

Defense

State Historical Library

Lined Up

Work of Combating Orchard's Testimony Under Way—Long Array of Witnesses

Boise, June 27.

The defense is now well under way. It does one good to see the Western Federation men gather in to go on the stand and uphold their accused brothers with one voice, and the consciousness of the far-reaching power and necessity of their cause. And they are such a bunch of stalwarts, these undaunted western union men. Many of them have been shipped from camp to camp through the vengeance of the mine owners. Some of them have been so bitterly pursued by the emissaries of the employing class that they have jeopardized their freedom by coming here to testify, and will probably be put under arrest before they can leave town.

And as one of them said, "We are all here to go to the river."

A working class that will hang together like that in spite of bull-pens, jobbed courts, the blacklist, and other outrageous persecutions will yet clear the path of civilization for their class interests.

The prosecution look puny, pusillanimous and degenerate besides these big, intelligent, determined men, with the light of serious purpose in their eyes. Far off from the progress, the loyal heart, the generous sympathies of mankind are those who will throw their weight against the labor of the world. When labor is lifted up, mankind will also be lifted up, and the Western Federation is a part of labor that is lifting itself up.

The prosecution attorneys look uneasy and out of place as one after another of these witnesses come to the stand. They give their testimony in such full, clear, self-possessed decisive tones. Their manner has the inherent dignity of men who know they are right. Their very presence commands respect.

The prosecution witnesses had the lifeless aspect of those who were talking for mercenary purposes. The defense witnesses carry the force of those who are testifying for their convictions.

Impeachment Questions.

On Tuesday morning Orchard was brought on that the defense attorneys might conclude asking their impeachment questions of him. The grand march of the thugs took place more with "Estan leading" than Mr. Pennington asked the first question as follows:

"Did you have a conversation with Max Mallich at the Turkish baths, at the Windsor hotel in Denver, in which you called Steunenberg a vile name, and said you were going to get away with him if you did not live twenty-four hours afterwards?"

Orchard denied the conversation, but said he had been in the Turkish bath with Mallich.

John D. Elliot was then asked to stand up and Orchard was asked if he had ever seen him before. He said he had not.

Mr. Richardson then put the question as to whether Orchard had met this man in a car on the Oregon Short line the last of November 1905, and engaged in conversation with him, in which Orchard gave his name as Hogan, and said he had left the miners, and was now working for the Mine Owners' Association; that the conflict between these two classes would result in the breaking up of the Western Federation of Miners; that ways would be found to do this.

Orchard denied the entire conversation.

Mr. Richardson then asked if he had a conversation with D. C. Copley in San Francisco after the Bradley explosion. Orchard admitted that he did have, and that he went to Copley's rooms.

Mr. Richardson then asked whether he had spoken of his interests in the Hercules mine, denounced Steunenberg and said he would get even with him if it was the last act of his life.

Orchard denied the conversation but admitted that he had talked to Copley about going into the business of defacing coins.

Charles G. Sullivan arose and was identified by Orchard. Both men had roomed at Neville's. Mr. Richardson

sation with Sullivan in which he spoke asked Orchard if he had had a conversation with Steunenberg, said he ought to be killed, and that he would kill him himself.

Orchard denied the conversation. Mr. Richardson then asked if in a game of cards, in a saloon at Wallace in the fall of 1905, Orchard had told of his troubles in the Coeur d'Alenes to Frank Hough, spoke of Steunenberg by a vile name, and said he had no right to live.

Orchard denied the conversation. He was asked if he had a conversation with James Ramey, a stage driver in the Coeur d'Alenes, in April 1899, in which he said he would like to sell his interest in the Hercules for \$400, as he had to leave the country.

Orchard denied the conversation.

Witnesses Called.

Lottie Day was the first witness called by the defense. The prosecution had first brought her up here from Denver, but on closer examination they were afraid to put her on the stand, and sent her back to Denver. The defense then called her, and she made the journey again.

She roomed at the Belmont hotel, over Pettibone's store in Denver at the same time that Orchard was there. She testified that he had once told her that he once loved a woman, but was separated from her by poverty, that he might have been rich had it not been for Steunenberg, and that he would kill him because he stood between them.

He spoke of gambling to get some of the miners' money and when Mrs. Day spoke of the uncertainty of such a course, he said that he never went broke, for when he made any money he put some of it in Pettibone's safe to be kept for him.

Mrs. Mary King, who kept a boarding house in Cripple Creek, testified that R. C. Sterling, detective for the Mine Owners' Association, roomed at her place, and that Orchard was often in his room, coming up the back way. Miss Frances King corroborated her mother's testimony, thus proving Orchard a perjurer in connection with his other numberless crimes.

Mrs. Alice Fitzhugh, who bought out Mrs. King, gave substantially the same testimony. She said Orchard had come to see Sterling at least a dozen times before June 6, the date of the depot explosion.

