

Orchard's Bodyguard

Start a Fight on Defenseless Man— Are Landed in Jail and Must Pay Heavy Fine

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The star of the defense has been steadily in the ascendant the last week, not only in the court room, but also about town, and to-day an incident occurred that has tended to run the spirits of the blood and thunder blusterers about down in the vicinity of zero.

Orchard had just been taken in his carriage with body guard of 6 armed thugs from the court room to Attorney Hawley's office. At the steps of the court house W. Fry, a big miner, who had been summoned from Silver City to testify for the state but whose sympathies are with the defense, asked young Mr. Hawley what was going to be done about his expenses as he was about out of money. He was told to come down to Mr. Hawley's office and he would be given his mileage. He did so, and passed up the stairs just ahead of the Orchard procession. As he came down with his mileage in his pocket he encountered Bob Meldrum and Bartell, two of the most desperate men and with the worst criminal records, among the guards, at the foot of the stairs. With an oath they asked him what he was about. He told them very quietly, and took the papers that had just been handed him from his pocket. As he did so, with a vile name Meldrum hit him with his fist on the back of the head. Fry is the man that the Pinkertons knocked down the front steps a few days ago as he was quietly moving up the steps to enter the court room as a witness. He is a powerful man, and, though quiet, is not much given to backing down, and had not Mr. Nugent appeared on the scene, who knew him well, there might have been serious trouble. After being struck by Meldrum, he told the desperadoes, that they were too many for him, they were armed and he was unarmed, they were evidently trying to start something, and he would have to take it for the present. As he turned around, Bartell said he would give him one too just for luck and hit him a staggering blow on his jaw, cutting his lip. Half a dozen men were standing near who saw the whole performance. Fry went immediately and lodged a complaint against the thugs. Bartell pleaded guilty and was fined \$50 and \$6 costs, Meldrum pleaded not guilty, was asked if he was any sort of a federal officer, and on its being found that he was just a common private hired thug, he was fined \$100 and \$6 costs.

Then he was asked if he was carrying any concealed weapons, and various guns, among them one two feet long were found on him, he was remanded to the justice court for the next morning. The penalty for this offense is severe.

This is the third escapade of the sort that Meldrum has been in here. The other two were the boarding house incident and the elbowing of Will Eastery on the street.

The prosecution are feeling pretty well chagrined over these disgraceful actions of their chief stand-bys. Their "law and order" cry is not benefitting by very brilliant examples.

The mine owners' side of the proposition is feeling mean and ugly over the turn that the trial is taking. These people know that they are losing ground, and things are going against them, and they are looking for a chance to vent their wrath in some contemptible dirty way.

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Harry Orchard is all there has been to it so far, and he is a joke, and is so received by all parties in the court room except the lawyers at the table of the prosecution—defense, spectators, and even jury. When called to the stand to-day the starch which marked his first entrance seemed all taken out of him, and his answers were uncertain, vague and contradictory.

The judge is frequently against the absolute inanity of the prosecution. The fact of the matter is that these battered and corrupt pillars of decaying capitalism are up against the proletarian militant, and they are lost and baffled in the new situation. They are presuming that old ideas of ethics and prestige will clothe the alleged crimes of these working men with a ghostly horror. They have staged the scene of a tragedy, and lo! the world is taking their strenuousness as a comedy.

A Pinkerton conspiracy is simply a gag to the working class, no longer the symbol of authority. Tuesday morning Jasper Nichols, deputy sheriff of Canyon county, testified that Orchard received a letter while in jail there, which was opened and a copy preserved; he also received a telegram from Fred Miller.

Here Mr. Hawley asked the defense attorneys when Fred Miller would be back from California. He was told as soon as he had finished taking the San Francisco depositions in connection with the Bradley matter.

Orchard was then re-called. All the witnesses for the defense to use in the impeachment of Orchard's testimony are not here yet, but Judge Wood instructed the attorneys to go ahead as far as they could. So the military drama was re-enacted. The grand march of the thugs took place, and again the court room bristled with guards and guns.

Pinkies to right of him, Pinkies to left of him, Pinkies behind him, protected this dear treasure of capitalism as he stepped once more into the limelight.

Mr. Richardson asked him the following questions for impeachment: "Did you say to Max Malich that Steunenberg was one man you meant to get if you hung for it?"

Denied.

"Did you say to Malich that you accused Steunenberg of standing in the way of your being rich from the mines?"

Denied.

"Did you have a conversation in the office of General Engley of Cripple Creek, whom you went to consult on legal business, in which you picked up a pamphlet on the Coeur d'Alene strike, and said you would fix Steunenberg?"

Denied.

"Did you tell Lotie Day in her room in the Belmont hotel in Denver, in the summer of 1906 that you would kill Steunenberg on sight if you swung for it?"

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"Did you visit Kid Waters at his house in the Cripple Creek district, and ask his wife to leave the room that you might talk together?"

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"Did you say to Dr. Magee in October 1905, in the hospital at Wallace that you were a spotter, and when asked if you were with the Thiele outfit, say that there was another set in the district?"

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Darrow's Statement

Address to the Jury Outlining Plans of Defense—Orchard Spends Sunday Auto Riding in Boise

Special to the Montana News—

Boise, June 24.

At the call of the defense attorneys the Federation men who are to appear as witnesses have come pouring into Boise the last few days. It seems good to see them here—all the old stand-bys that have so valiantly fought the struggles of the western labor for the last ten years. D. C. Copely, formerly of the executive board, now a mine owner in Nevada; A. H. Floaten, candidate for governor of Colorado on the socialist ticket; Deportee from Telluride, a merchant who has been through the fiercest of the fight for his convictions; J. C. Barnes, who was up in a tree in Telluride, while the militia were hunting him underneath; John M. O'Neill, W. F. Davis, M. E. White, one after another. The very backbone of the Federation, fine, able, brainy men, more than a match for any capitalist prostitute that can be marshaled against them.

And they are here with the goods, the truth, the eternal fight against the injustice of employers, and the reasons for that fight. As one of them said: "We are here to go to the river, our cause is right and we'll stay with it." Almost without exception these strong, active men are socialists.

