

# SAYS ORCHARD LIED

## Haywood Testifies in His Own Behalf in Idaho Murder Case

### IMPEACHES MUCH OF EVIDENCE

#### Labor Leader Charged With Murder of Former Governor Stuenenberg, Approaches Stand Pale and Trembling, But Gains Composure and Relates in Strong Tones the Story of His Life.

Boise, Idaho, Special.—William D. Haywood, took oath as a witness in his own defense, and in a lengthy narrative of his life and work as a leader of his fellow miners denied guilt of the murder of Frank Stuenenberg and the manifold crimes charged him by Harry Orchard.

Haywood was pale and trembled nervously when he walked around to the elevated witness stand where he faced the judge and the jury. When he began to respond to Clarence Darrow's questions his voice was low and somewhat uncertain, but within 10 minutes he had regained his composure and for the rest of the afternoon Haywood was master of his feelings. As he told of his boyhood that began with toil at the age of 9 and gave the history of his family, his invalid wife, who sat just to the left of the witness stand began sobbing. His mother-in-law soon comforted the wife, however, and thereafter she and the rest of Haywood's kindred remained quiet, but deeply concerned auditors.

Haywood's testimony was chiefly characterized by positive denials of allegations made against him by the prosecution. He denied that he met Orchard until some time after the Winderick explosion, denied that he sent Orchard back to Cripple Creek to blow up the Independence station. He denied participation in the Lyte Gregory murder, and denied suggesting or discussing the Stuenenberg murder.

He swore that he never gave Orchard money at any time or any place for any purpose. He declared that he never made a threat against Stuenenberg, whom he regarded only as he did any politician swayed by capitalistic influences. He told of occasions when he met Orchard in Denver as the ordinary course of his relations with the federation and George A. Pettibone, and said he saw Orchard for the last time in August, 1905, when Orchard told him he was going to Alaska. Haywood said he then chided Orchard for deserting his wife at Cripple Creek.

The direct examination had not reached the connection of Jack Simpkins and the action of the federation after Stuenenberg was murdered when adjournment came.

The State completed the cross-examination of Charles H. Moyer at noon and in dealing with his testimony directed its strongest attack against the circumstances under which the federation at the suggestion of Jack Simpkins came to the relief of Orchard when arrested for killing Stuenenberg.

Senator Borah, who conducted the examination, emphasized the connection of Jack Simpkins and the federation and the fact that the federation without inquiry as to the guilt or innocence of Orchard, gave \$1,500 from its treasury to provide for his defense. He also developed the fact that the federation is providing for the defense of Steve Adams, who is charged with killing two claim jumpers at the instigation of Jack Simpkins. Moyer denied knowing anything about the \$100 that Haywood sent to Jack Simpkins a few days before Stuenenberg was assassinated and which is traced to Orchard by an unsigned note he got at Caldwell jail and a coincident of data.

#### Much Wanted Prisoner Escapes.

Denver, Col., Special.—John T. Thompson, a prisoner in custody of Detective Joseph Jay, of the Portland, Ore., police department, leaped from a car window while the train was running 40 miles an hour near this city and escaped. Thompson is wanted at Portland, Ore., to answer a charge of stealing \$3,000, and was captured in London, Eng., after a chase around the world.

#### The 2-Cent Passenger Rate Effective

Des Moines, Iowa, Special.—Judge McPherson, of the Federal Court, denied the application of two stockholders of the Iowa Central and the Minneapolis & St. Louis for an order restraining the directors of the roads from putting into effect the 2-cent passenger rate enacted by the Iowa Legislature. The judge based his action on the ground that no injury to the roads was shown, that the complaint that the new rate would cut down dividends was not proven, that increased passenger travel might increase receipts.