C. W. Aller, who worked in the railroad office at Cripple Creek, testified that Orchard had frequent interviews with D. C. Scott, the detective for the Florence and Cripple Creek road, and was with him at various times for three weeks before the depot was blown up. Scott, Sterling and Orchard were often together.

The witness stood the cross-examination splendidly. The counter-conspiracies are now brought out in bold relief, and the jury will have the opportunity to determine on which side the diabolical plotting has been.

Boise, June 28.

On Tuesday afternoon Ira Blizzard, a conductor, testified that when the blood-hounds were put on the trail after blowing up the Independence depot, he telephoned to K. C. Sterling, detective for the Mine Owners' Association, and he replied, "Call the dogs off, we know who did it."

Dr. McGee from the Coeur d'Alenes said that Orchard was playing poker in a saloon at Mullen at the time the Bunker Hill was said to have been blown up. Dr. McGee is the man to whom Orchard told that he was spotting, and wanted to know if the doctor had any easy money to dispose of. The doctor told him if he wanted a political job to go to Johnson, the chairman of the campaign committee.

D. C. Scott, detective for the Florence and Cripple Creek road, was called by the defense. He has been in Boise for some time, brought by the prosecution, but another one of their witnesses that they have feared to put on the stand. He gave definite information that K. C. Sterling was

(Continued on Page 2.)

Pinkertons

Exposed

Methods Shown Up of Spotters and Thugs—Detectives Create Disturbance and Lawlessness

Boise, June 29.

W. W. Rush was the engineer who was carrying the train over the Florence and Cripple Creek road on the night of the alleged attempted wreck. He testified in the trial of the strike committee in Cripple Creek that D. C. Scott gave him information that the wrecking was going to be attempted, and asked if he knew of a good place on the road to wreck a train. It was at this point that a few spikes were found to be removed.

The witness was a healthy, hearty, frank, young worker. The jury watched his face most intently while he was giving his evidence. The very statements of these men who do things carry vital might. They represent the primal necessity of that conscious and useful activity that makes life possible. The human mind turns with instinctive love and confidence to the worker that maintains its existence. It is this basic dependence on the grapple with the material need that is the substructure of the whole socialist position.

This grandeur and power of labor shall illumine the earth-life and make it glorious.

This witness did splendid work for defense. He showed there was nothing to the "wreck" but a shamming put up by the employers to lay a trap for the union.

Ed. Boyce, the first president of the Federation, was called for the defense. Boyce is a character that is revered and loved throughout the ranks of western unionism. He is a man of grand and noble impulses—one to whom the well-being of the working class was a perpetual aspiration. His mind is broad and deep, and he brought the strength of his great ability to bear upon the problems of labor, with which he was thrown. He has been for many years the personal friend of Debs who justly appreciated his rare and beautiful nature. He held an interest in the fabulously wealthy Hercules mine—the one in which Orchard was compelled to sell his share—and is to-day near the millionaire mark; and there is no one who knows him, but rejoices at his good fortune.

It was in Boise jail, held there on account of the labor troubles of 1899 in the Coeur d'Alenes, that he with other labor men first formed the Western Federation. He also replied to Mr. Darrow that he had been sentenced one other time to Boise, for two years to the state senate.

Mr. Hawley was the council of the union men that advocated the formation of a central body of the Rocky Mountain miners. He said the mine owners had set the example. Mr. Boyce said the latter were organized in 1890 at Helena.

On the 15th of May in 1893, the first general convention of the miners was called at Butte, made up from the delegates of the western country. The purpose of the new organization was to prevent a reduction of wages, the abolition of the company board house and store, and securing of safety appliances in the mines, and obtaining legislation favorable to the working class. The Western Federation had always been in politics. Mr. Boyce stated that it had always been his advice that the working men make a business of politics, but he was sorry to say his advice had not been heeded very much.

Mr. Boyce's statement of the conditions prevailing of the miners before the formation of the central body carried home to every hearer the necessity of the working class taking active measures to protect itself. He said he had been fired in Wardner because he would not board where he was ordered to. The men had no voice in selecting a physician that they paid a dollar a month to. A day's work in the mines was from ten to twelve hours. The bunk houses were unfit for human beings to live in.

Twelve hours was a day's work in the smelters under most unhealthy conditions. The fumes from the furnaces produced, paralysis of the hands, the

falling out of the teeth and other crippling conditions.

The Federation had corrected the abuses. The Butte union alone had paid out a million and a quarter for charitable purposes.

This, he said, he had presented in his Salt Lake speech, a part of which Borah had read.

Through the continuous efforts of the Federation the eight-hour law for the production and reduction of ores has been established in all western states.

Mr. Boyce's testimony was a dignified account of the purpose of proletarian organization.