Orchard Paraded.

A radical change of policy is being employed toward Orchard. He is being paraded before the public by the paid henchmen of the mine owners. Bob Meldrum, with three others of his aids, is riding Orchard about town in an automobile. He was out to hear the band concert Saturday night. All day Sunday he was in Hawley's office, sitting at a window and watching and reporting on his witnesses for the defense as they passed.

Why this change of policy in regard to a creature that has been kept secret as the tomb for seventeen months? Is the prosecution setting another trap for the members of the Western Federation? The friends of the defense have every reason to desire that Orchard be safely and securely guarded. Should anything happen to that depraved character, with what instant effect would its cause be laid upon the Federation, and even so his public showing is a tremendous temptation to some whose loathing and hatred for the reptile because of the injury he has sought to do them, might get the better of their judgment. The defense has a right to protest vigorously against this public exhibition of the wretch used as the greatest weapon against the union.

Darrow's Statement.

This morning Mr. Darrow began his statement to the judge of the plan of the defense. The address lasted through both sessions of the day and was the clearest and most concise presentation of the case that has yet been made. Mr. Darrow began in his easy, argumentative way, without any flourishes, relying solely upon the facts that he had to present.

He said in part:

You have listened to the evidence of the state. You must wait to hear all before you draw your conclusions, till the last word has been spoken. You have the evidence and the theory of the state. You are now to hear our side of the story.

Nominally William Haywood is on trial charged with the murder of Governor Steunenberg. There must be some nominal charge. But the true issue is wider.

Mr. Hawley stated it in his opening address. We must follow the ground they have taken us over.

He told you the officers of the Western Federation were in a conspiracy to kill, that the murder of Steunenberg was only an instance. He told you that the Western Federation wished to control politics also, that large amounts of money were set aside to hire lawyers. This is partly true.

It is true that there is a labor organization called the Western Federation of Miners. It was born in 1892 and 1893, in the cell below this court room, in the cell where other men are waiting for trial. Ed. Boyce and others were then in jail. They hired the best lawyers they could. They

hired Hawley. He was the godfather of the organization and its first attorney. If there was anything criminal in appropriating money to pay attorneys the miners didn't know it. They formed an industrial organization. It was to organize the men who did the work—as a benefit for the men and their families. It took some part in politics. It is to be hoped that the state will not hang these men for that. If such could be done, most of the corporations in the United States would hang.

The organization tried to help elect officials and judges that looked at things from the standpoint of the man with the pick and shovel. They tried to elect Hawley to the senate.

We plead guilty to politics. But there never was criminal conspiracy connected with the Western Federation. We do not claim that these men never did any wrong. They are not angels. Angels do not work in mines. They are the mine owners.

We are not here to apologize for the W. F. of M. It has always been a fighting organization and if it dies it will die fighting. From the first it met with opposition from the mine owners' association, which was organized before the W. F. of M. was born. Before the Federation men worked from ten to fourteen hours in the mine, and the same time in the smelters, where the average life is seven years, where the teeth fell out and the men became paralytic from the poisonous gases. They were compelled to buy whatever they used at the company store, to employ company doctors and to be cared for at a company hospital, the machinery was unsafe and the smelters vomited forth poison and death.

The new organization began at once to correct these evils. It took care of its widows and orphans. One union, that of Butte, had paid out more than a million dollars to the widows and orphans of its members. Lead City had done the same. It began to press legislation for safety appliances and an eight-hour day. Its activities show that themembers had associated with some one besides Orchard. Agitation was commenced in all states for an eight-hour law. The wages of the men were raised. Hospitals, halls and libraries were established. Some of the unions owned the best property in their town.

All this had happened since Mr. Hawley had organized them into a compact mass of men.

The organization met the constant opposition. It was always in trouble. Organizers going into towns would be met by the most stubborn resistance from the owners and bosses of the miners. Men were ordered not to attend the meetings. In certain camps the president of the organization could get nothing to eat at the boarding house, nor a night's lodging.

The members were arrested on the slightest charge, ninety-nine out of one hundred never had the grace of a trial so we can't complain in this case.

The mine owners did everything in their power to destroy the organization. They hired the Pinkerton detective agency with one McParland at the head. These people were busy following sleuthing, working and lying against the members of the union. Hired detectives were placed in positions of trust with orders to cause strikes and advise violence. They did this in Telluride and Cripple Creek, where the Pinkerton men were the chief factor in the disturbances. A campaign of slander and abuse was commenced against the union men. Every crime in the west was ascribed to them. Every illegitimate child born west of the Mississippi river was carried to Denver and laid on the door step of the W. F. of M.

They did establish a magazine. It has been running ten years. It is possible that in that time some foolish things have crept into it. It would be different from all other publications if they had not. Haywood paid little attention to the magazine. Moyer gave

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Trial Half Finished

Evidence for Prosecution Makes Poor Showing—Judge Decides That Case Must Go to Jury

Boise, June 21.

The prosecution rested its case to-day, amid probably the flattest attempt that ever was made to create something out of nothing. The failure of the prosecution to make a case against Haywood specifically and the Western Federation of Miners generally is town talk.

From the reports sent out by the correspondents at Boise, members of the capitalist press are commenting very openly on the fizzle that is made by the state.

For a week the lawyers of the prosecution have been looking depressed and have gone at their work in a lifeless sort of a way. Borah sits looking down his nose, and the whole situation has the aspect of a collapsed balloon.

Talk is rife of the mess in which the capitalist conspirators are plunged. It is said that all the big push on the prosecution has been deceived and jobbed by the Pinkertons. They represented to Gooding that they had a sure thing against the Western Federation, and that they were going to put them through the way they did the Molly Maguire business, and the anarchists of 1887. On the strength of these assertions Gooding got his appropriation of \$104,000 from the legislature by stating that they had a cinch against the union men. The claim was even made that they had evidence enough to hang forty different men.

