision.

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Preliminaries.

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Newspaper Writers.

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Subsidize Press.

It could not be expected that the Mine Owners' Association would neglect the newspaper reports. As fast as the representatives of the big press service have come in, Gooding and the attorneys for the prosecution have got hold of them and filled them up and they have practically paid no attention to the attorneys for the defense. There is no doubt but that this news service will be edited very carefully by the papers that receive it the same as has been done heretofore and probably few of the real facts will reach the public.

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Lena Morrow Lewis' work has a revelation to the socialists in Pennsylvania. She sold \$82.80 worth of literature at 12 meetings, the audience averaging less than 100 apiece.

Trial Commenced

Selecting a Jury Consumes Lots of Time—Large Number of Wit- nesses for Prosecution

Boise, Idaho, May 9. The first of the great Western Federation trials opened to-day with Haywood called to the bar. It is a trial the length of which no one can tell, can even estimate accurately. It may last six weeks and it may last six months.

Almost all of the time was taken up in the examination of jurors and at just before five o'clock in the afternoon the talesmen of the general panel available for jury service if found special venire of 100 talesmen was ordered to be summoned by the sheriff to report at 2 o'clock Monday, to which time a continuance in the case was ordered. At the closing of the proceedings there were eleven jurors in the box. All had been passed upon by the attorneys for the prosecution on examination for cause, after several had been excused on challenge for cause by the prosecution. The examination by the defense had been commenced and several had been excused upon challenge by Mr. Richardson for cause and three had been passed by him on examination for cause. Neither side had as yet taken advantage of any of its ten preemptory challenges.

Crowd not Extra Large.

When the court convened aside from the many newspaper writers in attendance and many members of the local bar, there was a smaller crowd in the court room than anyone had anticipated. There were but three or four women spectators. The seats back of the rail are about three-fourths occupied by members of the jury panel. There were several more news writers than on the previous day and three photographers were in the room taking views of the court as it appeared during the opening proceedings.

Sheriff Hodgins has arranged the tables and desks within the railing so as to be able to accommodate nearly a dozen more newspaper writers than had previously been arranged for and had also provided more chairs for members of the bar inside of the rail than he had at first thought could be accommodated. These alterations had been made upon suggestions by Judge Wood. The spectators in the body of the court room were a miscellaneous assemblage. Professional men of the city and out of town bumped elbows with laboring men interested in the proceedings. A number of socialists who had come here from far off points, sent as delegates to attend the trial for the purpose of reporting proceedings to particular organizations to which they belonged, were scattered through the audience.

Haywood's Family Present.

Mrs. Haywood had been carried up the stairs and into the court room in her invalid chair. She was dressed in black with a white collar at her throat and wore a black hat with a white flower. She was accompanied by her two daughters and nurse. The daughters sat in the same line with Haywood behind the attorneys; first the wife, then Verna, then the nurse with Henrietta on her lap, and then the man on trial for his life.

Haywood was clean shaved, well dressed and looked in the best of condition. His face held an expression of confidence that showed that his mind was not greatly disturbed.

As he sat down by the side of his daughter, Haywood placed his hand fondly upon her head and the two exchanged quick, loving smiles. Then he glanced over toward his wife and the two exchanged similar smiles. A moment later Haywood leaned over and began talking earnestly with Attorney Richardson. He was apparently asking some important questions and his attorney nodded vigorously at intervals. Then Haywood said something that caused them both to laugh heartily.

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then known to the prosecution, who were liable to be called upon to testify, for endorsement by the court on the indictment. The indictments, he explained, already had upon it all the names of witnesses who appeared before the grand jury. The defense stated there was no objection on its part and the court allowed the names to be filed with the clerk.

Mr. Hawley explained that there might be more names to be filed later, but that his list as filed was complete as far as he then knew.

Judge Wood announced that at the close of each session of the court during the trial the jury would be retired and the defendant remanded previous to adjournment and he requested that all attorneys and spectators keep their seats at each session until the adjournment was announced.

The attorneys for the defense present were E. F. Richardson, C. S. Darrow, Edgar Wilson, John T. Nugent, John M. Murphy, Fred Miller and Walter Griffith; attorneys for the prosecution James H. Hawley, W. E. Borah, W. E. Stone, and Owen M. Van Duyn.