#### Leach Director of Mint.

Oyster Bay, Special.—President Roosevelt has appointed Frank A. Leach, of Oakland, Cal., director of the Mint, to succeed George E. Roberts, who resigns to accept the presidency of the Commercial National Bank of Chicago, made vacant by the death of James H. Eckles. Mr. Leach is at present superintendent of the San Francisco mint.

# UNWRITTEN LAW AGAIN

## Mother and Son Acquitted of Charge of Murdering Man Who Ruined Their Daughter and Sister—Verdict of Jury Announced to Judge While They Were at Dinner During Recess Just After They Had Been Sent From Court Room to Consider Decision.

Laplata, Md., Special.—It took the jury in the Bowie murder trial but five minutes to decide that in Southern Maryland at least, the "unwritten law" is the law to which the seducer must hold himself answerable. And while there was no marked demonstration when the verdict became known, there was sufficient evidence that the verdict of the jury was the verdict of the people of this section of the country. Both jury and people acquit Mrs. Mary E. Bowie and her son, Henry, of all blame for their acknowledged slaying last January of Hubert Posey, the seducer of their daughter and sister, Priscilla Bowie, who with her child, has made a pathetic picture in the court room. That there was no demonstration was doubtless due to the fact that the verdict of the jury was announced by the judges while they were at dinner during a recess, just prior to which the jury had been sent out of the court room to consider their decision.

State Attorney Wilmer's request to the jury that they bring in a verdict of manslaughter, was not more noteworthy than the frankness with which Congressman Sidney E. Mudd, of counsel for the defense, appealed to the "unwritten law," in behalf of his clients. Throughout his address, which evidently voiced the sentiments of most of his hearers, Mrs. Bowie and her son sat in stolid composure, while Priscilla Bowie wept continuously.

"Gentlemen," said Congressman Mudd, "we shall claim that these defendants were justified, by what the newspapers have called the 'unwritten law.' He then cited many cases in which the avengers of wronged daughters, sisters and wives have been acquitted, and continued:

"Never since the formation of this government has there been tried before a jury of American citizens a single case of murder following wanton seduction in which the verdict has been other than instant acquittal." He argued for the "supremacy of the law indelibly written on the quick-beating human heart, over the cold type of the statute books," and said:

"The family in this land of ours is the nucleus and the nursery of the Commonwealth. The protection of the sanctity of the family ties, the chastity of women, the development and maintenance of a salutary and exalted respect for the honor of the mother, the sister and the daughter become a natural and essential feature of the law in this land. In nearly every State of this country there will be found an exemplification and recognition of this fact and an adoption of this doctrine.

"It is in this sense that I confidently claim the protection of what I have called and claim the 'unwritten law' as an adequate defense for these defendants."

State Attorney Wilmer argued against the "unwritten law," but urged the jury to give the defendants the benefit of every possible doubt and repeated that he did not ask for a verdict of murder, but for one of manslaughter. The jury, however, evidently took Mr. Mudd's view of the case and when they filed into court it was to declare that the killing of Hubert Posey was justified.

### Indicted For Assault.

Washington, Special.—Charles A. Edwards, secretary of the Democratic congressional campaign committee, was indicted by the grand jury for an assault with a dangerous weapon on Alejandro Garland, an attaché of the Peruvian legation in this city. The alleged assault occurred shortly after midnight on the morning of May 10th last.

### Eight Killed by White Damp.

Hazleton, Pa., Special.—Eight Italian mine workers were killed by white damp in an abandoned slope of the Lehigh & Wilkesbarre Coal Company at Honey Brook. Two of the men were sent into the mine to measure the water. Then two more went in to assist them. It was believed that the force was inadequate and the others were ordered to help them. When the men did not return after a reasonable time an investigation was made and the presence of the deadly white damp was discovered.

### First Death From Sunstroke.

Norfolk, Special.—A fatal case of sunstroke, the first of the season, was recorded in Norfolk Friday, the victim, Julian Clem, aged 56 years, foreman of the Sans-Key-Ruth Company paving firm dying before reaching a hospital. He was superintending a paving gang in Huntersville, Clem was from Louisville, Ky., and his family still reside there. The mercury registered 94 degrees.