But all this boasted array of proof has not materialized. With the exception of Orchard's, the testimony given by the witnesses has been tame and unimportant.

Every one of their witnesses, with out an exception, has testified that he was summoned by the Pinkertons. The entire combination is a Pinkerton case pure and simple. The Pink have got their money for the job but they have not delivered the goods and there is wailing and consternation in the ranks of the oppressors. Gooding is wondering how he will square himself with the people for the enormous sums of money that have been expended.

Report has it that these would-be executioners of the working class are quarreling with and blaming each other. Gooding lays the blame on McParland and he in turn states that the witnesses did not have the information they claimed to have. It is said some fifty witnesses have been sent back home without appearing at all. When they got into the offices and Borah and Hawley began to question them, it was found that they didn't have anything to tell that was of the slightest consequence in the case. A number of the witnesses have been peculiarly pitiful failures.

For instance Governor Peabody has boasted to the reporters all over the country of what he could tell against the Federation men, and he traveled a thousand miles to say that after his term of office was over he had gone back from Denver to Canyon City, and was repairing his home. The whole thing was so trivial that the defense refused to cross-examine him. His daughter's testimony was equally inconsequential. She got out of her carriage one evening and some men were standing near it.

There has not been the slightest show of connecting Haywood with the Steunenberg crime outside of Orchard's testimony, that of an uncorroborated accomplice.

There have been several money transactions shown—such as any officer of a similar organization might have with men at work under him. Haywood still sits untouched by the evidence.

And then the low estimate in which these bristling and imported gun men are held by the local authorities as brought out in the trial of Meldrum and Bartell has taken about all the remaining wind out of the sails of the prosecution. The thug, Meldrum was left completely alone by his friends when he appeared in the police court. He had the appearance of a man in the most painful position of embarrassment. He "went to pieces," as the saying is. When he was fined his hundred dollars, he was held until he

sent for the money. But the feature of most striking significance in the case was, that when he was attempting to justify his brutal treatment of Fry by saying he was stationed to guard the public stairway, on being questioned he was forced to admit that he held no commission whatever, but was under the direct employ of the mine owners' association, and his whole business here is as a special guard to Harry Orchard. Oh, no, the mine owners are not behind the dastardly attempt to break up the Western Federation and hang its officers.

Why are they guarding that precious treasure, Harry Orchard, with six paid gun men?

But the local authorities have represented these imported gun men usurping authority in their own domain, hence the heavy sentences, and the consequent leaving town of a large number of the Pinkertons.

Boise, June 22.

On Friday morning occurred the first real attempt to connect Haywood with Orchard's operations. This was when a colored man from Denver by the name of Lehorn testified to selling a horse and buggy to Orchard, and that Haywood went with Orchard to try the horse. It is to be hoped that Haywood won't be hanged for giving his opinion on a horse.

The state here rested its case, and all the thrills are in with the exception of what may appear in rebuttal.

Friday afternoon Mr. Richardson made a motion to dismiss the case and quash the indictment on the ground that the only evidence against Haywood was that of an alleged accomplice and was wholly uncorroborated. Mr. Richardson made a masterly address in support of his contention. He stated that the law regarded the testimony of accomplices as that of impeached witnesses. It must be wholly supported by independent evidence of guilt outside.

Mr. Richardson reviewed the entire testimony and said if all were true to outside of Orchard's, still nothing had been shown to prove that Haywood was guilty of the murder of Steunenberg. In closing he stated that this was the flattest case that ever went to a jury. What is the value of it all without the testimony of Harry Orchard? The greatest criminal ever known was involved. It was a Pinkerton case pure and simple, and a verdict for acquittal was asked for.

Borah then gave the position of the state. He said that the evidence showed that there was a conspiracy in the Western Federation for the purpose of taking off those that came in conflict with that organization. The act of one was the act of all, and the knowledge of one was the knowledge of all. All the acts show the accomplishment of one design. Borah's argument was very weak and vague.

Darrow began to speak at 4:30. He said the accusation of conspiracy had always been a convenient way in history to get rid of those who were obnoxious to the powers in charge of the state. The word conspiracy covers a multitude of sins.

Harry Orchard was testifying for a greater reward than he had even received in his life before.

The judge said he thought the case ought to go to the jury.

Boise, June 21. On Wednesday the state attempted to make good its charge against the Western Federation of Miners as being a murderous and blood-thirsty organization, dangerous to the social welfare by various articles taken from the official organ, the Miners' Magazine. It would seem that it was the intention to hang Haywood on newspaper articles, as was done with the Chicago anarchists.

Isolated paragraphs and disconnected items were at first offered, but Mr. Richardson objected to the articles being presented in that way. He said that even the worst that could be presented was merely ordinary, abusive newspaper talk from the opposi-

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The organization met the constant opposition. It was always in trouble. Organizers going into towns would be met by the most stubborn resistance from the owners and bosses of the miners. Men were ordered not to attend the meetings. In certain camps the president of the organization could get nothing to eat at the boarding house, nor a night's lodging.

The members were arrested on the slightest charge, ninety-nine out of one hundred never had the grace of a trial so we can't complain in this case.

The mine owners did everything in their power to destroy the organization. They hired the Pinkerton detective agency with one McParland at the head. These people were busy following sleuthing, working and lying against the members of the union. Hired detectives were placed in positions of trust with orders to cause strikes and advise violence. They did this in Telluride and Cripple Creek, where the Pinkerton men were the chief factor in the disturbances. A campaign of slander and abuse was commenced against the union men. Every crime in the west was ascribed to them. Every illegitimate child born west of the Mississippi river was carried to Denver and laid on the door step of the W. F. of M.

They did establish a magazine. It has been running ten years. It is possible that in that time some foolish things have crept into it. It would be different from all other publications if they had not. Haywood paid little attention to the magazine. Moyer gave

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Trial Half Finished

Evidence for Prosecution Makes Poor Showing—Judge Decides That Case Must Go to Jury

Boise, June 21.

The prosecution rested its case to-day, amid probably the flattest attempt that ever was made to create something out of nothing. The failure of the prosecution to make a case against Haywood specifically and the Western Federation of Miners generally is town talk.

