

## Rebuttal Witnesses

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Like the direct evidence everything is Pinkertonism. The Pinkertons have hunted up the witnesses and their money is paid them from the Pinkerton office.

The attempt to prove that the Bradley explosion in San Francisco could not be due to gas was ludicrous in the extreme. C. D. Lanson of the Boise Gas Light company, qualified as an expert, and gave a blundering testimony to the effect that gas could not be lighted by a glowing coal, as a cigar, but required a flame. Mr. Richardson asked him if he knew that a \$10,000 judgment had been rendered on the testimony of the president of Leland Stanford and Berkeley universities, and other experts.

Orchard came on again Monday. Eight Pinkertons were standing in the door while he gave his testimony. That precious Orchard must be guarded well, as he is all there is to the great mine owners' case. On his cross examination he was asked as to his grandfather and uncle being insane, the former kept chained for many years, and the latter committing suicide. They both were possessed by hallucinations that they had committed great crimes. While Orchard knew of his uncle hanging himself he professed ignorance of the insanity streak in the family.

The attorneys for the defense have received undisputable information that such is the fact and indeed this line of information seems the most plausible as a solution of the murder-frenzied riddle. Orchard stories have been from the first amazing, unthinkable and bewildering. Then his remarkable and spectacular "conversion" was equally dumbfounded. But the awful lies he has been proven to have told on the stand since the alleged "conversion" can admit of but one interpretation, that of a disordered mind, swayed by every influence that blows across it. That he is of a quick, nervous highly excitable temperament, is evident to all observers, and an expert on mental diseases far more satisfactorily and scientifically than a court fighting bitterly as to which class interests shall win.

In his early testimony Orchard swore that he never knew of any "inner circle" in the Western Federation of Miners. Richardson asked him why he had published since then in McClure's magazine a prolonged account of this "inner circle." He said he had forgotten that there was anything about an "inner circle" in his published story.

E. M. Sabin, a lawyer from Idaho Springs, Colorado, proved a witness for the prosecution that Mr. Richardson had been longing to get hold of it. It was in Idaho Springs that the first deportation in Colorado took place. In the trials that followed Sabin was the attorney for the mine owners, and Richardson for the miners. The appearance of Sabin for the prosecution gave Richardson a chance to bring out a large amount of the history of the Colorado atrocities. Mr. Hawley objected to Richardson's handling of the witness. Richardson replied that he had always beaten him, but he could certify that Mr. Sabin was thoroughly able to take care of himself.

The miners were deported by a mob that charged them with blowing up the transformer house of the Sun and Moon mine. When the cases fell to the ground without a witness being put on the stand by the defense. Mr. Sabin admitted all this and said he did not wish to deny to Mr. Richardson the glory of that victory.

On Tuesday Dr. E. R. Alden, a druggist of Burke, Idaho, undertook to show that Orchard was on the stolen train because he did not see him around town that day. Richardson thoroughly disqualified him before he got off the stand, showing that his wife and family had left him on the ground of insanity and violence.

E. G. Holman, superintendent of the Vindicator mine at Cripple Creek, was brought up by the state to tell of the aggression of the miners in that district. He told of their picketing when on strike, said men that would not work would not let others that wished to; gave the ordinary tale of woe that employers have whenever those who do their work try to better their conditions. Such as he resent the activity of labor because it inconveniences them. They give the complaints of their side of the proposition. Their grievances represent the irreconcilable struggle between the interest of those who are paid and those who do the paying. This struggle can never cease till these relations cease. The compensation for labor will be forced to some different basis.

Holman admitted he was a member of the mine owners' association, and contributed money to the citizens' alliance. He said the commission that sat upon and reported the men was appointed by the governor. The mine owners' association raised funds and bought the state government's paper, that is its certificates in order to furnish money for the military.

The working class have a lot to do with "government" as the bosses run it. It's a wonder they wouldn't quit supporting it and try to get a government of their own.

J. C. Ruton, who had been the sheriff at Telluride for a number of terms, was the biggest trouble that the state has got hold of. They had supposed, since he had been sheriff during all the troublous times that he could tell a tale whose revelations would simply clinch the worst accusations against the miners. From the beginning of his testimony the defense attorneys made him look like thirty cents. He was a most melancholy example of know-nothingism. When questioned closely he could tell nothing of his own knowledge. He undertook to tell about the awful actions of the miners, but had seen none of them. He went to tell about the murder of Arthur Collins, but admitted he was not in town at the time. His hear-say testimony was the occasion for bitter fights among the attorneys. Even Hawley lost patience with his own witness and reproved him sharply. He would be hit by Richardson on one side, by Hawley on the other, and by the judge in front, who said he never should have been put upon the stand.

The fact was that Ruton, while in his official position, had permitted all the outrages to be inflicted upon the miners without even trying to enforce the law, and he was afraid to make any admission of his own criminal acts. But in spite of his failure of memory Richardson pulled it out of him that he had made the mine managers, bankers and gamblers deputies, but not a single miner. He called for troops at the request of Bulkley Wells, Wheeler and Chase.

Richardson made a scathing arraignment of his official sins while in office, and he took it in a very embarrassed way. He couldn't even remember the vagrancy act by which union men were arrested and made to work on the streets, or that his deputies had beaten Floaten and Richardson over the head. When asked if he did anything to restore order over these fanatical acts of the mob he admitted he did not.

He didn't know Riddell was a detective, although he was always favored when the other men were assailed. He knew nothing about Bob Meldrum or Willard Reynolds being gun men, or where they came from, although he made them deputies the very day they got into town.

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## Towards the End

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Boise, July 19. We are now in the beginning of the end of the great trial. Thursday morning the defense rested its case.

Judge Wood had informed counsel that he would hear arguments upon the advisability of accepting the evidence presented by the defense upon the happenings in Colorado. He wished to consider the materiality of this evidence.

Attorney Darrow opened the argument for the defense and spoke an hour and a half in the morning.

The point argued was the proposition to exclude from consideration by the jury proof of the deportation of miners from and the employment of detectives in the Cripple Creek district; that a conspiracy was formed among the mine owners and citizens of the district to put the Western Federation out of business.