He went on to tell of the abolition of the script system, of the union insisting on doors and safety clutches being put on the cages, and the desperate struggles they encountered from the mine owners to get these reforms on account of the expense.

Thursday afternoon was a battle to get in the evidence of the outrages against the W. F. of M. The prosecution kept objecting at every point, but Darrow said the state had covered the whole field and they had to refute it. They had a right to show the counter-conspiracy.

Mr. Boyce said he never saw Orchard till in the court-room, and that he never gave him a transfer card in Butte; that he had no authority to do so.

The state attorneys tried to show that these reforms which the miners had asked for were also advocated by various other agencies, and to minimize the value of the unions.

Their foolish attempts only showed how little these greed-grabbers comprehend the economic push behind all conceding legislation. The economic demands pace the rest.

Borah then read from Boyce's Salt Lake speech his advice to the miners to form rifle clubs. The extract was taken from the "Criminal Record of the Western Federation of Miners," a pamphlet compiled by the "Colorado Mine Operators' Association, published in Colorado Springs."

This little quotation started something. There was stir and confusion among the defense attorneys. They wanted to borrow the entire pamphlet from the prosecution and put it in as an exhibit. Then Mr. Hawley thought the rest of the matter was immaterial and irrelevant.

Mr. Darrow asked Boyce to state to what particular case his speech applied.

With his voice trembling with suppressed feeling the union leader related how, during the Leadville strike the Missouri scabs marched through the streets protected by armed citizens, who called the women vile names and butted them off the streets with their guns, and that since that time he had made up his mind that any other body of men had as much right to have rifle clubs as any body of aristocrats.

It is interesting to watch the utter discomfiture of these who cunningly wait to trap the working class, when their flimsy devices are pushed aside, and what seemed condemnatory stands forth in its legitimate and necessary justness of demand.

Boise, June 29.

James Maher of Butte, for five years the secretary of the W. F. of M., testified to the financial effects of the union.

William Easterly came on the stand Thursday afternoon. Easterly is one of the stalwarts in the Federation; has been an officer for years and was one of the Cripple Creek strike committee. He is the man, Orchard accused of helping him to manufacture bombs.

He testified that there was peace in the Cripple Creek district before the militia and gun men came in, and completely repudiated Orchard's confession. He denied in toto his fantastic tales, said he was a card sharp, and never worked to exceed a month at a time. He stated that no violence of any sort was talked in the unions that he ever heard, except from one Charles

(Continued on Page 4.)

Union

Veterans

Reviews History of the Idaho and Colorado Wars—Witnesses Tell Experience of the Bullpen

Boise, June 28.

On Wednesday afternoon W. F. Davis took the stand. This is one of the most valiant and dauntless characters in the whole ranks of the Western Federation. He was accused of stealing and running the train in the Coeur d'Alenes at the time the mill was blown up. The mine owners declared he was on the engine and directed the engineer, and he has been pursued relentlessly ever since by the persecutions of the mine owners. He was a member of the strike committee in the Cripple Creek district, and was tried with the other members of the committee on the charge of attempted wrecking of a Florence and Cripple Creek train. Davis was dismissed by the judge without letting the case go to the jury. He was obliged to leave the district when the union men were run out, and change his name in order to get work.

While he was held in jail, his wife and baby both died. He is a big, noble-hearted fellow who has the confidence and sympathy of the entire Federation. He was moved to tears when the fact of the loss of his family were brought out on the stand. He has jeopardized his freedom by coming here from Goldfield, as the mine owners are looking closely for a chance to arrest him for the Coeur d'Alenes difficulties. Orchard implicated him in the blowing up of the Vindicator mine at Cripple Creek, where the two shift bosses were killed. When he read Orchard's testimony he immediately telegraphed to the attorneys of the defense that he would come to Boise and deny the cowardly lie.

He said the Coeur d'Alenes story of his leading a thousand men to blow up the mill at Wardner was a pure fake. He was not on the train at all, or connected in any way, with the blowing up of the mill. He knew Orchard only slightly, when he came to join the union at Altman of which Davis was president.

He gave a most vivid account of the persecution of the union men; how he was fired for belonging to the union, and blacklisted because he was a union man; how he wandered over the country looking for a chance to work; how the military officers threatened if union meetings were held they would break them up.

He testified that he had advocated peaceful measures both publicly and privately at all times. He told of the prosperity of the union in the Cripple Creek district before it was broken up by the mine owners, aided by the militia—of its fine halls, worth \$50,000, its four stores, its libraries, its hospitals.

The cross-examination proved a battle royal between Davis and Borah, in which the foxy lawyer went down to defeat before the proletarian giant.

When asked why he was blacklisted, Davis filled with indignation for the wrongs of his class, said because he had signed a petition with 700 men, after seven men had been killed in the mine from rotten timbers giving way, for safer and better conditions.