From the reports sent out by the correspondents at Boise, members of the capitalist press are commenting very openly on the fizzle that is made by the state.

For a week the lawyers of the prosecution have been looking depressed and have gone at their work in a lifeless sort of a way. Borah sits looking down his nose, and the whole situation has the aspect of a collapsed balloon.

Talk is rife of the mess in which the capitalist conspirators are plunged. It is said that all the big push on the prosecution has been deceived and jobbed by the Pinkertons. They represented to Gooding that they had a sure thing against the Western Federation, and that they were going to put them through the way they did the Molly Maguire business, and the anarchists of 1887. On the strength of these assertions Gooding got his appropriation of \$104,000 from the legislature by stating that they had a cinch against the union men. The claim was even made that they had evidence enough to hang forty different men.

But all this boasted array of proof has not materialized. With the exception of Orchard's, the testimony given by the witnesses has been tame and unimportant.

Every one of their witnesses, with out an exception, has testified that he was summoned by the Pinkertons. The entire combination is a Pinkerton case pure and simple. The Pink have got their money for the job but they have not delivered the goods and there is wailing and consternation in the ranks of the oppressors. Gooding is wondering how he will square himself with the people for the enormous sums of money that have been expended.

Report has it that these would-be executioners of the working class are quarreling with and blaming each other. Gooding lays the blame on to McParland and he in turn states that the witnesses did not have the information they claimed to have. It is said some fifty witnesses have been sent back home without appearing at all. When they got into the offices and Borah and Hawley began to question them, it was found that they didn't have anything to tell that was of the slightest consequence in the case. A number of the witnesses have been peculiarly pitiful failures.

For instance Governor Peabody has boasted to the reporters all over the country of what he could tell against the Federation men, and he traveled a thousand miles to say that after his term of office was over he had gone back from Denver to Canyon City, and was repairing his home. The whole thing was so trivial that the defense refused to cross-examine him. His daughter's testimony was equally inconsequential. She got out of her carriage one evening and some men were standing near it.

There has not been the slightest show of connecting Haywood with the Steunenberg crime outside of Orchard's testimony, that of an uncorroborated accomplice.

There have been several money transactions shown—such as any offer of a similar organization might have with men at work under him. Haywood still sits untouched by the evidence.

And then the low estimate in which these bristling and imported gun men are held by the local authorities as brought out in the trial of Meldrum and Bartell has taken about all the remaining wind out of the sails of the prosecution. The thug, Meldrum was left completely alone by his friends when he appeared in the police court. He had the appearance of a man in the most painful position of embarrassment. He "went to pieces," as the saying is. When he was fined his hundred dollars, he was held until he

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Why are they guarding that precious treasure, Harry Orchard, with six paid gun men?

But the local authorities have represented these imported gun men usurping authority in their own domain, hence the heavy sentences, and the consequent leaving town of a large number of the Pinkertons.

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On Friday morning occurred the first real attempt to connect Haywood with Orchard's operations. This was when a colored man from Denver by the name of Lehorn testified to selling a horse and buggy to Orchard, and that Haywood went with Orchard to try the horse. It is to be hoped that Haywood won't be hanged for giving his opinion on a horse.

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Friday afternoon Mr. Richardson made a motion to dismiss the case and quash the indictment on the ground that the only evidence against Haywood was that of an alleged accomplice and was wholly uncorroborated. Mr. Richardson made a masterly address in support of his contention. It stated that the law regarded the testimony of accomplices as that of impeached witnesses. It must be wholly supported by independent evidence of guilt outside.

Mr. Richardson reviewed the entire testimony and said if all were true to outside of Orchard's, still nothing had been shown to prove that Haywood was guilty of the murder of Steunenberg. In closing he stated that this was the flattest case that ever went to a jury. What is the value of it all without the testimony of Harry Orchard? The greatest criminal ever known was involved. It was a Pinkerton case pure and simple, and a verdict for acquittal was asked for.

Borah then gave the position of the state. He said that the evidence showed that there was a conspiracy in the Western Federation for the purpose of taking off those that came in conflict with that organization. The act of one was the act of all, and the knowledge of one was the knowledge of all. All the acts show the accomplishment of one design. Borah's argument was very weak and vague.

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Harry Orchard was testifying for a greater reward than he had even received in his life before.

The judge said he thought the case ought to go to the jury.

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Isolated paragraphs and disconnected items were at first offered, but Mr. Richardson objected to the articles being presented in that way. He said that even the worst that could be presented was merely ordinary, abusive newspaper talk from the opposi-

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Orchard's Bodyguard

Start a Fight on Defenseless Man— Are Landed in Jail and Must Pay Heavy Fine

Boise, June 18. The tables seem to be turning in more ways than one in the city of Boise.

The star of the defense has been steadily in the ascendant the last week, not only in the court room, but also about town, and to-day an incident occurred that has tended to run the spirits of the blood and thunder blusterers about down in the vicinity of zero.

Orchard had just been taken in his carriage with body guard of 6 armed thugs from the court room to Attorney Hawley's office. At the steps of the court house W. Fry, a big miner, who had been summoned from Silver City to testify for the state but whose sympathies are with the defense, asked young Mr. Hawley what was going to be done about his expenses as he was about out of money. He was told to come down to Mr. Hawley's office and he would be given his mileage. He did so, and passed up the stairs just ahead of the Orchard procession. As he came down with his mileage in his pocket he encountered Bob Meldrum and Bartell, two of the most desperate men and with the worst criminal records, among the guards, at the foot of the stairs. With an oath they asked him what he was about. He told them very quietly, and took the papers that had just been handed him from his pocket. As he did so, with a vile name Meldrum hit him with his fist on the back of the head. Fry is the man that the Pinkertons knocked down the front steps a few days ago as he was quietly moving up the steps to enter the court room as a witness. He is a powerful man, and, though quiet, is not much given to backing down, and had not Mr. Nugent appeared on the scene, who knew him well, there might have been serious trouble. After being struck by Meldrum, he told the desperadoes, that they were too many for him, they were armed and he was unarmed, they were evidently trying to start something, and he would have to take it for the present. As he turned around, Bartell said he would give him one too just for luck and hit him a staggering blow on his jaw, cutting his lip. Half a dozen men were standing near who saw the whole performance. Fry went immediately and lodged a complaint against the thugs. Bartell pleaded guilty and was fined \$50 and \$6 costs, Meldrum pleaded not guilty, was asked if he was any sort of a federal officer, and on its being found that he was just a common private hired thug, he was fined \$100 and \$6 costs.