Borah announced that the state would not oppose the striking out of Orchard's testimony which dealt with Adams going into northern Idaho "to get rid of some claim jumpers."

Mr. Darrow then began his argument, the most brilliant and earnest which he has delivered in the course of the trial.

He said no intimation was given by the court as to the question of the materiality of the evidence introduced on the other side as to the murderous conspiracy alleged against the Federation of Miners. He pointed out that only because the charge was a general conspiracy could the state have brought into the case evidence concerning the Independence depot explosion, the killing of McCormick and Beck in the Vindicator mine, the Bradley explosion and the Lyte Gregory murder.

"In order to make any one of these crimes of value to the state as evidence, it is absolutely necessary that some evidence be brought before the jury from which it may be inferred that this defendant was, because of the alleged conspiracy, connected therewith. Unless some such connection can be shown the specific crime cannot be considered in the case.

"On every bit of evidence introduced by the state the finger marks of the Pinkerton detective agency can be seen. The work of the detectives is so woven into the fabric of the state's case that anything the defense might show regarding the Pinkerton methods must certainly be relevant as evidence.

"The defense has a right to bring anything available before the jury that will tend to show the real facts and conditions. We are charged with an attempt to blow up Fred W. Bradley by placing a bomb at the door to his home in San Francisco. Is there any question as to the competency of our evidence upon the gas explosion? Evidence has not got to be conclusive to be admissible. It is worth what it is worth as far as it goes and is material so far. Is there any question as to the competency of our showing it was an accident in the Vindicator case?

"The attempted wreck on the Florence and Cripple Creek road has been charged to us. Is it incompetent for us to show by the engineer, the man who would have been first to meet death in case of a wreck, that the detectives Scott and Sterling were the men connected with that circumstance? That these who had conspired together to make people believe that he Western Federation of Miners did the deed? If the detectives were guileless why did the prosecution refuse to call Sterling to the stand when he has here?"

"They have no right to charge us with crimes committed by themselves. This has been a Pinkerton case from start to finish, your honor. The Pinkertons have even invaded this court house and stood guard at this trial. They have even tried to get on the stand as our witnesses. The man Riddell, the Telluride Pinkerton who had worked himself up into the unions there, has been one of the trial guards at the door of this court room. Not to show up the arts taken by these scorpions would be not to present the case.

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Mr. Darrow spent some time in discussing and citing authorities as to the materiality of evidence showing threats on the part of Orchard against Governor Steunenberg. He declared that if there was any question as to the relevancy of any testimony in the case the doubt should be resolved in favor of the defendant.

The fact that Sterling was not called to the stand was an admission of the testimony of the three witnesses who saw him so frequently in conversation with Orchard.

"At any rate these witnesses have not been arrested for perjury on the word of the most perjured villain who ever came into a court room, Harry Orchard."

Arguing as to the competency of the testimony given as to conditions and deportations in Colorado Mr. Darrow held that the defense should be allowed equal latitude with the state.

"A man defending his life," he said, "should have even a wider latitude than the state that is seeking to send him to his death."

"We claim the crimes charged against Moyer, Haywood and Pettibone were committed by others and we must be allowed to show evidence, conditions and circumstances which tend to bear us out. All that the mine owners did—the deportation of men, the defiance of law, the forbidding of merchants to sell food and supplies to the families of the men driven out of the district—all that they did in furtherance of their criminal conspiracy to destroy the Western Federation of Miners, is competent testimony, and it should be left to the jury to determine its value.

"The jury should have all the facts that this case has developed. We object to the state going to Colorado to convict these men of crimes committed in Idaho. We didn't want to go into all these details, but the state was allowed to place before the jury every jot and tittle, every isolated circumstance, every bit of testimony that could in any way tend to corroborate any statement of Harry Orchard.

"Are they to be allowed to show every fact which might connect these defendants with any responsibility, and we to be denied the right to present contradictory facts in order that the jury may determine for itself who was guilty and who was responsible? Let the twelve men weigh the evidence. We shall rest content."

When Borah came to reply, he said the defense counsel had claimed that it was the Pinkertons that created all the disturbances in the unions, but the more Riddell talked anarchy and force the higher he climbed in the union. He claimed that the Colorado evidence was immaterial because they have not proved a counter-conspiracy.

Mr. Richardson gave the closing argument on this question.

He said that when an accused man can prove that some one else committed the crime that was competent evidence.

"Very little has been heard in this case of the actual issue involved—the assassination of Governor Steunenberg. If there had been evidence to directly connect with this offense the Colorado troubles would never have been heard of. But the state was reduced to a mere claim that the killing of Steunenberg was but a mere incident of a giant conspiracy.

"Orchard said, Haywood employed him to do certain things, and the state attempts to connect him by a set of circumstances. Haywood comes in and says, 'I will show you a set of strong circumstances against some one else.'

"I claim and urge it upon your hon-

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## Exhibition of Justice

### A Biased Judge Admits Everything Pinkertons Weave But Rules out Testimony of Defense

Boise, July 19. At two o'clock to-day Judge Wood rendered his decision as to the materiality of the Colorado evidence introduced by the defense.

The decision was what all who understand the province of capitalist jurisprudence had anticipated. He ruled against the defense's testimony that is—Orchard's polluted tale is to have all possible weight with the jury throughout its entire range of ramification while the evidence of the men he accuses is to be removed from consideration entirely by the men who are to be the judges of Haywood's life or death.

Judge Wood has finally shown his open hand to the world, and the cards bear the colors of the capitalist conspirators. The socialists have never been fooled by the judge's ruling. He has made a pretense of fairness on superficial matters. He has allowed most of the evidence presented to go in but on any matter of real consequence he has sustained all the positions of the state. He is a man of little originality or decision in himself. He is devoid of individual force of character, and could never be expected to be one who would strike out and make a place in history by transcending the limitations of the traditions of his class.