# NORTH STATE NEWS

## Items of Interest Gleaned From Various Sections

### FROM MOUNTAIN TO SEASHORE

#### Minor Occurrences of the Week of Interest to Tar Heels Told in Paragraphs.

### N. C. Railroad Matters.

Grenesboro, Special.—The annual meetings of the stockholders and directors of the North Carolina Railroad Company was held here last week. The directors met in the parlor of Hotel Guilford at 12 o'clock and prepared and adopted resolutions to be submitted to the stockholders. One of these resolutions was in reference to the matter of the hotel property at Burlington. The resolution was adopted by the stockholders. It is a final adjustment of the matter, it being decided that the company will not rebuild the hotel, which was destroyed by fire three or four years ago. The stockholders granted permission to the national government to construct a viaduct under the main line of the road at Salisbury for the driveway to the Federal Cemetery. An appropriation for this was made at the last session of the United States Congress. All of the old directors on behalf of the stockholders were re-elected. After the stockholders' meeting the directors met and transacted the usual routine business. H. C. Chatham, of Elkin, was re-elected president; A. H. Eller, of Winston-Salem, secretary-treasurer; John W. Thompson, of Raleigh, expert. The reports of the officers were received and approved.

### End of Telephone Trouble.

Winston-Salem, Special.—At a final conference between the telephone committee of the board of aldermen and the Board of Trade and Judge Palmer, representative of the Southern Bell Telephone Company, an agreement was reached by which the Bell Company will immediately begin to install in the Twin City a modern common battery telephone system, including a modern building and plant and underground wires in the business section of the city. The cost of the system is estimated at about \$80,000. Work will begin immediately upon the surveys, etc., for the new work, and it is thought that the new system will be in operation before January 1st, 1909.

### Rowlands to Stand Trial.

Raleigh, Special.—Dr. David S. Rowland and wife, Lillian Rowland, were formally arraigned at 5:30 o'clock Thursday afternoon to stand trial for their lives on the charge of poisoning Mrs. Rowland's former husband, Engineer C. R. Strange, of the Seaboard Air Line. They were unexpectedly ordered into court in the midst of a long-drawn-out argument by counsel on the question of using certain depositions taken by the defense in the trial in the event the case comes to trial at all at this term. The entrance of the prisoners created quite a stir in the crowded court room.

### Haywood Conty Fair.

Waynesville, Special.—The third annual Haywood County Fair will be held here October 9th to 12th next. Preparations for the event are already well under way, and it is confidently expected that the coming exhibition will eclipse either of the preceding ones. The association is offering this year the handsome sum of \$2,000 in premiums and purses, of which amount \$550 will be given on agricultural products and \$800 in purses for races.

### North State Notes.

The State Bar Association held its annual meeting at Hendersoville last week. The meeting was very interesting and was largely attended. A feature was an address by Judge Alton B. Parker, of New York. Prof. Timberlake made a splendid address on "The Unwritten Law," which was a full exposition of the entire doctrine involved in that now popular plea.

The city authorities of both Charlotte and Grenesboro are discussing the problem of allowing soft drinks and cigars sold on Sunday. Such sale has been prohibited for some time in both cities and the effort is being made to repeal the prohibitory laws.

A batch of twenty fresh Italian laborers arrived at High Point last week and began work in the factories there. Not one of them can speak English.

The Retail Hardware Association of the Carolinas held its annual session in Charlotte last week.

### Storm Did Damage.

Salisbury, Special.—Reports throughout the county tell of great damage done to growing crops by the storm of Wednesday night. Portions of it were swept by furious winds and hail that battered down corn and cotton. The western section of the county in Locke township, was visited by a young cyclone that did timber and crops the most damage. No houses were blown down and no cattle killed.