Then he was asked if he was carrying any concealed weapons, and various guns, among them one two feet long were found on him, he was remanded to the justice court for the next morning. The penalty for this offense is severe.

This is the third escapade of the sort that Meldrum has been in here. The other two were the boarding house incident and the elbowing of Will Eastery on the street.

The prosecution are feeling pretty well chagrined over these disgraceful actions of their chief stand-bys. Their "law and order" cry is not benefitting by very brilliant examples.

The mine owners' side of the proposition is feeling mean and ugly over the turn that the trial is taking. These people know that they are losing ground, and things are going against them, and they are looking for a chance to vent their wrath in some contemptible dirty way.

Boise, June 18. No court session was held yesterday, because the date of the Harry Orchard trial had been set for June 17 at Caldwell. As Judge Wood has been appointed to preside, it was necessary for him to go over there and re-date the trial.

Tuesday the regular sessions at Boise recommenced. A number of the Western Federation men are present, among them Ed. Boyce, former president, and Secretary Kirwan.

The proceedings are tremendously tiresome. The prosecution drags along in a lifeless manner as though

all the heart were knocked out of it. Even old lawyers here as spectators say the case is rotten. So far it is only a rope of sand. The evidence is meager, disconnected and so far not associated with Haywood at all.

Harry Orchard is all there has been to it so far, and he is a joke, and is so received by all parties in the court room except the lawyers at the table of the prosecution—defense, spectators, and even jury. When called to the stand to-day the starch which marked his first entrance all taken out of him, and his answers were uncertain, vague and contradictory.

The judge is frequently against the absolute inanity of the prosecution. The fact of the matter is that these battered and corrupt pillars of decaying capitalism are up against the proletarian militant, and they are lost and baffled in the new situation. They are presuming that old ideas of ethics and prestige will clothe the alleged crimes of these working men with a ghostly horror. They have staged the scene of a tragedy, and lo! the world is taking their strenuousness as a comedy.

A Pinkerton conspiracy is simply a gag to the working class, no longer the symbol of authority. Tuesday morning Jasper Nichols, deputy sheriff of Canyon county, testified that Orchard received a letter while in jail there, which was opened and a copy preserved; he also received a telegram from Fred Miller.

Here Mr. Hawley asked the defense attorneys when Fred Miller would be back from California. He was told as soon as he had finished taking the San Francisco depositions in connection with the Bradley matter.

Orchard was then re-called. All the witnesses for the defense to use in the impeachment of Orchard's testimony are not here yet, but Judge Wood instructed the attorneys to go ahead as far as they could. So the military drama was re-enacted. The grand march of the thugs took place, and again the court room bristled with guards and guns.

Pinkies to right of him, Pinkies to left of him, Pinkies behind him, protected this dear treasure of capitalism as he stepped once more into the limelight.

Mr. Richardson asked him the following questions for impeachment: "Did you say to Max Malich that Steunenberg was one man you meant to get if you hung for it?"

Denied.

"Did you say to Malich that you accused Steunenberg of standing in the way of your being rich from the mines?"

Denied.

"Did you have a conversation in the office of General Engley of Cripple Creek, whom you went to consult on legal business, in which you picked up a pamphlet on the Coeur d'Alene strike, and said you would fix Steunenberg?"

Denied.

"Did you tell Lotie Day in her room in the Belmont hotel in Denver, in the summer of 1906 that you would kill Steunenberg on sight if you swung for it?"

Denied.

"Did you visit Kid Waters at his house in the Cripple Creek district, and ask his wife to leave the room that you might talk together?"

Denied.

"Did you say to Dr. Magee in October 1905, in the hospital at Wallace that you were a spotter, and when asked if you were with the Thiele outfit, say that there was another set in the district?"

Denied.

"Did you say to D. C. Coates in his office at Wallace 'The more I see of my old partners in the Hercules mine the more bitter I get, and I will yet get even with Steunenberg'?"

Denied.

The redirect examination was then commenced by the prosecution.

The much talked-of anonymous letter which Orchard said was from Pettibone was read and contained nothing more thrilling than that the writer had

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Darrow's Statement

Address to the Jury Outlining Plans of Defense—Orchard Spends Sunday Auto Riding in Boise

Special to the Montana News—

Boise, June 24.

At the call of the defense attorneys the Federation men who are to appear as witnesses have come pouring into Boise the last few days. It seems good to see them here—all the old stand-bys that have so valiantly fought the struggles of the western labor for the last ten years. D. C. Copely, formerly of the executive board, now a mine owner in Nevada; A. H. Floaten, candidate for governor of Colorado on the socialist ticket; Deportee from Telluride, a merchant who has been through the fiercest of the fight for his convictions; J. C. Barnes, who was up in a tree in Telluride, while the militia were hunting him underneath; John M. O'Neill, W. F. Davis, M. E. White, one after another. The very backbone of the Federation, fine, able, brainy men, more than a match for any capitalist prostitute that can be marshaled against them.

And they are here with the goods, the truth, the eternal fight against the injustice of employers, and the reasons for that fight. As one of them said: "We are here to go to the river, our cause is right and we'll stay with it." Almost without exception these strong, active men are socialists.

Orchard Paraded.

A radical change of policy is being employed toward Orchard. He is being paraded before the public by the paid henchmen of the mine owners. Bob Meldrum, with three others of his aids, is riding Orchard about town in an automobile. He was out to hear the band concert Saturday night. All day Sunday he was in Hawley's office, sitting at a window and watching and reporting on his witnesses for the defense as they passed.