Judge Wood has had an opportunity vouchsafed to few men in history to earn the eternal gratitude, love and honor of the working class of this country by proclaiming to the world that he is their friend, and will evoke the majesty of the law in behalf of those who labor.

How the aisles of time would ring with his praise. Any office within the gift of the people would be his. He would become the idol of those with whom ultimately is lodged all power.

But no—he has chosen the other part! He has sold his birthright for a mess of pottage. He will be known in history as the unjust judge, the man who truckled, who did what gold and the powerful few demanded of him.

The socialists have never expected anything else. They have waited for this hour. They knew it was only a matter of time till its gong would be struck in that court room. It was Gooding who said the men would be tried in Boise under a judge whom he should select. Judge Wood belongs to the Gooding political gang. Will a politician turn his back on his own?

Borah as United States Senator controls the patronage of Idaho federal judiciary appointments are practically in his hands. Is it likely that Judge Wood will take a step that will relegate him to oblivion so far as the present political powers of Idaho are concerned?

But it is the socialists alone who look upon this decision with calmness. Judge Wood has been true to his class. We expect nothing else.

He has been true while the working men who elected him to office have been false to their class. When they rally around candidates of their own, on a program insistent of their own class demands—there may be some rows about it—but they will cease being judged by their executors.

Prophecies of convictions are now rife, with the expectation of a speedy re-trial.

It is excepted on the final instructions that the judge will hand down a bunch that the working class will not soon forget.

The only hope lies in the possibility of a few jurymen that cannot be made the tool of those who are termed the great ones of society.

Friday afternoon the final argument of the great case began with Mr. Hawley's address to the jury.

His whole story was a melancholy attempt to rehabilitate Orchard, and this is all the prosecution has done at any stage in this trial. Mr. Hawley said that Orchard was the chief witness for the state, and that his story carried conviction to all who heard it. Hawley played the sympathetic racket to the limit, but the auditors failed to sympathize. He said

Orchard was born of Christian parents and was well raised. A cynical smile played over the faces of the onlookers.

He referred to the reptile emotions and sorrowful repentance. He was harping on notes that once were powerful, but were wonderfully cracked now. The impression was one of very cheap burlesque.

According to Hawley these early influences had led him to assist (here Hawley's voice raised with a bombastic attempt at tragedy that fell awful flat) in bringing to the bar of justice the worst set of criminals that ever infested this western country.

Poor old Hawley don't know that he and the class he is trying to serve will have their hands full if they keep on undertaking to rid this country of that kind of criminals—those who have stood and are standing in an unswerving fight against the will of the master class. These brave ones are up and defiant throughout the world. They come up over and over again till the working class no longer is fighting from beneath.

But Hawley's argument was weak and ineffective throughout. It had the air of a washed-out tale of which every one had sickened. His tones carried no sense of earnestness or conviction. He lolled on the table. The state will have to depend wholly on Borah for an effective presentation of its case, and Borah has hardly been in the court room for the last week or so.

Hawley rambled at his own sweet will throughout the Colorado experiences—those experiences from which the defense is shut out. He even dwelt on the matter of extradition of the men—a subject which the defense had been forbidden to touch in presenting its evidence.

He complained because the defense had laid the Bunker Hill and Sullivan matter on the citizens, while throughout the trial the state has claimed it was the righteous wrath of citizens, and not the mine owners that caused the deportations.

As palpable evidence of the inherent anarchy resident in the bourgeois class when it cannot control government, referring to the situation in the Coeur d'Alenes Hawley said that the officials there were part of the dominant force and nothing could be done, and that was the reason Steunenberg declared martial law.

Think what that means for self-government in any locality. If a locality does not govern to suit the capitalistic interests at a distance a representative of the capitalist class is sent in to force it to submission, the same as a foreign conqueror might do.

Hawley wailed against the sympathetic strike in the Cripple Creek district.

He must think the men are running strikes to suit him and his layout. He said it was disorganizing the business of the country. He tried to bulldoze and threaten the jury, and said that anyone who would not vote for conviction would fail to serve his state and county as an honest jurymen.

Hawley bored the large crowd from beginning and the bailiffs had to forbid people leaving the room in order to keep up a show of interest.

#### Haywood Holds up the Flag

Boise, Idaho, July 13.—The conclusion of Haywood's testimony marks the end of an important stage in this extraordinary case.

It is difficult to estimate Haywood's efficiency as a witness. He can hardly be compared to any other person I ever hear testify. Having had some experience with aggressive socialists I should say that he bore himself as a militant socialist should from start to finish. He clearly had two ends to gain in testifying. First, to demonstrate that he was never connected with Orchard, directly or indirectly, in his bloody deeds or in any other lawless conduct, and, second, to reaffirm and intensify, if that were possible, his status as a socialist, maintaining that the capitalistic class, as he loves to term employers, are the enemies of

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"Very little has been heard in this case of the actual issue involved—the assassination of Governor Steunenberg. If there had been evidence to directly connect with this offense the Colorado troubles would never have been heard of. But the state was reduced to a mere claim that the killing of Steunenberg was but a mere incident of a giant conspiracy.

"Orchard said, Haywood employed him to do certain things, and the state attempts to connect him by a set of circumstances. Haywood comes in and says, 'I will show you a set of strong circumstances against some one else.'

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Continued on Page 3.)

## Exhibition of Justice

### A Biased Judge Admits Everything Pinkertons Weave But Rules out Testimony of Defense

Boise, July 19. At two o'clock to-day Judge Wood rendered his decision as to the materiality of the Colorado evidence introduced by the defense.

The decision was what all who understand the province of capitalist jurisprudence had anticipated. He ruled against the defense's testimony that is—Orchard's polluted tale is to have all possible weight with the jury throughout its entire range of ramification while the evidence of the men he accuses is to be removed from consideration entirely by the men who are to be the judges of Haywood's life or death.

Judge Wood has finally shown his open hand to the world, and the cards bear the colors of the capitalist conspirators. The socialists have never been fooled by the judge's ruling. He has made a pretense of fairness on superficial matters. He has allowed most of the evidence presented to go in but on any matter of real consequence he has sustained all the positions of the state. He is a man of little originality or decision in himself. He is devoid of individual force of character, and could never be expected to be one who would strike out and make a place in history by transcending the limitations of the traditions of his class.