On Thursday morning the battle royal between the plain, blunt miner and the prostituted advocate of capitalist brutality and greed still continued. The timber thief lawyer attempted to mercilessly bulldoze the witness. Darrow was on his feet watching like a tiger that no undue advantage be taken of him.

Again and again Borah tried to make the witness say that there was trouble in the Cripple Creek prior to the troops being sent in. Davis asserted that all was peaceful. Borah tried to draw out that force and violence were used by the union men against the scabs. It was through Davis that Borah tried to make a case against the unions. He did not succeed. Mr. Davis not only gave his testimony that there never was any cause for such accusations against the unions, but he succeeded in presenting the matter in a clear light so that all could see it.

He gave a graphic tale of the infamies practiced against him; how his people were deported and scattered over the country; how he had been

kangarooed in the courts, and false charges preferred against him.

Borah searchingly asked him regarding the whole history of the Cripple Creek war.

The vagrancy notice issued by the adjutant general was brought into the limelight. This was one of the most disgraceful official documents ever issued in America. It amounted to a compulsory command to work under conditions the men were not willing to accept.

Borah brought out the assaults made on Floaten and Richardson.

During this dramatic presentation every soul in the court-room was alert. The jury missed nothing. They were learning the realities of the great proletarian struggle that flows around our daily lives like a mighty sea ever breaking over its fragile bounds.

On Saturday morning several witnesses from Mullen, Idaho, testified Orchard was playing cards there while the mill was blown up, and was not in Wardner at all. These were Flynn, in whose store the game was played, and Pat McCoy, who was in the game.

The defense attorneys fought to prove the terrible conditions that prevailed in the Coeur d'Alenes after its occupation by the militia. The prosecution fought the introduction of this evidence, but were obliged to be quiet.

Frank Hough was the man who was in the bullpen and gave the testimony. He told of the wretched accommodations, the dysentery that prevailed among the prisoners, the stench in the air, no ventilation, 600 men packed like hogs, and a quarter of them sick, how they could not get out to the one closet, and guarded by colored soldiers.

Simpkins was in this hell of torture and one day for some trifling offense was taken out by these negro troops, and stood in the sun for six hours, and prodded with bayonets when he sank to the ground.

W. Anall, who worked on the Portland mine in Cripple Creek, owned by Jim Burns, which made terms with the union and continued operations by virtue of having its own mill, told of the atrocities perpetrated on the miners after the explosion, and how he escaped from the soldiers and the district after being beaten up.

The sole offense with which he was charged was that he was a friend of the Federation, Jim Burns and the Portland mine.

The sensation of the day on Saturday was the testimony of Morris Friedman, the author of the "Pinkerton Labor Spy." This young man testified that he had been a stenographer in the employ of the Pinkerton detective agency, and particularly engaged upon the correspondence of James McParland. He handled the reports that came in from the different operators of the agency. These "operators" were known by number, and were employed as union men acting as spotters. His evidence fell as a bomb among the Pinkertons thronging the court-room. They never read anything in the way of socialist literature, and had no idea of the revelations Friedman had made in his book.

Geo. Riddell, who was fired from the Denver convention because of his exposure in this book, was standing in the door when Darrow pointed him out with scorn. Great excitement was displayed among the Pinkertons. They gathered in groups whispering, and glared at the young man who so fearlessly and honestly told the simple tale of the black deeds of these human reptiles.

Friedman's testimony was the master-stroke of the defense so far. It has presented irrefutably documentary evidence of the gigantic conspiracy systematically carried on by the employers against the unions. The unions are honey-combed with these creatures that know not the name of shame or honor. They are in all positions of trust, and they report daily to their superior officer.

Continued on Page 2.

Defense

State Historical Library

Lined Up

Work of Combating Orchard's Testimony Under Way—Long Array of Witnesses

Boise, June 27.

The defense is now well under way. It does one good to see the Western Federation men gather in to go on the stand and uphold their accused brothers with one voice, and the consciousness of the far-reaching power and necessity of their cause. And they are such a bunch of stalwarts, these undaunted western union men. Many of them have been shipped from camp to camp through the vengeance of the mine owners. Some of them have been so bitterly pursued by the emissaries of the employing class that they have jeopardized their freedom by coming here to testify, and will probably be put under arrest before they can leave town.

And as one of them said, "We are all here to go to the river."

A working class that will hang together like that in spite of bull-pens, jobbed courts, the blacklist, and other outrageous persecutions will yet clear the path of civilization for their class interests.

The prosecution look puny, pusillanimous and degenerate besides these big, intelligent, determined men, with the light of serious purpose in their eyes. Far off from the progress, the loyal heart, the generous sympathies of mankind are those who will throw their weight against the labor of the world. When labor is lifted up, mankind will also be lifted up, and the Western Federation is a part of labor that is lifting itself up.