Why this change of policy in regard to a creature that has been kept secret as the tomb for seventeen months? Is the prosecution setting another trap for the members of the Western Federation? The friends of the defense have every reason to desire that Orchard be safely and securely guarded. Should anything happen to that depraved character, with what instant effect would its cause be laid upon the Federation, and even so his public showing is a tremendous temptation to some whose loathing and hatred for the reptile because of the injury he has sought to do them, might get the better of their judgment. The defense has a right to protest vigorously against this public exhibition of the wretch used as the greatest weapon against the union.

Darrow's Statement.

This morning Mr. Darrow began his statement to the judge of the plan of the defense. The address lasted through both sessions of the day and was the clearest and most concise presentation of the case that has yet been made. Mr. Darrow began in his easy, argumentative way, without any flourishes, relying solely upon the facts that he had to present.

He said in part:

You have listened to the evidence of the state. You must wait to hear all before you draw your conclusions, till the last word has been spoken. You have the evidence and the theory of the state. You are now to hear our side of the story.

Nominally William Haywood is on trial charged with the murder of Governor Steunenberg. There must be some nominal charge. But the true issue is wider.

Mr. Hawley stated it in his opening address. We must follow the ground they have taken us over.

He told you the officers of the Western Federation were in a conspiracy to kill, that the murder of Steunenberg was only an instance. He told you that the Western Federation wished to control politics also, that large amounts of money were set aside to hire lawyers. This is partly true.

It is true that there is a labor organization called the Western Federation of Miners. It was born in 1892 and 1893, in the cell below this court room, in the cell where other men are waiting for trial. Ed. Boyce and others were then in jail. They hired the best lawyers they could. They

hired Hawley. He was the godfather of the organization and its first attorney. If there was anything criminal in appropriating money to pay attorneys the miners didn't know it. They formed an industrial organization. It was to organize the men who did the work—as a benefit for the men and their families. It took some part in politics. It is to be hoped that the state will not hang these men for that. If such could be done, most of the corporations in the United States would hang.

The organization tried to help elect officials and judges that looked at things from the standpoint of the man with the pick and shovel. They tried to elect Hawley to the senate.

We plead guilty to politics. But there never was criminal conspiracy connected with the Western Federation. We do not claim that these men never did any wrong. They are not angels. Angels do not work in mines. They are the mine owners.

We are not here to apologize for the W. F. of M. It has always been a fighting organization and if it dies it will die fighting. From the first it met with opposition from the mine owners' association, which was organized before the W. F. of M. was born. Before the Federation men worked from ten to fourteen hours in the mine, and the same time in the smelters, where the average life is seven years, where the teeth fell out and the men became paralytic from the poisonous gases. They were compelled to buy whatever they used at the company store, to employ company doctors and to be cared for at a company hospital, the machinery was unsafe and the smelters vomited forth poison and death.

The new organization began at once to correct these evils. It took care of its widows and orphans. One union, that of Butte, had paid out more than a million dollars to the widows and orphans of its members. Lead City had done the same. It began to press legislation for safety appliances and an eight-hour day. Its activities show that themembers had associated with some one besides Orchard. Agitation was commenced in all states for an eight-hour law. The wages of the men were raised. Hospitals, halls and libraries were established. Some of the unions owned the best property in their town.

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The proceedings are tremendously tiresome. The prosecution drags along in a lifeless manner as though

all the heart were knocked out of it. Even old lawyers here as spectators say the case is rotten. So far it is only a rope of sand. The evidence is meager, disconnected and so far not associated with Haywood at all.

Harry Orchard is all there has been to it so far, and he is a joke, and is so received by all parties in the court room except the lawyers at the table of the prosecution—defense, spectators, and even jury. When called to the stand to-day the starch which marked his first entrance seemed all taken out of him, and his answers were uncertain, vague and contradictory.

The judge is frequently against the absolute inanity of the prosecution.

The fact of the matter is that these battered and corrupt pillars of decaying capitalism are up against the proletarian militant, and they are lost and baffled in the new situation. They are presuming that old ideas of ethics and prestige will clothe the alleged crimes of these working men with a ghostly horror. They have staged the scene of a tragedy, and lo! the world is taking their strenuousness as a comedy.

A Pinkerton conspiracy is simply a gag to the working class, no longer the symbol of authority.

Tuesday morning Jasper Nichols, deputy sheriff of Canyon county, testified that Orchard received a letter while in jail there, which was opened and a copy preserved; he also received a telegram from Fred Miller.

Here Mr. Hawley asked the defense attorneys when Fred Miller would be back from California. He was told as soon as he had finished taking the San Francisco depositions in connection with the Bradley matter.

Orchard was then re-called. All the witnesses for the defense to use in the impeachment of Orchard's testimony are not here yet, but Judge Wood instructed the attorneys to go ahead as far as they could. So the military drama was re-enacted. The grand march of the thugs took place, and again the court room bristled with guards and guns.

Pinkies to right of him, Pinkies to left of him, Pinkies behind him, protected this dear treasure of capitalism as he stepped once more into the limelight.

Mr. Richardson asked him the following questions for impeachment: "Did you say to Max Malich that Steunenberg was one man you meant to get if you hung for it?"

Denied. "Did you say to Malich that you accused Steunenberg of standing in the way of your being rich from the mines?"

Denied. "Did you have a conversation in the office of General Engley of Cripple Creek, whom you went to consult on legal business, in which you picked up a pamphlet on the Coeur d'Alene strike, and said you would fix Steunenberg?"

Denied. "Did you tell Lotie Day in her room in the Belmont hotel in Denver, in the summer of 1906 that you would kill Steunenberg on sight if you swung for it?"

Denied. "Did you visit Kid Waters at his house in the Cripple Creek district, and ask his wife to leave the room that you might talk together?"

Denied. "Did you say to Dr. Magee in October 1905, in the hospital at Wallace that you were a spotter, and when asked if you were with the Thiele outfit, say that there was another set in the district?"