About thirty members of the bar were present.

Twelve jurors from the venire were called to the box, and the prosecution began its examination of them.

E. L. Ewing was the first man questioned. His examination developed that he had been superintendent of the Soldiers' Home under Steunenberg, but was afterwards dismissed by him to make room for some of his political friends. In questioning them the prosecution was very particular to ask if the jurors had ever belonged to a union.

Ayers, a farmer, was asked whether he took the Appeal, Wilshire's Magazine, or the Miners' Magazine; and then there was some discussion as to whether these had been sent to him since it had become known that he was to be a juror. Darrow objected to the close questioning in regard to the Appeal, saying it was no moment as to what papers a man read. The objection was overruled by the judge, saying he expected to give considerable latitude as to questioning. Ayers was challenged by the prosecution for saying he had formed a decided opinion. Mr. Richardson resisted the challenge but it was allowed by the judge. The majority of the men examined stated they had formed opinions, and it was for this reason that most of them were dismissed.

The prosecution was very particular about asking whether the men examined were opposed to capital punishment, and whether they were opposed to the death penalty on circumstantial evidence.

The venire was made up almost entirely of business men and farmers. Only one laboring man, or wage earner, rather, was examined, and he had worked as a sort of confidential man for the Mutual Ditch company for 15 years.

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Ewing was questioned as to having held an internal revenue position. It developed that he had been a census taker. The men were all asked as to whether they were related by business or otherwise to the state's attorneys, or belonged to the same lodge or church. The suggestion of a church in connection with either Hawley or Borah was received with loud guffaws in the court room. The men were questioned closely by both sides as to what papers they read, and their sources of information on the case. Cathcart was dismissed because he was opposed to capital punishment.

The defense questioned closely in regard to the feeling on the labor troubles in the Coeur d'Alene, and the Western Federation of Miners and its officers; as to the politics of the men, and whether they were prejudiced against those of other parties especially of the socialist. They were asked

in regard to membership in the Mine Owners' Association and the Citizens' Alliance; as to what effect Taft's speech, the governor's message referring to the accused men, or the president's attack on them had made on their minds; also if Odd Fellows, in regard to the resolutions passed by the Meridian Lodge against the prisoners; concerning the resolution passed by the legislature, and its appropriation to convict the men.

So close was the questioning on the socialist proposition as to show to what an extent the socialist teaching has percolated through society, and how it has lined up the classes for class action.

Mr. Richardson plied the jurors regarding Heyburn's speech against the prisoners; and he asked them if Teddy should write any more speeches if that would influence them against the accused. One juror said if he did, they wouldn't get to see them.

But Captain Yates was the man against whom the fire of the defense was concentrated. He is the president of the bank of Commerce. The questioning developed that Borah is the attorney for the bank, that Yates is an intimate friend of Gooding and Hawley, that he was at Steunenberg's funeral. And finally he was compelled to admit that his mind was in a highly prejudiced condition, and was dismissed.

The following 11 talesmen were in the box at the close of the proceedings.

Detective's Night Mare

Plot to Kill Orchard Latest that Pinkertons Work Up to Prejudice People Against Miners

Special to the Montana News—

Boise, May 13.

Yesterday's "Statesman," the Gooding organ and the sheet that has so mercilessly and infamously prosecuted the Western Federation men came out with a leader in startling head lines announcing that a plot had been uncovered to kill Harry Orchard. The glory of this remarkable discovery is laid to the Pinkerton detectives, of course. The blood curdling expose states that emissaries of the Federation were found in position on the mountains overlooking the walls of the penitentiary intently scrutinizing with spy glasses the enclosure. It is said that the intent was to learn the habits of guards and prisoners so as to shoot Orchard when he was taking his out of door practice. The wonderful scoop then goes on to state the somewhat contradictory information that the position taken was such that these agents could shoot and kill the men with ease. How this could be done when it would take a spy glass to see him, is one of those mysteries whose solution lies only with the sleuths which enlighten the classic files of the "Statesman". The insanity story in regard to Orchard is also being repeated as the time draws near for him to appear on the witness stand. At two o'clock today the trial was resumed; the court room was filled. The jurymen summoned on the new call for a hundred veniremen were all present. The judge read the status under which he was limited in excusing those called for jury duty, and then said he would listen to the requests of those who wished to be excused. Twenty-four men promptly arose and crowded to the front. The apparent eagerness to avoid jury duty aroused a loud laugh in the court room. All but three of the men, however, making the request, were excused.