Judge Wood has had an opportunity vouchsafed to few men in history to earn the eternal gratitude, love and honor of the working class of this country by proclaiming to the world that he is their friend, and will evoke the majesty of the law in behalf of those who labor.

How the aisles of time would ring with his praise. Any office within the gift of the people would be his. He would become the idol of those with whom ultimately is lodged all power.

But no—he has chosen the other part! He has sold his birthright for a mess of pottage. He will be known in history as the unjust judge, the man who truckled, who did what gold and the powerful few demanded of him.

The socialists have never expected anything else. They have waited for this hour. They knew it was only a matter of time till its gong would be struck in that court room. It was Gooding who said the men would be tried in Boise under a judge whom he should select. Judge Wood belongs to the Gooding political gang. Will a politician turn his back on his own?

Borah as United States Senator controls the patronage of Idaho federal judiciary appointments are practically in his hands. Is it likely that Judge Wood will take a step that will relegate him to oblivion so far as the present political powers of Idaho are concerned?

But it is the socialists alone who look upon this decision with calmness. Judge Wood has been true to his class. We expect nothing else.

He has been true while the working men who elected him to office have been false to their class. When they rally around candidates of their own, on a program insistent of their own class demands—there may be some rows about it—but they will cease being judged by their executors.

Prophecies of convictions are now rife, with the expectation of a speedy re-trial.

It is excepted on the final instructions that the judge will hand down a bunch that the working class will not soon forget.

The only hope lies in the possibility of a few jurymen that cannot be made the tool of those who are termed the great ones of society.

Friday afternoon the final argument of the great case began with Mr. Hawley's address to the jury.

His whole story was a melancholy attempt to rehabilitate Orchard, and this is all the prosecution has done at any stage in this trial. Mr. Hawley said that Orchard was the chief witness for the state, and that his story carried conviction to all who heard it. Hawley played the sympathetic racket to the limit, but the auditors failed to sympathize. He said

Orchard was born of Christian parents and was well raised. A cynical smile played over the faces of the onlookers.

He referred to the reptile emotions and sorrowful repentance. He was harping on notes that once were powerful, but were wonderfully cracked now. The impression was one of very cheap burlesque.

According to Hawley these early influences had led him to assist (here Hawley's voice raised with a bombastic attempt at tragedy that fell awful flat) in bringing to the bar of justice the worst set of criminals that ever infested this western country.

Poor old Hawley don't know that he and the class he is trying to serve will have their hands full if they keep on undertaking to rid this country of that kind of criminals—those who have stood and are standing in an unswerving fight against the will of the master class. These brave ones are up and defiant throughout the world. They come up over and over again till the working class no longer is fighting from beneath.

But Hawley's argument was weak and ineffective throughout. It had the air of a washed-out tale of which every one had sickened. His tones carried no sense of earnestness or conviction. He lolled on the table. The state will have to depend wholly on Borah for an effective presentation of its case, and Borah has hardly been in the court room for the last week or so.

Hawley rambled at his own sweet will throughout the Colorado experiences—those experiences from which the defense is shut out. He even dwelt on the matter of extradition of the men—a subject which the defense had been forbidden to touch in presenting its evidence.

He complained because the defense had laid the Bunker Hill and Sullivan matter on the citizens, while throughout the trial the state has claimed it was the righteous wrath of citizens, and not the mine owners that caused the deportations.

As palpable evidence of the inherent anarchy resident in the bourgeois class when it cannot control government, referring to the situation in the Coeur d'Alenes Hawley said that the officials there were part of the dominant force and nothing could be done, and that was the reason Steunenberg declared martial law.

Think what that means for self-government in any locality. If a locality does not govern to suit the capitalistic interests at a distance a representative of the capitalist class is sent in to force it to submission, the same as a foreign conqueror might do.

Hawley wailed against the sympathetic strike in the Cripple Creek district.

He must think the men are running strikes to suit him and his layout. He said it was disorganizing the business of the country. He tried to bulldoze and threaten the jury, and said that anyone who would not vote for conviction would fail to serve his state and county as an honest jurymen.

Hawley bored the large crowd from beginning and the bailiffs had to forbid people leaving the room in order to keep up a show of interest.

#### Haywood Holds up the Flag

Boise, Idaho, July 13.—The conclusion of Haywood's testimony marks the end of an important stage in this extraordinary case.

It is difficult to estimate Haywood's efficiency as a witness. He can hardly be compared to any other person I ever hear testify. Having had some experience with aggressive socialists I should say that he bore himself as a militant socialist should from start to finish. He clearly had two ends to gain in testifying. First, to demonstrate that he was never connected with Orchard, directly or indirectly, in his bloody deeds or in any other lawless conduct, and, second, to reaffirm and intensify, if that were possible, his status as a socialist, maintaining that the capitalistic class, as he loves to term employers, are the enemies of

(Continued on page 2)



## Rebuttal Witnesses

### Prosecution Puts Its Last Witnesses on the Stand—A Colorado Sheriff Defends Anarchy

Boise, July 16. Under the guise of rebuttal, as was anticipated, the state is attempting to bring up an imposing array of new evidence in regard to the sins of unions in general, and union men in particular.

Like the direct evidence everything is Pinkertonism. The Pinkertons have hunted up the witnesses and their money is paid them from the Pinkerton office.

The attempt to prove that the Bradley explosion in San Francisco could not be due to gas was ludicrous in the extreme. C. D. Lanson of the Boise Gas Light company, qualified as an expert, and gave a blundering testimony to the effect that gas could not be lighted by a glowing coal, as a cigar, but required a flame. Mr. Richardson asked him if he knew that a \$10,000 judgment had been rendered on the testimony of the president of Leland Stanford and Berkeley universities, and other experts.