# IN CLOSE QUARTERS

## The Tobacco Trust Overhauled By the Government

### COURT MAY APPOINT RECEIVER

Highly Probable That Government Will Bring Criminal Action Against Some of Defendants Named in Complicit Filed by Special Assistant Attorney General Against the Corporation.

New York, Special.—James C. McReynolds, the Special Assistant Attorney General appointed to prosecute the so-called tobacco trust, declared Wednesday after filing the complaint in the case that the question whether he would urge the court to appoint a receiver for the various companies would depend entirely upon the evidence secured from the witnesses summoned upon his complaint. He said also that criminal prosecution of some of the defendants he named in the complaint is highly probable and that the Sherman law, under which this action is brought, makes a conspiracy in restraint of trade a criminal offense. A significant feature of the complaint filed by Mr. McReynolds is the waiver by him of the right of demanding answers under oath from corporations and individuals named as defendants in his complaint, as the making of such answer under oath might confer immunity from prosecution.

The individuals named as defendants and named as witnesses are James B. Duke, president of the American Tobacco Company; John B. Cobb, president of the American Cigar Company, William K. Harris, chairman of the board of managers of the British-American Tobacco Co.; Caleb C. Tuel, vice president of the American Tobacco Company, and a director of the American Snuff Company; Percival S. Hill, vice president of the American Tobacco Company; W. C. Reed agent in the United States for the Imperial Tobacco Company of Great Britain; Thomas F. Ryan, Pierre Lorillard, Peter A. B. Widener, Anthony N. Brady, and practically all of the other directors of the American Tobacco Company.

Mr. McReynolds appeared before the clerk of the court alone to file the complaint, but the petition is signed by Attorney General Charles J. Bonaparte, Milton D. Pary and Edwin P. Grosvenor and James C. McReynolds, assistants to the Attorney General.

### Jap Admiral in New York.

New York, Special.—"I think the friendly relations of long standing between the United States and Japan should be preserved and the passing storm disappear in the waters of the Pacific ocean I firmly believe that this one incident cannot be thrown in the way of the present relations between the two countries which began at the time of my birth."

Thus spoke Admiral Baron Gombel Yamamoto, Japanese minister of Marine, during the Japanese-Russian war, as a greeting to the American people on his arrival here with his suite on board the Cunard steamship Carmania. Admiral Yamamoto has been inspecting the gunships and shipyards of Europe, and while here he will visit our navy yards and ship-building plants. He was met at quarantine by Lieut. W. H. Henderson, representing Rear Admiral Goodrich, commander of the New York Navy Yard.

### English Commoner's Death Sudden.

London, By Cable.—During a division in the House of Commons Wednesday evening, Sir Alfred Billson, member for the northwest division of Staffordshire, died suddenly from apoplexy. The House immediately adjourned. A pathetic feature of the incident was that Sir Alfred's daughter was in the ladies gallery at the time of her death.

### College Struck by Lightning.

Knoxville, Tenn., Special.—Herper College, a four-story brick building in North Athens, Tenn., owned by U. S. Grant University of Athens, was struck by lightning and totally destroyed by fire which followed. The building was built some 10 years ago at a cost of \$60,000, and was for some time as an industrial department of the University. Of recent years it has been used as an apartment house. The university carried only \$10,000 insurance and the loss will be a serious one.

### News in Brief.

Raisull, the bandit, made Kaif General MacLean a prisoner and will hold him until granted immunity by the Sultan.  
Approving the report of the Naval Personnel Board, the President ordered the retirement of 15 naval officers, including 5 captains.  
Sir Chentung Liang-Cheng, who departed for China, declared that his country will firmly uphold the "open-door" policy.

# Late News In Brief

### MINOR MATTERS OF INTEREST

Receivers may be appointed by the Federal Courts for the general branches of the tobacco trust.

Count Itagaki, of Japan, has written to the president of The Hague Conference recommending an international conference on the subject of race exclusion.