Numerous certificates of personal sickness and sickness in the family were presented which were honored by Judge Wood. Several old men asked to be relieved who were not able to stand the strain of a lengthy trial. It is noteworthy that the judge in questioning them, asked if they thought they were able to endure confinement of two or three months. This gives an idea of what the legal lights connected with the great trial expect. Oh, well, if it wasn't for courts the great legal structure and institution of capitalism and property contests and all contests that effect the part of that precious product of labor, the workers or the shirkers are to get the lawyers couldn't live and strut around in the superior consciousness of wealth

ings, William Van Orsdale, A. L. Ewing, W. W. Rudge, Aric Cole, J. L. Waggoner, George Walker, Geo. H. McIntyre, W. W. Bisby, Samuel Wyn-gate, S. F. Russell, S. D. Gilman.

Of the above all had been passed by the attorneys for the state after examination for cause except Walker. He was challenged by Mr. Hawley. The challenge was resisted by Richardson and the talesman allowed to retain his seat until the attorney for the defense questions him.

All but one of the talesmen were excused yesterday on challenges on the grounds that they admitted having formed unqualified opinions regarding the guilt or innocence of the accused. William Cathcart as challenged by Mr. Borah upon his stating he had conscientious scruples regarding capital punishment. Cathcart was excused from the Simmons trial jury for the same reason. Those excused on challenges by the state were as follows:

James L. Ayres, J. G. Breckenridge, Henry W. Baker, Wm. Cathcart, Sylvester Gaunt, James H. Butts, Frank Foster and Paul A. Cowgill.

Those excused on challenges by the defense were Captain J. E. Yates and Albert Beck, the panel being exhausted before the attorneys for defense had finished their examination beyond the third seat.

Of the 11 now in the chairs the defense has passed after examination for cause William Van Orsdale, S. D. Gilman and A. L. Ewing.

None of the legal fraternity are annoyed because the trial is long drawn out. The judge was occupied until 3:30 in dealing with excuses, then the jury so far passing examination, was brought in; eleven of these have been passed for cause, by the prosecution, and three by the state. At the close of the afternoon session two men had been examined. Lister stated that he had an unqualified opinion and was excused. He had previously asked the judge to excuse him and had been refused. Chinn took the stand and passed the battery of the prosecution, he did not seem to know anything about anything; an ideal juror under capitalism, where the truth is not the point at issue, but the interests. When Richardson got hold of him he immediately brought out the fact that his brother was in the last legislature but Mr. Chinn could not remember whether he voted for Gooding's trial appropriation bill of \$104,000 or not; he knew his brother had voted for Borah for senator, however, he had belonged to the butchers union. He was passed for cause by the defense. This makes four passed for cause by both sides.

The Haywood family, looking as fresh and attractive as daisies, were all in court. It is touching to see Henrietta's joy when her papa comes in, she sits with one arm lovingly around his neck and her head on his shoulder, her dainty dress and beautiful white arms make a pleasing picture.

Clarence Darrow's lecture on Whitman at the Columbia house attracted a large and attentive crowd. It was one of the best strokes for the working class side of the controversy that has been made. The lecture was artistic, wonderful in its sympathetic analysis of the great evolutionary poet and vibrating with the strong words for democratic justice and hatred of the horrors of this present foolish system, as Mr. Darrow said, it was written ten years ago, so it could not be accused of applying to present circumstances. Judge Wood, Borah and indeed the leaders of the Boise "uppers" were there, it was amusing to watch them. They evidently went to hear a demagogic tirade in behalf of the working class, and had fallen amidst an art, beauty and high conception of life and its purposes to which these brute tools of human oppression were utterly lost and confounded strangers. Their out-casting was so palpable and painfully evident, the lecture, without a word being said openly on the subject has put the socialists and the demanders of working class justice on a superior plain with the world's pure and ideal thought.