Orchard came on again Monday. Eight Pinkertons were standing in the door while he gave his testimony. That precious Orchard must be guarded well, as he is all there is to the great mine owners' case. On his cross examination he was asked as to his grandfather and uncle being insane, the former kept chained for many years, and the latter committing suicide. They both were possessed by hallucinations that they had committed great crimes. While Orchard knew of his uncle hanging himself he professed ignorance of the insanity streak in the family.

The attorneys for the defense have received undisputable information that such is the fact and indeed this line of information seems the most plausible as a solution of the murder-fiasco riddle. Orchard stories have been from the first amazing, unthinkable and bewildering. Then his remarkable and spectacular "conversion" was equally dumbfounded. But the awful lies he has been proven to have told on the stand since the alleged "conversion" can admit of but one interpretation, that of a disordered mind, swayed by every influence that blows across it. That he is of a quick, nervous highly excitable temperament, is evident to all observers, and an expert on mental diseases far more satisfactorily and scientifically than a court fighting bitterly as to which class interests shall win.

In his early testimony Orchard swore that he never knew of any "inner circle" in the Western Federation of Miners. Richardson asked him why he had published since then in McClure's magazine a prolonged account of this "inner circle." He said he had forgotten that there was anything about an "inner circle" in his published story.

E. M. Sabin, a lawyer from Idaho Springs, Colorado, proved a witness for the prosecution that Mr. Richardson had been longing to get hold of it. It was in Idaho Springs that the first deportation in Colorado took place. In the trials that followed Sabin was the attorney for the mine owners, and Richardson for the miners. The appearance of Sabin for the prosecution gave Richardson a chance to bring out a large amount of the history of the Colorado atrocities. Mr. Hawley objected to Richardson's handling of the witness. Richardson replied that he had always beaten him, but he could certify that Mr. Sabin was thoroughly able to take care of himself.

The miners were deported by a mob that charged them with blowing up the transformer house of the Sun and Moon mine. When the cases fell to the ground without a witness being put on the stand by the defense. Mr. Sabin admitted all this and said he did not wish to deny to Mr. Richardson the glory of that victory.

On Tuesday Dr. E. R. Alden, a druggist of Burke, Idaho, undertook to show that Orchard was on the stolen train because he did not see him around town that day. Richardson thoroughly disqualified him before he got off the stand, showing that his wife and family had left him on the ground of insanity and violence.

E. G. Holman, superintendent of the Vindicator mine at Cripple Creek, was brought up by the state to tell of the aggression of the miners in that district. He told of their picketing when on strike, said men that would not work would not let others that wished to; gave the ordinary tale of woe that employers have whenever those who do their work try to better their conditions. Such as he resent the activity of labor because it inconveniences them. They give the complaints of their side of the proposition. Their grievances represent the irreconcilable struggle between the interest of those who are paid and those who do the paying. This struggle can never cease till these relations cease. The compensation for labor will be forced to some different basis.

Holman admitted he was a member of the mine owners' association, and contributed money to the citizens' alliance. He said the commission that sat upon and reported the men was appointed by the governor. The mine owners' association raised funds and bought the state government's paper, that is its certificates in order to furnish money for the military.

The working class have a lot to do with "government" as the bosses run it. It's a wonder they wouldn't quit supporting it and try to get a government of their own.

J. C. Ruton, who had been the sheriff at Telluride for a number of terms, was the biggest trouble that the state has got hold of. They had supposed, since he had been sheriff during all the troublous times that he could tell a tale whose revelations would simply clinch the worst accusations against the miners. From the beginning of his testimony the defense attorneys made him look like thirty cents. He was a most melancholy example of know-nothingism. When questioned closely he could tell nothing of his own knowledge. He undertook to tell about the awful actions of the miners, but had seen none of them. He went to tell about the murder of Arthur Collins, but admitted he was not in town at the time. His hear-say testimony was the occasion for bitter fights among the attorneys. Even Hawley lost patience with his own witness and reproved him sharply. He would be hit by Richardson on one side, by Hawley on the other, and by the judge in front, who said he never should have been put upon the stand.

The fact was that Ruton, while in his official position, had permitted all the outrages to be inflicted upon the miners without even trying to enforce the law, and he was afraid to make any admission of his own criminal acts. But in spite of his failure of memory Richardson pulled it out of him that he had made the mine managers, bankers and gamblers deputies, but not a single miner. He called for troops at the request of Bulkley Wells, Wheeler and Chase.

Richardson made a scathing arraignment of his official sins while in office, and he took it in a very embarrassed way. He couldn't even remember the vagrancy act by which union men were arrested and made to work on the streets, or that his deputies had beaten Floaten and Richardson over the head. When asked if he did anything to restore order over these fanatical acts of the mob he admitted he did not.

He didn't know Riddell was a detective, although he was always favored when the other men were assailed. He knew nothing about Bob Meldrum or Willard Reynolds being gun men, or where they came from, although he made them deputies the very day they got into town.

His evidence was so rank that it has made him the laughing stock of the town.

Bulkley Wells and Bob Naylor are here again.

The perjury trials against defense witnesses are being pushed. Cyr Aller was on trial to-day in the justice court. He is out on bonds. D. C. Scott, the railroad detective, is the chief complainant. Dr. Magee has been brought here from Wallace. His trial takes

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## Towards the End

### Darrow Pleads that Testimony Relating to Deportation and Pinkies' Campaign Be Admitted

Boise, July 19. We are now in the beginning of the end of the great trial. Thursday morning the defense rested its case.

Judge Wood had informed counsel that he would hear arguments upon the advisability of accepting the evidence presented by the defense upon the happenings in Colorado. He wished to consider the materiality of this evidence.

Attorney Darrow opened the argument for the defense and spoke an hour and a half in the morning.

The point argued was the proposition to exclude from consideration by the jury proof of the deportation of miners from and the employment of detectives in the Cripple Creek district; that a conspiracy was formed among the mine owners and citizens of the district to put the Western Federation out of business.

Borah announced that the state would not oppose the striking out of Orchard's testimony which dealt with Adams going into northern Idaho "to get rid of some claim jumpers."

Mr. Darrow then began his argument, the most brilliant and earnest which he has delivered in the course of the trial.