Denied. "Did you say to D. C. Coates in his office at Wallace 'The more I see of my old partners in the Hercules mine the more bitter I get, and I will yet get even with Steunenberg?'"

Denied. The redirect examination was then commenced by the prosecution.

The much talked-of anonymous letter which Orchard said was from Pettibone was read and contained nothing more thrilling than that the writer had

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Darrow's Statement

Address to the Jury Outlining Plans of Defense—Orchard Spends Sunday Auto Riding in Boise

Special to the Montana News—

Boise, June 24.

At the call of the defense attorneys the Federation men who are to appear as witnesses have come pouring into Boise the last few days. It seems good to see them here—all the old stand-bys that have so valiantly fought the struggles of the western labor for the last ten years. D. C. Copely, formerly of the executive board, now a mine owner in Nevada; A. H. Floaten, candidate for governor of Colorado on the socialist ticket; Deportee from Telluride, a merchant who has been through the fiercest of the fight for his convictions; J. C. Barnes, who was up in a tree in Telluride, while the militia were hunting him underneath; John M. O'Neill, W. F. Davis, M. E. White, one after another. The very backbone of the Federation, fine, able, brainy men, more than a match for any capitalist prostitute that can be marshaled against them.

And they are here with the goods, the truth, the eternal fight against the injustice of employers, and the reasons for that fight. As one of them said: "We are here to go to the river, our cause is right and we'll stay with it."

Almost without exception these strong, active men are socialists.

Orchard Paraded.

A radical change of policy is being employed toward Orchard. He is being paraded before the public by the paid henchmen of the mine owners. Bob Meldrum, with three others of his aids, is riding Orchard about town in an automobile. He was out to hear the band concert Saturday night. All day Sunday he was in Hawley's office, sitting at a window and watching and reporting on his witnesses for the defense as they passed.

Why this change of policy in regard to a creature that has been kept secret as the tomb for seventeen months? Is the prosecution setting another trap for the members of the Western Federation? The friends of the defense have every reason to desire that Orchard be safely and securely guarded. Should anything happen to that depraved character, with what instant effect would its cause be laid upon the Federation, and even so his public showing is a tremendous temptation to some whose loathing and hatred for the reptile because of the injury he has sought to do them, might get the better of their judgment. The defense has a right to protest vigorously against this public exhibition of the wretch used as the greatest weapon against the union.

Darrow's Statement.

This morning Mr. Darrow began his statement to the judge of the plan of the defense. The address lasted through both sessions of the day and was the clearest and most concise presentation of the case that has yet been made. Mr. Darrow began in his easy, argumentative way, without any flourishes, relying solely upon the facts that he had to present.

He said in part: "You have listened to the evidence of the state. You must wait to hear all before you draw your conclusions, till the last word has been spoken. You have the evidence and the theory of the state. You are now to hear our side of the story."

Nominally William Haywood is on trial charged with the murder of Governor Steunenberg. There must be some nominal charge. But the true issue is wider.

Mr. Hawley stated it in his opening address. We must follow the ground they have taken us over.

He told you the officers of the Western Federation were in a conspiracy to kill, that the murder of Steunenberg was only an instance. He told you that the Western Federation wished to control politics also, that large amounts of money were set aside to hire lawyers. This is partly true.

It is true that there is a labor organization called the Western Federation of Miners. It was born in 1892 and 1893, in the cell below this court room, in the cell where other men are waiting for trial. Ed. Boyce and others were then in jail. They hired the best lawyers they could. They

hired Hawley. He was the godfather of the organization and its first attorney. If there was anything criminal in appropriating money to pay attorneys the miners didn't know it. They formed an industrial organization. It was to organize the men who did the work—as a benefit for the men and their families. It took some part in politics. It is to be hoped that the state will not hang these men for that. If such could be done, most of the corporations in the United States would hang.

The organization tried to help elect officials and judges that looked at things from the standpoint of the man with the pick and shovel. They tried to elect Hawley to the senate.

We plead guilty to politics. But there never was criminal conspiracy connected with the Western Federation. We do not claim that these men never did any wrong. They are not angels. Angels do not work in mines. They are the mine owners.

We are not here to apologize for the W. F. of M. It has always been a fighting organization and if it dies it will die fighting. From the first it met with opposition from the mine owners' association, which was organized before the W. F. of M. was born. Before the Federation men worked from ten to fourteen hours in the mine, and the same time in the smelters, where the average life is seven years, where the teeth fell out and the men became paralytic from the poisonous gases. They were compelled to buy whatever they used at the company store, to employ company doctors and to be cared for at a company hospital, the machinery was unsafe and the smelters vomited forth poison and death.

The new organization began at once to correct these evils. It took care of its widows and orphans. One union, that of Butte, had paid out more than a million dollars to the widows and orphans of its members. Lead City had done the same. It began to press legislation for safety appliances and an eight-hour day. Its activities show that themembers had associated with some one besides Orchard. Agitation was commenced in all states for an eight-hour law. The wages of the men were raised. Hospitals, halls and libraries were established. Some of the unions owned the best property in their town.

All this had happened since Mr. Hawley had organized them into a compact mass of men.

The organization met the constant opposition. It was always in trouble. Organizers going into towns would be met by the most stubborn resistance from the owners and bosses of the miners. Men were ordered not to attend the meetings. In certain camps the president of the organization could get nothing to eat at the boarding house, nor a night's lodging.

The members were arrested on the slightest charge, ninety-nine out of one hundred never had the grace of a trial so we can't complain in this case.

The mine owners did everything in their power to destroy the organization. They hired the Pinkerton detective agency with one McParland at the head. These people were busy following sleuthing, working and lying against the members of the union. Hired detectives were placed in positions of trust with orders to cause strikes and advise violence. They did this in Telluride and Cripple Creek, where the Pinkerton men were the chief factor in the disturbances. A campaign of slander and abuse was commenced against the union men. Every crime in the west was ascribed to them. Every illegitimate child born west of the Mississippi river was carried to Denver and laid on the door step of the W. F. of M.