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The defense questioned closely in regard to the feeling on the labor troubles in the Coeur d'Alene, and the Western Federation of Miners and its officers; as to the politics of the men, and whether they were prejudiced against those of other parties especially of the socialist. They were asked

in regard to membership in the Mine Owners' Association and the Citizens' Alliance; as to what effect Taft's speech, the governor's message referring to the accused men, or the president's attack on them had made on their minds; also if Odd Fellows, in regard to the resolutions passed by the Meridian Lodge against the prisoners; concerning the resolution passed by the legislature, and its appropriation to convict the men.

So close was the questioning on the socialist proposition as to show to what an extent the socialist teaching has percolated through society, and how it has lined up the classes for class action.

Mr. Richardson plied the jurors regarding Heyburn's speech against the prisoners; and he asked them if Teddy should write any more speeches if that would influence them against the accused. One juror said if he did, they wouldn't get to see them.

But Captain Yates was the man against whom the fire of the defense was concentrated. He is the president of the bank of Commerce. The questioning developed that Borah is the attorney for the bank, that Yates is an intimate friend of Gooding and Hawley, that he was at Steunenberg's funeral. And finally he was compelled to admit that his mind was in a highly prejudiced condition, and was dismissed.

The following 11 talesmen were in the box at the close of the proceedings.

Detective's Night Mare

Plot to Kill Orchard Latest that Pinkertons Work Up to Prejudice People Against Miners

Special to the Montana News—

Boise, May 13.

Yesterday's "Statesman," the Gooding organ and the sheet that has so mercilessly and infamously prosecuted the Western Federation men came out with a leader in startling head lines announcing that a plot had been uncovered to kill Harry Orchard. The glory of this remarkable discovery is laid to the Pinkerton detectives, of course. The blood curdling expose states that emissaries of the Federation were found in position on the mountains overlooking the walls of the penitentiary intently scrutinizing with spy glasses the enclosure. It is said that the intent was to learn the habits of guards and prisoners so as to shoot Orchard when he was taking his out of door practice. The wonderful scoop then goes on to state the somewhat contradictory information that the position taken was such that these agents could shoot and kill the men with ease. How this could be done when it would take a spy glass to see him, is one of those mysteries whose solution lies only with the sleuths which enlighten the classic files of the "Statesman". The insanity story in regard to Orchard is also being repeated as the time draws near for him to appear on the witness stand. At two o'clock today the trial was resumed; the court room was filled. The jurymen summoned on the new call for a hundred veniremen were all present. The judge read the status under which he was limited in excusing those called for jury duty, and then said he would listen to the requests of those who wished to be excused. Twenty-four men promptly arose and crowded to the front. The apparent eagerness to avoid jury duty aroused a loud laugh in the court room. All but three of the men, however, making the request, were excused.

Numerous certificates of personal sickness and sickness in the family were presented which were honored by Judge Wood. Several old men asked to be relieved who were not able to stand the strain of a lengthy trial. It is noteworthy that the judge in questioning them, asked if they thought they were able to endure confinement of two or three months. This gives an idea of what the legal lights connected with the great trial expect. Oh, well, if it wasn't for courts the great legal structure and institution of capitalism and property contests and all contests that effect the part of that precious product of labor, the workers or the shirkers are to get the lawyers couldn't live and strut around in the superior consciousness of wealth

ings, William Van Orsdale, A. L. Ewing, W. W. Rudge, Aric Cole, J. L. Waggoner, George Walker, Geo. H. McIntyre, W. W. Bisby, Samuel Wyn-gate, S. F. Russell, S. D. Gilman.

Of the above all had been passed by the attorneys for the state after examination for cause except Walker. He was challenged by Mr. Hawley. The challenge was resisted by Richardson and the talesman allowed to retain his seat until the attorney for the defense questions him.

All but one of the talesmen were excused yesterday on challenges on the grounds that they admitted having formed unqualified opinions regarding the guilt or innocence of the accused. William Cathcart as challenged by Mr. Borah upon his stating he had conscientious scruples regarding capital punishment. Cathcart was excused from the Simmons trial jury for the same reason. Those excused on challenges by the state were as follows:

James L. Ayres, J. G. Breckenridge, Henry W. Baker, Wm. Cathcart, Sylvester Gaunt, James H. Butts, Frank Foster and Paul A. Cowgill.