He said no intimation was given by the court as to the question of the materiality of the evidence introduced on the other side as to the murderous conspiracy alleged against the Federation of Miners. He pointed out that only because the charge was a general conspiracy could the state have brought into the case evidence concerning the Independence depot explosion, the killing of McCormick and Beck in the Vindicator mine, the Bradley explosion and the Lyte Gregory murder.

"In order to make any one of these crimes of value to the state as evidence, it is absolutely necessary that some evidence be brought before the jury from which it may be inferred that this defendant was, because of the alleged conspiracy, connected therewith. Unless some such connection can be shown the specific crime cannot be considered in the case.

"On every bit of evidence introduced by the state the finger marks of the Pinkerton detective agency can be seen. The work of the detectives is so woven into the fabric of the state's case that anything the defense might show regarding the Pinkerton methods must certainly be relevant as evidence.

"The defense has a right to bring anything available before the jury that will tend to show the real facts and conditions. We are charged with an attempt to blow up Fred W. Bradley by placing a bomb at the door to his home in San Francisco. Is there any question as to the competency of our evidence upon the gas explosion? Evidence has not got to be conclusive to be admissible. It is worth what it is worth as far as it goes and is material so far. Is there any question as to the competency of our showing it was an accident in the Vindicator case?

"The attempted wreck on the Florence and Cripple Creek road has been charged to us. Is it incompetent for us to show by the engineer, the man who would have been first to meet death in case of a wreck, that the detectives Scott and Sterling were the men connected with that circumstance? That these who had conspired together to make people believe that the Western Federation of Miners did the deed? If the detectives were guileless why did the prosecution refuse to call Sterling to the stand when he has here? "They have no right to charge us with crimes committed by themselves.

"This has been a Pinkerton case from start to finish, your honor. The Pinkertons have even invaded this court house and stood guard at this trial. They have even tried to get on the stand as our witnesses. The man Riddell, the Telluride Pinkerton who had worked himself up into the unions there, has been one of the trial guards at the door of this court room. Not to show up the arts taken by these scorpions would be not to present the case.

"Can one side collect ad put to

gether every item that they deem incriminating on the defendant's part, and on the other side, the defendant, the man fighting for his life, be merely allowed to make denials? We think we have a right to how facts, to show every fact that can in any way go to prove not only that he is innocent, but that will point to the presumption of another's guilt."

Mr. Darrow spent some time in discussing and citing authorities as to the materiality of evidence showing threats on the part of Orchard against Governor Steunenberg. He declared that if there was any question as to the relevancy of any testimony in the case the doubt should be resolved in favor of the defendant.

The fact that Sterling was not called to the stand was an admission of the testimony of the three witnesses who saw him so frequently in conversation with Orchard.

"At any rate these witnesses have not been arrested for perjury on the word of the most perjured villain who ever came into a court room, Harry Orchard."

Arguing as to the competency of the testimony given as to conditions and deportations in Colorado Mr. Darrow held that the defense should be allowed equal latitude with the state.

"A man defending his life," he said, "should have even a wider latitude than the state that is seeking to send him to his death."

"We claim the crimes charged against Moyer, Haywood and Pettibone were committed by others and we must be allowed to show evidence, conditions and circumstances which tend to bear us out. All that the mine owners did—the deportation of men, the defiance of law, the forbidding of merchants to sell food and supplies to the families of the men driven out of the district—all that they did in furtherance of their criminal conspiracy to destroy the Western Federation of Miners, is competent testimony, and it should be left to the jury to determine its value.

"The jury should have all the facts that this case has developed. We object to the state going to Colorado to convict these men of crimes committed in Idaho. We didn't want to go into all these details, but the state was allowed to place before the jury every jot and tittle, every isolated circumstance, every bit of testimony that could in any way tend to corroborate any statement of Harry Orchard.

"Are they to be allowed to show every fact which might connect these defendants with any responsibility, and we to be denied the right to present contradictory facts in order that the jury may determine for itself who was guilty and who was responsible? Let the twelve men weigh the evidence. We shall rest content."

When Borah came to reply, he said the defense counsel had claimed that it was the Pinkertons that created all the disturbances in the unions, but the more Riddell talked anarchy and force the higher he climbed in the union. He claimed that the Colorado evidence was immaterial because they have not proved a counter-conspiracy.

Mr. Richardson gave the closing argument on this question.

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The working class have a lot to do with "government" as the bosses run it. It's a wonder they wouldn't quit supporting it and try to get a government of their own.

J. C. Ruton, who had been the sheriff at Telluride for a number of terms, was the biggest trouble that the state has got hold of. They had supposed, since he had been sheriff during all the troublous times that he could tell a tale whose revelations would simply clinch the worst accusations against the miners. From the beginning of his testimony the defense attorneys made him look like thirty cents. He was a most melancholy example of know-nothingism. When questioned closely he could tell nothing of his own knowledge. He undertook to tell about the awful actions of the miners, but had seen none of them. He went to tell about the murder of Arthur Collins, but admitted he was not in town at the time. His hear-say testimony was the occasion for bitter fights among the attorneys. Even Hawley lost patience with his own witness and reproved him sharply. He would be hit by Richardson on one side, by Hawley on the other, and by the judge in front, who said he never should have been put upon the stand.

The fact was that Ruton, while in his official position, had permitted all the outrages to be inflicted upon the miners without even trying to enforce the law, and he was afraid to make any admission of his own criminal acts. But in spite of his failure of memory Richardson pulled it out of him that he had made the mine managers, bankers and gamblers deputies, but not a single miner. He called for troops at the request of Bulkley Wells, Wheeler and Chase.

Richardson made a scathing arraignment of his official sins while in office, and he took it in a very embarrassed way. He couldn't even remember the vagrancy act by which union men were arrested and made to work on the streets, or that his deputies had beaten Floaten and Richardson over the head. When asked if he did anything to restore order over these fanatical acts of the mob he admitted he did not.

He didn't know Riddell was a detective, although he was always favored when the other men were assailed. He knew nothing about Bob Meldrum or Willard Reynolds being gun men, or where they came from, although he made them deputies the very day they got into town.