They did establish a magazine. It has been running ten years. It is possible that in that time some foolish things have crept into it. It would be different from all other publications if they had not. Haywood paid little attention to the magazine. Moyer gave

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Trial Half Finished

Evidence for Prosecution Makes Poor Showing—Judge Decides That Case Must Go to Jury

Boise, June 21.

The prosecution rested its case to-day, amid probably the flattest attempt that ever was made to create something out of nothing. The failure of the prosecution to make a case against Haywood specifically and the Western Federation of Miners generally is town talk.

From the reports sent out by the correspondents at Boise, members of the capitalist press are commenting very openly on the fizzle that is made by the state.

For a week the lawyers of the prosecution have been looking depressed and have gone at their work in a lifeless sort of a way. Borah sits looking down his nose, and the whole situation has the aspect of a collapsed balloon.

Talk is rife of the mess in which the capitalist conspirators are plunged. It is said that all the big push on the prosecution has been deceived and jobbed by the Pinkertons. They represented to Gooding that they had a sure thing against the Western Federation, and that they were going to put them through the way they did the Molly Maguire business, and the anarchists of 1887. On the strength of these assertions Gooding got his appropriation of \$104,000 from the legislature by stating that they had a cinch against the union men. The claim was even made that they had evidence enough to hang forty different men.

But all this boasted array of proof has not materialized. With the exception of Orchard's, the testimony given by the witnesses has been tame and unimportant.

Every one of their witnesses, with out an exception, has testified that he was summoned by the Pinkertons. The entire combination is a Pinkerton case pure and simple. The Pink have got their money for the job but they have not delivered the goods and there is wailing and consternation in the ranks of the oppressors. Gooding is wondering how he will square himself with the people for the enormous sums of money that have been expended.

Report has it that these would-be executioners of the working class are quarreling with and blaming each other. Gooding lays the blame on McParland and he in turn states that the witnesses did not have the information they claimed to have. It is said some fifty witnesses have been sent back home without appearing at all. When they got into the offices and Borah and Hawley began to question them, it was found that they didn't have anything to tell that was of the slightest consequence in the case. A number of the witnesses have been peculiarly pitiful failures.

For instance Governor Peabody has boasted to the reporters all over the country of what he could tell against the Federation men, and he traveled a thousand miles to say that after his term of office was over he had gone back from Denver to Canyon City, and was repairing his home. The whole thing was so trivial that the defense refused to cross-examine him. His daughter's testimony was equally inconsequential. She got out of her carriage one evening and some men were standing near it.

There has not been the slightest show of connecting Haywood with the Steunenberg crime outside of Orchard's testimony, that of an uncorroborated accomplice.

There have been several money transactions shown—such as any officer of a similar organization might have with men at work under him. Haywood still sits untouched by the evidence.

And then the low estimate in which these bristling and imported gun men are held by the local authorities as brought out in the trial of Meldrum and Bartell has taken about all the remaining wind out of the sails of the prosecution. The thug, Meldrum was left completely alone by his friends when he appeared in the police court. He had the appearance of a man in the most painful position of embarrassment. He "went to pieces," as the saying is. When he was fined his hundred dollars, he was held until he

sent for the money. But the feature of most striking significance in the case was, that when he was attempting to justify his brutal treatment of Fry by saying he was stationed to guard the public stairway, on being questioned he was forced to admit that he held no commission whatever, but was under the direct employ of the mine owners' association, and his whole business here is as a special guard to Harry Orchard. Oh, no, the mine owners are not behind the dastardly attempt to break up the Western Federation and hang its officers.

Why are they guarding that precious treasure, Harry Orchard, with six paid gun men?

But the local authorities have represented these imported gun men usurping authority in their own domain, hence the heavy sentences, and the consequent leaving town of a large number of the Pinkertons.

Boise, June 22.

On Friday morning occurred the first real attempt to connect Haywood with Orchard's operations. This was when a colored man from Denver by the name of Lehorn testified to selling a horse and buggy to Orchard, and that Haywood went with Orchard to try the horse. It is to be hoped that Haywood won't be hanged for giving his opinion on a horse.

The state here rested its case, and all the thrills are in with the exception of what may appear in rebuttal.

Friday afternoon Mr. Richardson made a motion to dismiss the case and quash the indictment on the ground that the only evidence against Haywood was that of an alleged accomplice and was wholly uncorroborated. Mr. Richardson made a masterly address in support of his contention. It stated that the law regarded the testimony of accomplices as that of impeached witnesses. It must be wholly supported by independent evidence of guilt outside.

Mr. Richardson reviewed the entire testimony and said if all were true to outside of Orchard's, still nothing had been shown to prove that Haywood was guilty of the murder of Steunenberg. In closing he stated that this was the flattest case that ever went to a jury. What is the value of it all without the testimony of Harry Orchard? The greatest criminal ever known was involved. It was a Pinkerton case pure and simple, and a verdict for acquittal was asked for.

Borah then gave the position of the state. He said that the evidence showed that there was a conspiracy in the Western Federation for the purpose of taking off those that came in conflict with that organization. The act of one was the act of all, and the knowledge of one was the knowledge of all. All the acts show the accomplishment of one design. Borah's argument was very weak and vague.

Darrow began to speak at 4:30. He said the accusation of conspiracy had always been a convenient way in history to get rid of those who were obnoxious to the powers in charge of the state. The word conspiracy covers a multitude of sins.

Harry Orchard was testifying for a greater reward than he had even received in his life before.

The judge said he thought the case ought to go to the jury.

Boise, June 21.

On Wednesday the state attempted to make good its charge against the Western Federation of Miners as being a murderous and blood-thirsty organization, dangerous to the social welfare by various articles taken from the official organ, the Miners' Magazine. It would seem that it was the intention to hang Haywood on newspaper articles, as was done with the Chicago anarchists.

Isolated paragraphs and disconnected items were at first offered, but Mr. Richardson objected to the articles being presented in that way. He said that even the worst that could be presented was merely ordinary, abusive newspaper talk from the opposi-

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