A new Venezuelan Cabinet has been appointed.  
Famine caused rioting in the Island of Sardinia.

A woman who claims to be the real widow of Lord Delavan-Beresford has turned up in an Ontario town.

Thieves broke open the safe in Dublin Castle and stole state regalia valued at \$250,000.

The session of court in the Heywood trial was consumed in reading depositions regarding the explosion in Fred Bradley's house.

The Emperor of Japan confers a number of medals on American nurses and correspondents who served in the war in Manchuria.

Judge Pritchard has granted an injunction against the Virginia Corporation Commission restraining that body from enforcing the 2-cent railroad fare until the matter goes before the higher court. The roads will give heavy bonds.

Government experts figure out that the United States is fast exhausting its supply of hard coal and that the smokeless city can only come through gas, coke and electricity.

A naval officer points out that the two monster battleships will be of a new type, different considerably from the "Dreadnaught."

John D. Rockefeller got his eyes full of smoke and delivered a Philippine against Cleveland's Union Station.

The National Civic Federation's municipal ownership commission made public two reports on its investigations, one condemning the principle and the other failing to recommend it.

Two Chinamen were killed in a Philadelphia Tong war.  
The Chicago telegraphers decided to postpone action on the strike question for a week.

Brick buildings in Indianapolis collapsed, with a loss of \$20,000.  
An assault on a 14-year-old Pittsburgh girl may mean a lynching if the man is caught.

Mayor Schmitz, convicted of extortion, made a demand for his salary.  
It was found that Minneapolis had been built on the roof of caverns and means were taken to avert danger of collapse.

It is considered probable that Thomas P. Gore, a blind man, will be elected to the United States Senate from Oklahoma.

Cornelius Vanderbilt's steamship was instrumental in saving the life of the captain of his yacht.  
Governor Glenn declares that he will not call an extra session of the North Carolina legislature to consider the rate law that some railroads are ignoring.

There is considerable activity in railway building in western North Carolina, and there is a consequent heavy demand for convicts.

Russians complain of the overbearing conduct of the Japanese in Manchuria and regard with ill-concealed satisfaction the friction with the United States.  
King Edward and Queen Alexandra have started on a tour of Ireland.  
Joseph Chamberlain celebrated his seventy-first birthday.

The Interstate Commerce Commission by declaring equal facilities should be provided whites and blacks on trains, indirectly upheld "Jim Crow" laws.

The Merchants' and Miners' and Old Dominion Steamship Companies and the Baltimore and Ohio Railroad figured in Interstate Commerce Commission cases.

The National Education Association convened in Los Angeles, Cal.  
Admiral Evans will sail for the Pacific in October, with the new battleships and a torpedo boat squadron.

A plan to have a receiver for the Tobacco Trust, appointed is reported to be the Department of Justice's way to fight this alleged monopoly suit.

Frank A. Leach, superintendent of the San Francisco Mint, was elected to succeed George E. Roberts as Director of the Mint.

The new Federal Building in Fredericksburg will be erected at Hanover and Princess Anne streets.  
Dr. Julian P. Thomas, the aeronaut, was badly hurt in an automobile accident.

An estimate based on returns from the new Richmond census shows the Virginia capital has a population of 110,000.

Mayor Eugene E. Schmitz, convicted of grafting, was sentenced to five years in San Quentin Penitentiary.

The "next friends" in the case of Mrs. Mary Baker G. Eddy have asked the court to take charge of the trust fund of \$125,000 set aside some time ago.

Jesse R. Grant, the son of Gen. U. S. Grant, is being mentioned as a possible Democratic candidate for President.

Action was begun in New York against the telegraph companies on an allegation of an agreement to raise rates.

That Germany is to arrange a secret treaty with the United States before the latter takes decisive action about Japan was reported in Berlin.

Wrestling is the popular sport of Persia. Great tournaments are held to decide supremacies of districts.

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