His evidence was so rank that it has made him the laughing stock of the town.

Bulkley Wells and Bob Naylor are here again.

The perjury trials against defense witnesses are being pushed. Cyr Aller was on trial to-day in the justice court. He is out on bonds. D. C. Scott, the railroad detective, is the chief complainant. Dr. Magee has been brought here from Wallace. His trial takes

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## Towards the End

### Darrow Pleads that Testimony Relating to Deportation and Pinkies' Campaign Be Admitted

Boise, July 19. We are now in the beginning of the end of the great trial. Thursday morning the defense rested its case.

Judge Wood had informed counsel that he would hear arguments upon the advisability of accepting the evidence presented by the defense upon the happenings in Colorado. He wished to consider the materiality of this evidence.

Attorney Darrow opened the argument for the defense and spoke an hour and a half in the morning.

The point argued was the proposition to exclude from consideration by the jury proof of the deportation of miners from and the employment of detectives in the Cripple Creek district; that a conspiracy was formed among the mine owners and citizens of the district to put the Western Federation out of business.

Borah announced that the state would not oppose the striking out of Orchard's testimony which dealt with Adams going into northern Idaho "to get rid of some claim jumpers."

Mr. Darrow then began his argument, the most brilliant and earnest which he has delivered in the course of the trial.

He said no intimation was given by the court as to the question of the materiality of the evidence introduced on the other side as to the murderous conspiracy alleged against the Federation of Miners. He pointed out that only because the charge was a general conspiracy could the state have brought into the case evidence concerning the Independence depot explosion, the killing of McCormick and Beck in the Vindicator mine, the Bradley explosion and the Lyte Gregory murder.

"In order to make any one of these crimes of value to the state as evidence, it is absolutely necessary that some evidence be brought before the jury from which it may be inferred that this defendant was, because of the alleged conspiracy, connected therewith. Unless some such connection can be shown the specific crime cannot be considered in the case.

"On every bit of evidence introduced by the state the finger marks of the Pinkerton detective agency can be seen. The work of the detectives is so woven into the fabric of the state's case that anything the defense might show regarding the Pinkerton methods must certainly be relevant as evidence.

"The defense has a right to bring anything available before the jury that will tend to show the real facts and conditions. We are charged with an attempt to blow up Fred W. Bradley by placing a bomb at the door to his home in San Francisco. Is there any question as to the competency of our evidence upon the gas explosion? Evidence has not got to be conclusive to be admissible. It is worth what it is worth as far as it goes and is material so far. Is there any question as to the competency of our showing it was an accident in the Vindicator case?

"The attempted wreck on the Florence and Cripple Creek road has been charged to us. Is it incompetent for us to show by the engineer, the man who would have been first to meet death in case of a wreck, that the detectives Scott and Sterling were the men connected with that circumstance? That these who had conspired together to make people believe that he Western Federation of Miners did the deed? If the detectives were guileless why did the prosecution refuse to call Sterling to the stand when he has here? "They have no right to charge us with crimes committed by themselves.

"This has been a Pinkerton case from start to finish, your honor. The Pinkertons have even invaded this court house and stood guard at this trial. They have even tried to get on the stand as our witnesses. The man Riddell, the Telluride Pinkerton who had worked himself up into the unions there, has been one of the trial guards at the door of this court room. Not to show up the arts taken by these scorpions would be not to present the case.

"Can one side collect ad put to

gether every item that they deem incriminating on the defendant's part, and on the other side, the defendant, the man fighting for his life, be merely allowed to make denials? We think we have a right to how facts, to show every fact that can in any way go to prove not only that he is innocent, but that will point to the presumption of another's guilt."

Mr. Darrow spent some time in discussing and citing authorities as to the materiality of evidence showing threats on the part of Orchard against Governor Steunenberg. He declared that if there was any question as to the relevancy of any testimony in the case the doubt should be resolved in favor of the defendant.

The fact that Sterling was not called to the stand was an admission of the testimony of the three witnesses who saw him so frequently in conversation with Orchard.

"At any rate these witnesses have not been arrested for perjury on the word of the most perjured villain who ever came into a court room, Harry Orchard."

Arguing as to the competency of the testimony given as to conditions and deportations in Colorado Mr. Darrow held that the defense should be allowed equal latitude with the state.

"A man defending his life," he said, "should have even a wider latitude than the state that is seeking to send him to his death."

"We claim the crimes charged against Moyer, Haywood and Pettibone were committed by others and we must be allowed to show evidence, conditions and circumstances which tend to bear us out. All that the mine owners did—the deportation of men, the defiance of law, the forbidding of merchants to sell food and supplies to the families of the men driven out of the district—all that they did in furtherance of their criminal conspiracy to destroy the Western Federation of Miners, is competent testimony, and it should be left to the jury to determine its value.

"The jury should have all the facts that this case has developed. We object to the state going to Colorado to convict these men of crimes committed in Idaho. We didn't want to go into all these details, but the state was allowed to place before the jury every jot and tittle, every isolated circumstance, every bit of testimony that could in any way tend to corroborate any statement of Harry Orchard.

"Are they to be allowed to show every fact which might connect these defendants with any responsibility, and we to be denied the right to present contradictory facts in order that the jury may determine for itself who was guilty and who was responsible? Let the twelve men weigh the evidence. We shall rest content."

When Borah came to reply, he said the defense counsel had claimed that it was the Pinkertons that created all the disturbances in the unions, but the more Riddell talked anarchy and force the higher he climbed in the union. He claimed that the Colorado evidence was immaterial because they have not proved a counter-conspiracy.

Mr. Richardson gave the closing argument on this question.

He said that when an accused man can prove that some one else committed the crime that was competent evidence.

"Very little has been heard in this case of the actual issue involved—the assassination of Governor Steunenberg. If there had been evidence to directly connect with this offense the Colorado troubles would never have been heard of. But the state was reduced to a mere claim that the killing of Steunenberg was but a mere incident of a giant conspiracy.