The prosecution attorneys look uneasy and out of place as one after another of these witnesses come to the stand. They give their testimony in such full, clear, self-possessed decisive tones. Their manner has the inherent dignity of men who know they are right. Their very presence commands respect.

The prosecution witnesses had the lifeless aspect of those who were talking for mercenary purposes. The defense witnesses carry the force of those who are testifying for their convictions.

Impeachment Questions.

On Tuesday morning Orchard was brought on that the defense attorneys might conclude asking their impeachment questions of him. The grand march of the thugs took place more with "Estan leading" than Mr. Pennington asked the first question as follows:

"Did you have a conversation with Max Mallich at the Turkish baths, at the Windsor hotel in Denver, in which you called Steunenberg a vile name, and said you were going to get away with him if you did not live twenty-four hours afterwards?"

Orchard denied the conversation, but said he had been in the Turkish bath with Mallich.

John D. Elliot was then asked to stand up and Orchard was asked if he had ever seen him before. He said he had not.

Mr. Richardson then put the question as to whether Orchard had met this man in a car on the Oregon Short line the last of November 1905, and engaged in conversation with him, in which Orchard gave his name as Hogan, and said he had left the miners, and was now working for the Mine Owners' Association; that the conflict between these two classes would result in the breaking up of the Western Federation of Miners; that ways would be found to do this.

Orchard denied the entire conversation.

Mr. Richardson then asked if he had a conversation with D. C. Copley in San Francisco after the Bradley explosion. Orchard admitted that he did have, and that he went to Copley's rooms.

Mr. Richardson then asked whether he had spoken of his interests in the Hercules mine, denounced Steunenberg and said he would get even with him if it was the last act of his life.

Orchard denied the conversation but admitted that he had talked to Copley about going into the business of defacing coins.

Charles G. Sullivan arose and was identified by Orchard. Both men had roomed at Neville's. Mr. Richardson

sation with Sullivan in which he spoke asked Orchard if he had had a conversation with Steunenberg, said he ought to be killed, and that he would kill him himself.

Orchard denied the conversation. Mr. Richardson then asked if in a game of cards, in a saloon at Wallace in the fall of 1905, Orchard had told of his troubles in the Coeur d'Alenes to Frank Hough, spoke of Steunenberg by a vile name, and said he had no right to live.

Orchard denied the conversation. He was asked if he had a conversation with James Ramey, a stage driver in the Coeur d'Alenes, in April 1899, in which he said he would like to sell his interest in the Hercules for \$400, as he had to leave the country.

Orchard denied the conversation.

Witnesses Called.

Lottie Day was the first witness called by the defense. The prosecution had first brought her up here from Denver, but on closer examination they were afraid to put her on the stand, and sent her back to Denver. The defense then called her, and she made the journey again.

She roomed at the Belmont hotel, over Pettibone's store in Denver at the same time that Orchard was there. She testified that he had once told her that he once loved a woman, but was separated from her by poverty, that he might have been rich had it not been for Steunenberg, and that he would kill him because he stood between them.

He spoke of gambling to get some of the miners' money and when Mrs. Day spoke of the uncertainty of such a course, he said that he never went broke, for when he made any money he put some of it in Pettibone's safe to be kept for him.

Mrs. Mary King, who kept a boarding house in Cripple Creek, testified that R. C. Sterling, detective for the Mine Owners' Association, roomed at her place, and that Orchard was often in his room, coming up the back way. Miss Frances King corroborated her mother's testimony, thus proving Orchard a perjurer in connection with his other numberless crimes.

Mrs. Alice Fitzhugh, who bought out Mrs. King, gave substantially the same testimony. She said Orchard had come to see Sterling at least a dozen times before June 6, the date of the depot explosion.

C. W. Aller, who worked in the railroad office at Cripple Creek, testified that Orchard had frequent interviews with D. C. Scott, the detective for the Florence and Cripple Creek road, and was with him at various times for three weeks before the depot was blown up. Scott, Sterling and Orchard were often together.

The witness stood the cross-examination splendidly. The counter-conspiracies are now brought out in bold relief, and the jury will have the opportunity to determine on which side the diabolical plotting has been.

Boise, June 28.

On Tuesday afternoon Ira Blizzard, a conductor, testified that when the blood-hounds were put on the trail after blowing up the Independence depot, he telephoned to K. C. Sterling, detective for the Mine Owners' Association, and he replied, "Call the dogs off, we know who did it."

Dr. McGee from the Coeur d'Alenes said that Orchard was playing poker in a saloon at Mullen at the time the Bunker Hill was said to have been blown up. Dr. McGee is the man to whom Orchard told that he was spotting, and wanted to know if the doctor had any easy money to dispose of. The doctor told him if he wanted a political job to go to Johnson, the chairman of the campaign committee.