Those excused on challenges by the defense were Captain J. E. Yates and Albert Beck, the panel being exhausted before the attorneys for defense had finished their examination beyond the third seat.

Of the 11 now in the chairs the defense has passed after examination for cause William Van Orsdale, S. D. Gilman and A. L. Ewing.

None of the legal fraternity are annoyed because the trial is long drawn out. The judge was occupied until 3:30 in dealing with excuses, then the jury so far passing examination, was brought in; eleven of these have been passed for cause, by the prosecution, and three by the state. At the close of the afternoon session two men had been examined. Lister stated that he had an unqualified opinion and was excused. He had previously asked the judge to excuse him and had been refused. Chinn took the stand and passed the battery of the prosecution, he did not seem to know anything about anything; an ideal juror under capitalism, where the truth is not the point at issue, but the interests. When Richardson got hold of him he immediately brought out the fact that his brother was in the last legislature but Mr. Chinn could not remember whether he voted for Gooding's trial appropriation bill of \$104,000 or not; he knew his brother had voted for Borah for senator, however, he had belonged to the butchers union. He was passed for cause by the defense. This makes four passed for cause by both sides.

The Haywood family, looking as fresh and attractive as daisies, were all in court. It is touching to see Henrietta's joy when her papa comes in, she sits with one arm lovingly around his neck and her head on his shoulder, her dainty dress and beautiful white arms make a pleasing picture.

Clarence Darrow's lecture on Whitman at the Columbia house attracted a large and attentive crowd. It was one of the best strokes for the working class side of the controversy that has been made. The lecture was artistic, wonderful in its sympathetic analysis of the great evolutionary poet and vibrating with the strong words for democratic justice and hatred of the horrors of this present foolish system, as Mr. Darrow said, it was written ten years ago, so it could not be accused of applying to present circumstances. Judge Wood, Borah and indeed the leaders of the Boise "uppers" were there, it was amusing to watch them. They evidently went to hear a demagogic tirade in behalf of the working class, and had fallen amidst an art, beauty and high conception of life and its purposes to which these brute tools of human oppression were utterly lost and confounded strangers. Their out-casting was so palpable and painfully evident, the lecture, without a word being said openly on the subject has put the socialists and the demanders of working class justice on a superior plain with the world's pure and ideal thought.

and social position.

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Judge's Decision

Defense Loses in First Round—Judge Overrules Bill of Particulars— Fund to Corrupt Jury

Boise, May 9.

Yesterday morning Judge Fremont Wood overruled the motion of William D. Haywood charged with the murder of former Governor Steunenberg, for a bill of particulars, the court deciding the defendant waived his right to such a bill, not only by pleading on the indictment, but further, by permitting the case to be set for trial before making his application.

In rendering his decision, Judge Wood fully reviewed the motion and the court records of previous proceedings.

He said the only question was whether the defendant was entitled to a specification of the special overt acts by which he was connected with the murder of Governor Steunenberg. He had made continuous application for a trial, and it was too late to provide for a change in proceedings.

Mr. Richardson took an exception to the decision.

Enormous Jury Corruption Fund.

One of the workers for the defense, whose name the attorneys have requested be withheld for the present, has unearthed from among the workers for the prosecution a most monstrous and diabolical plot on the part of Gooding, Borah, the state authorities, the Mine Owners' Association and all those interested in wishing the Western Federation of Miners off the earth, to send the officials on trial to their doom. A corruption fund of \$60,000 has been placed in a Boise bank with which to buy the jury; \$5,000 is the price offered each man who will vote for conviction. And the prosecution has caused it to be circulated secretly through the community that those who will vote for a conviction verdict will be taken care of.

Preliminaries.

Thursday, May 9, at 10 A. M. the famous and long delayed trials of the Western Federation commenced. Every effort has been made by Sheriff Hodgins to provide the utmost possible conveniences for all concerned, and especially with a view to the warm weather that is expected later on. Awnings are at the windows of the court room, electric fans are to be installed, and an exhaust fan in the cupola to carry off the foul air.