"Orchard said, Haywood employed him to do certain things, and the state attempts to connect him by a set of circumstances. Haywood comes in and says, 'I will show you a set of strong circumstances against some one else.'

"I claim and urge it upon your hon-

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## Exhibition of Justice

### A Biased Judge Admits Everything Pinkertons Weave But Rules out Testimony of Defense

Boise, July 19. At two o'clock to-day Judge Wood rendered his decision as to the materiality of the Colorado evidence introduced by the defense.

The decision was what all who understand the province of capitalist jurisprudence had anticipated. He ruled against the defense's testimony that is—Orchard's polluted tale is to have all possible weight with the jury throughout its entire range of ramification while the evidence of the men he accuses is to be removed from consideration entirely by the men who are to be the judges of Haywood's life or death.

Judge Wood has finally shown his open hand to the world, and the cards bear the colors of the capitalist conspirators. The socialists have never been fooled by the judge's ruling. He has made a pretense of fairness on superficial matters. He has allowed most of the evidence presented to go in but on any matter of real consequence he has sustained all the positions of the state. He is a man of little originality or decision in himself. He is devoid of individual force of character, and could never be expected to be one who would strike out and make a place in history by transcending the limitations of the traditions of his class.

Judge Wood has had an opportunity vouchsafed to few men in history to earn the eternal gratitude, love and honor of the working class of this country by proclaiming to the world that he is their friend, and will evoke the majesty of the law in behalf of those who labor.

How the aisles of time would ring with his praise. Any office within the gift of the people would be his. He would become the idol of those with whom ultimately is lodged all power.

But no—he has chosen the other part! He has sold his birthright for a mess of pottage. He will be known in history as the unjust judge, the man who truckled, who did what gold and the powerful few demanded of him.

The socialists have never expected anything else. They have waited for this hour. They knew it was only a matter of time till its gong would be struck in that court room. It was Gooding who said the men would be tried in Boise under a judge whom he should select. Judge Wood belongs to the Gooding political gang. Will a politician turn his back on his own?

Borah as United States Senator controls the patronage of Idaho federal judiciary appointments are practically in his hands. Is it likely that Judge Wood will take a step that will relegate him to oblivion so far as the present political powers of Idaho are concerned?

But it is the socialists alone who look upon this decision with calmness. Judge Wood has been true to his class. We expect nothing else.

He has been true while the working men who elected him to office have been false to their class. When they rally around candidates of their own, on a program insistent of their own class demands—there may be some rows about it—but they will cease being judged by their executors.

Prophecies of convictions are now rife, with the expectation of a speedy re-trial.

It is excepted on the final instructions that the judge will hand down a bunch that the working class will not soon forget.

The only hope lies in the possibility of a few jurymen that cannot be made the tool of those who are termed the great ones of society.

Friday afternoon the final argument of the great case began with Mr. Hawley's address to the jury.

His whole story was a melancholy attempt to rehabilitate Orchard, and this is all the prosecution has done at any stage in this trial. Mr. Hawley said that Orchard was the chief witness for the state, and that his story carried conviction to all who heard it. Hawley played the sympathetic racket to the limit, but the auditors failed to sympathize. He said

Orchard was born of Christian parents and was well raised. A cynical smile played over the faces of the onlookers.

He referred to the reptile emotions and sorrowful repentance. He was harping on notes that once were powerful, but were wonderfully cracked now. The impression was one of very cheap burlesque.

According to Hawley these early influences had led him to assist (here Hawley's voice raised with a bombastic attempt at tragedy that fell awful flat) in bringing to the bar of justice the worst set of criminals that ever infested this western country.

Poor old Hawley don't know that he and the class he is trying to serve will have their hands full if they keep on undertaking to rid this country of that kind of criminals—those who have stood and are standing in an unswerving fight against the will of the master class. These brave ones are up and defiant throughout the world. They come up over and over again till the working class no longer is fighting from beneath.

But Hawley's argument was weak and ineffective throughout. It had the air of a washed-out tale of which every one had sickened. His tones carried no sense of earnestness or conviction. He lolled on the table. The state will have to depend wholly on Borah for an effective presentation of its case, and Borah has hardly been in the court room for the last week or so.

Hawley rambled at his own sweet will throughout the Colorado experiences—those experiences from which the defense is shut out. He even dwelt on the matter of extradition of the men—a subject which the defense had been forbidden to touch in presenting its evidence.

He complained because the defense had laid the Bunker Hill and Sullivan matter on the citizens, while throughout the trial the state has claimed it was the righteous wrath of citizens, and not the mine owners that caused the deportations.

As palpable evidence of the inherent anarchy resident in the bourgeois class when it cannot control government, referring to the situation in the Coeur d'Alenes Hawley said that the officials there were part of the dominant force and nothing could be done, and that was the reason Steunenberg declared martial law.

Think what that means for self-government in any locality. If a locality does not govern to suit the capitalistic interests at a distance a representative of the capitalist class is sent in to force it to submission, the same as a foreign conqueror might do.

Hawley wailed against the sympathetic strike in the Cripple Creek district.

He must think the men are running strikes to suit him and his layout. He said it was disorganizing the business of the country. He tried to bulldoze and threaten the jury, and said that anyone who would not vote for conviction would fail to serve his state and county as an honest jurymen.

Hawley bored the large crowd from beginning and the bailiffs had to forbid people leaving the room in order to keep up a show of interest.

#### Haywood Holds up the Flag

Boise, Idaho, July 13.—The conclusion of Haywood's testimony marks the end of an important stage in this extraordinary case.

It is difficult to estimate Haywood's efficiency as a witness. He can hardly be compared to any other person I ever hear testify. Having had some experience with aggressive socialists I should say that he bore himself as a militant socialist should from start to finish. He clearly had two ends to gain in testifying. First, to demonstrate that he was never connected with Orchard, directly or indirectly, in his bloody deeds or in any other lawless conduct, and, second, to reaffirm and intensify, if that were possible, his status as a socialist, maintaining that the capitalistic class, as he loves to term employers, are the enemies of

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