D. C. Scott, detective for the Florence and Cripple Creek road, was called by the defense. He has been in Boise for some time, brought by the prosecution, but another one of their witnesses that they have feared to put on the stand. He gave definite information that K. C. Sterling was

falling out of the teeth and other crippling conditions.

(Continued on Page 2.)

Pinkertons

Exposed

Methods Shown Up of Spotters and Thugs—Detectives Create Disturbance and Lawlessness

Boise, June 29.

W. W. Rush was the engineer who was carrying the train over the Florence and Cripple Creek road on the night of the alleged attempted wreck. He testified in the trial of the strike committee in Cripple Creek that D. C. Scott gave him information that the wrecking was going to be attempted, and asked if he knew of a good place on the road to wreck a train. It was at this point that a few spikes were found to be removed.

The witness was a healthy, hearty, frank, young worker. The jury watched his face most intently while he was giving his evidence. The very statements of these men who do things carry vital might. They represent the primal necessity of that conscious and useful activity that makes life possible. The human mind turns with instinctive love and confidence to the worker that maintains its existence. It is this basic dependence on the grapple with the material need that is the substructure of the whole socialist position.

This grandeur and power of labor shall illumine the earth-life and make it glorious.

This witness did splendid work for defense. He showed there was nothing to the "wreck" but a shamming put up by the employers to lay a trap for the union.

Ed. Boyce, the first president of the Federation, was called for the defense. Boyce is a character that is revered and loved throughout the ranks of western unionism. He is a man of grand and noble impulses—one to whom the well-being of the working class was a perpetual aspiration. His mind is broad and deep, and he brought the strength of his great ability to bear upon the problems of labor, with which he was thrown. He has been for many years the personal friend of Debs who justly appreciated his rare and beautiful nature. He held an interest in the fabulously wealthy Hercules mine—the one in which Orchard was compelled to sell his share—and is to-day near the millionaire mark; and there is no one who knows him, but rejoices at his good fortune.

It was in Boise jail, held there on account of the labor troubles of 1899 in the Coeur d'Alenes, that he with other labor men first formed the Western Federation. He also replied to Mr. Darrow that he had been sentenced one other time to Boise, for two years to the state senate.

Mr. Hawley was the council of the union men that advocated the formation of a central body of the Rocky Mountain miners. He said the mine owners had set the example. Mr. Boyce said the latter were organized in 1890 at Helena.

On the 15th of May in 1893, the first general convention of the miners was called at Butte, made up from the delegates of the western country. The purpose of the new organization was to prevent a reduction of wages, the abolition of the company board house and store, and securing of safety appliances in the mines, and obtaining legislation favorable to the working class. The Western Federation had always been in politics. Mr. Boyce stated that it had always been his advice that the working men make a business of politics, but he was sorry to say his advice had not been heeded very much.

Mr. Boyce's statement of the conditions prevailing of the miners before the formation of the central body carried home to every hearer the necessity of the working class taking active measures to protect itself. He said he had been fired in Wardner because he would not board where he was ordered to. The men had no voice in selecting a physician that they paid a dollar a month to. A day's work in the mines was from ten to twelve hours. The bunk houses were unfit for human beings to live in.

Twelve hours was a day's work in the smelters under most unhealthy conditions. The fumes from the furnaces produced, paralysis of the hands, the

falling out of the teeth and other crippling conditions.

The Federation had corrected the abuses. The Butte union alone had paid out a million and a quarter for charitable purposes.

This, he said, he had presented in his Salt Lake speech, a part of which Borah had read.

Through the continuous efforts of the Federation the eight-hour law for the production and reduction of ores has been established in all western states.

Mr. Boyce's testimony was a dignified account of the purpose of proletarian organization.

He went on to tell of the abolition of the script system, of the union insisting on doors and safety clutches being put on the cages, and the desperate struggles they encountered from the mine owners to get these reforms on account of the expense.

Thursday afternoon was a battle to get in the evidence of the outrages against the W. F. of M. The prosecution kept objecting at every point, but Darrow said the state had covered the whole field and they had to refute it. They had a right to show the counter-conspiracy.

Mr. Boyce said he never saw Orchard till in the court-room, and that he never gave him a transfer card in Butte; that he had no authority to do so.

The state attorneys tried to show that these reforms which the miners had asked for were also advocated by various other agencies, and to minimize the value of the unions.

Their foolish attempts only showed how little these greed-grabbers comprehend the economic push behind all conceding legislation. The economic demands pace the rest.

Borah then read from Boyce's Salt Lake speech his advice to the miners to form rifle clubs. The extract was taken from the "Criminal Record of the Western Federation of Miners," a pamphlet compiled by the "Colorado Mine Operators' Association, published in Colorado Springs."