Newspaper Writers.

There are now 24 newspaper writers in Boise, representing outside papers and news services, and it is expected about ten more will arrive before the trial begins. It is evident that there will not be as many outside writers here as was at first predicted. Quite a number of the large papers who expected to send representatives have changed their mind after learning how completely the Associated Press has prepared to cover the news of the proceedings.

There are five men here now working exclusively for the Associated Press, two of them being skilled code operators. Mr. Lucky of Salt Lake will send over the leased wire all the day stories from the court house and the evening stories will be ticked off by C. J. Bradley, as Associated Press operator, who arrived yesterday from Seattle.

Luke Grant, for years editor of the labor columns of the Chicago Record-Herald, arrived yesterday, and like all of the writers who have come from the east, he was greatly surprised and pleased with the city. All of the newspaper men have expressed their admiration of Boise.

E. G. Leipheimer, representing the Butte Evening News, was one of the newspaper writers who arrived yesterday. Mr. Leipheimer was formerly on the Denver News and reported for that paper from the field the Cripple Creek disturbances. He has the advantage of an acquaintance with some of the persons who will be here from Colorado as witnesses, both for the prosecution and defense. He kept in

close touch during those troubles with Sheriff Bell.

James Gray of the Minneapolis Journal arrived yesterday. Mr. Gray is one of the star writers of Minneapolis. He says his instructions were to send the news of the trial from an entirely unbiased standpoint.

Federation Attorney Here.

John H. Murphy of Denver arrived in Boise yesterday. Mr. Murphy will to some extent assist the attorneys who are defending Moyer, Haywood and Pettibone, in the coming trial of Haywood. He has for years been the attorney for the Western Federation of Miners and would be more prominent in the defense of the men now accused of the murder of former Governor Steunenberg, were it not for the fact that he has been in poor health for a number of years. His health is now far from good and he will probably not take a very active part in the trial. Still he intends to be on hand to aid in the defense as much as possible. Yesterday he made the defendants a long visit at the county jail.

Fred Miller, one of the attorneys for the defense, arrived yesterday, after being away a week or so looking after matters in connection with summoning witnesses. He was accompanied by Mrs. Miller, who expects to remain in Boise for a time before going east for a summer trip to the seaside or the Michigan lakes.

Attorney E. F. Richardson for the defense, stated yesterday that Mrs. Richardson would not be here during the trials. She is taking advantage of her husband's absence from Denver to make a visit to relatives in California. Mrs. Darrow will remain here with her husband during the trial.

Detectives Arrive.

C. H. Edmundson of Portland, one of the Thiele Detective agency operatives, who is working under W. S. Swain, arrived in Boise yesterday, but says he will leave to-day. He stated that he was not working on any matters in connection with the murder case, was merely passing through Boise. He is the detective who last fall got into trouble in Butte during the strike there.

C. S. Thiele, assistant superintendent of the Spokane office of the Pinkerton Detective agency, returned yesterday from a short trip to Spokane and was accompanied by Mrs. Thiele.

It is rumored that Steve Adams, who is now in jail in Wallace awaiting a second trial on the Tyler murder charge, will be brought here as a witness by the defense. He repudiated the confession he was alleged to have made to McPartland, and swore it had been obtained by threats. It is stated that the state has never disclosed certain parts of the Adams confession.

Subsidize Press.

It could not be expected that the Mine Owners' Association would neglect the newspaper reports. As fast as the representatives of the big press service have come in, Gooding and the attorneys for the prosecution have got hold of them and filled them up and they have practically paid no attention to the attorneys for the defense. There is no doubt but that this news service will be edited very carefully by the papers that receive it the same as has been done heretofore and probably few of the real facts will reach the public.

Cause for the Delay.

Mr. Darrow has published a statement relative to the effect of the statute of the United States under which the trials of the accused men were postponed. He says: "If there could be any doubt under the statute, which there could not, the supreme court of the United States expressly decided the matter in this way in the case of Mrs. Rodgers of Vermont who was tried and convicted pending such an appeal."

Lena Morrow Lewis' work has a revelation to the socialists in Pennsylvania. She sold \$82.80 worth of literature at 12 meetings, the audience averaging less than 100 apiece.