This little quotation started something. There was stir and confusion among the defense attorneys. They wanted to borrow the entire pamphlet from the prosecution and put it in as an exhibit. Then Mr. Hawley thought the rest of the matter was immaterial and irrelevant.

Mr. Darrow asked Boyce to state to what particular case his speech applied. With his voice trembling with suppressed feeling the union leader related how, during the Leadville strike the Missouri scabs marched through the streets protected by armed citizens, who called the women vile names and butted them off the streets with their guns, and that since that time he had made up his mind that any other body of men had as much right to have rifle clubs as any body of aristocrats.

It is interesting to watch the utter discomfiture of these who cunningly wait to trap the working class, when their flimsy devices are pushed aside, and what sated condemnatory stands forth in its legitimate and necessary justness of demand.

Boise, June 29.

James Maher of Butte, for five years the secretary of the W. F. of M., testified to the financial effects of the union.

William Easterly came on the stand Thursday afternoon. Easterly is one of the stalwarts in the Federation; has been an officer for years and was one of the Cripple Creek strike committee. He is the man, Orchard accused of helping him to manufacture bombs.

He testified that there was peace in the Cripple Creek district before the militia and gun men came in, and completely repudiated Orchard's confession. He denied in toto his fantastic tales, said he was a card sharp, and never worked to exceed a month at a time. He stated that no violence of any sort was talked in the unions that he ever heard, except from one Charles

While he was held in jail, his wife and baby both died. He is a big, noble-hearted fellow who has the confidence and sympathy of the entire Federation. He was moved to tears when the fact of the loss of his family were brought out on the stand. He has jeopardized his freedom by coming here from Goldfield, as the mine owners are looking closely for a chance to arrest him for the Coeur d'Alenes difficulties. Orchard implicated him in the blowing up of the Vindicator mine at Cripple Creek, where the two shift bosses were killed. When he read Orchard's testimony he immediately telegraphed to the attorneys of the defense that he would come to Boise and deny the cowardly lie.

He said the Coeur d'Alenes story of his leading a thousand men to blow up the mill at Wardner was a pure fake. He was not on the train at all, or connected in any way, with the blowing up of the mill. He knew Orchard only slightly, when he came to join the union at Altman of which Davis was president.

He gave a most vivid account of the persecution of the union men; how he was fired for belonging to the union, and blacklisted because he was a union man; how he wandered over the country looking for a chance to work; how the military officers threatened if union meetings were held they would break them up.

He testified that he had advocated peaceful measures both publicly and privately at all times. He told of the prosperity of the union in the Cripple Creek district before it was broken up by the mine owners, aided by the militia—of its fine halls, worth \$50,000, its four stores, its libraries, its hospitals.

The cross-examination proved a battle royal between Davis and Borah, in which the foxy lawyer went down to defeat before the proletarian giant.

When asked why he was blacklisted, Davis filled with indignation for the wrongs of his class, said because he had signed a petition with 700 men, after seven men had been killed in the mine from rotten timbers giving way, for safer and better conditions.

On Thursday morning the battle royal between the plain, blunt miner and the prostituted advocate of capitalist brutality and greed still continued. The timber thief lawyer attempted to mercilessly bulldoze the witness. Darrow was on his feet watching like a tiger that no undue advantage be taken of him.

Again and again Borah tried to make the witness say that there was trouble in the Cripple Creek prior to the troops being sent in. Davis asserted that all was peaceful. Borah tried to draw out that force and violence were used by the union men against the scabs. It was through Davis that Borah tried to make a case against the unions. He did not succeed. Mr. Davis not only gave his testimony that there never was any cause for such accusations against the unions, but he succeeded in presenting the matter in a clear light so that all could see it.

He gave a graphic tale of the infamies practiced against him; how his people were deported and scattered over the country; how he had been

(Continued on Page 4.)

Union

Veterans

Reviews History of the Idaho and Colorado Wars—Witnesses Tell Experience of the Bullpen

Boise, June 28.

On Wednesday afternoon W. F. Davis took the stand. This is one of the most valiant and dauntless characters in the whole ranks of the Western Federation. He was accused of stealing and running the train in the Coeur d'Alenes at the time the mill was blown up. The mine owners declared he was on the engine and directed the engineer, and he has been pursued relentlessly ever since by the persecutions of the mine owners. He was a member of the strike committee in the Cripple Creek district, and was tried with the other members of the committee on the charge of attempted wrecking of a Florence and Cripple Creek train. Davis was dismissed by the judge without letting the case go to the jury. He was obliged to leave the district when the union men were run out, and change his name in order to get work.

While he was held in jail, his wife and baby both died. He is a big, noble-hearted fellow who has the confidence and sympathy of the entire Federation. He was moved to tears when the fact of the loss of his family were brought out on the stand. He has jeopardized his freedom by coming here from Goldfield, as the mine owners are looking closely for a chance to arrest him for the Coeur d'Alenes difficulties. Orchard implicated him in the blowing up of the Vindicator mine at Cripple Creek, where the two shift bosses were killed. When he read Orchard's testimony he immediately telegraphed to the attorneys of the defense that he would come to Boise and deny the cowardly lie.

He said the Coeur d'Alenes story of his leading a thousand men to blow up the mill at Wardner was a pure fake. He was not on the train at all, or connected in any way, with the blowing up of the mill. He knew Orchard only slightly, when he came to join the union at Altman of which Davis was president.

He gave a most vivid account of the persecution of the union men; how he was fired for belonging to the union, and blacklisted because he was a union man; how he wandered over the country looking for a chance to work; how the military officers threatened if union meetings were held they would break them up.

He testified that he had advocated peaceful measures both publicly and privately at all times. He told of the prosperity of the union in the Cripple Creek district before it was broken up by the mine owners, aided by the militia—of its fine halls, worth \$50,000, its four stores, its libraries, its hospitals.

The cross-examination proved a battle royal between Davis and Borah, in which the foxy lawyer went down to defeat before the proletarian giant.

When asked why he was blacklisted, Davis filled with indignation for the wrongs of his class, said because he had signed a petition with 700 men, after seven men had been killed in the mine from rotten timbers giving way, for safer and better conditions.

On Thursday morning the battle royal between the plain, blunt miner and the prostituted advocate of capitalist brutality and greed still continued. The timber thief lawyer attempted to mercilessly bulldoze the witness. Darrow was on his feet watching like a tiger that no undue advantage be taken of him.

Again and again Borah tried to make the witness say that there was trouble in the Cripple Creek prior to the troops being sent in. Davis asserted that all was peaceful. Borah tried to draw out that force and violence were used by the union men against the scabs. It was through Davis that Borah tried to make a case against the unions. He did not succeed. Mr. Davis not only gave his testimony that there never was any cause for such accusations against the unions, but he succeeded in presenting the matter in a clear light so that all could see it.

He gave a graphic tale of the infamies practiced against him; how his people were deported and scattered over the country; how he had been

kangarooed in the courts, and false charges preferred against him.

Borah searchingly asked him regarding the whole history of the Cripple Creek war.

The vagrancy notice issued by the adjutant general was brought into the limelight. This was one of the most disgraceful official documents ever issued in America. It amounted to a compulsory command to work under conditions the men were not willing to accept.

Borah brought out the assaults made on Floaten and Richardson.

During this dramatic presentation every soul in the court-room was alert. The jury missed nothing. They were learning the realities of the great proletarian struggle that flows around our daily lives like a mighty sea ever breaking over its fragile bounds.

On Saturday morning several witnesses from Mullen, Idaho, testified Orchard was playing cards there while the mill was blown up, and was not in Wardner at all. These were Flynn, in whose store the game was played, and Pat McCoy, who was in the game.

The defense attorneys fought to prove the terrible conditions that prevailed in the Coeur d'Alenes after its occupation by the militia. The prosecution fought the introduction of this evidence, but were obliged to be quiet.

Frank Hough was the man who was in the bullpen and gave the testimony. He told of the wretched accommodations, the dysentery that prevailed among the prisoners, the stench in the air, no ventilation, 600 men packed like hogs, and a quarter of them sick, how they could not get out to the one closet, and guarded by colored soldiers.

Simpkins was in this hell of torture and one day for some trifling offense was taken out by these negro troops, and stood in the sun for six hours, and prodded with bayonets when he sank to the ground.

W. Anall, who worked on the Portland mine in Cripple Creek, owned by Jim Burns, which made terms with the union and continued operations by virtue of having its own mill, told of the atrocities perpetrated on the miners after the explosion, and how he escaped from the soldiers and the district after being beaten up.

The sole offense with which he was charged was that he was a friend of the Federation, Jim Burns and the Portland mine.

The sensation of the day on Saturday was the testimony of Morris Friedman, the author of the "Pinkerton Labor Spy." This young man testified that he had been a stenographer in the employ of the Pinkerton detective agency, and particularly engaged upon the correspondence of James McParland. He handled the reports that came in from the different operators of the agency. These "operators" were known by number, and were employed as union men acting as spotters. His evidence fell as a bomb among the Pinkertons thronging the court-room. They never read anything in the way of socialist literature, and had no idea of the revelations Friedman had made in his book.

Geo. Riddell, who was fired from the Denver convention because of his exposure in this book, was standing in the door when Darrow pointed him out with scorn. Great excitement was displayed among the Pinkertons. They gathered in groups whispering, and glared at the young man who so fearlessly and honestly told the simple tale of the black deeds of these human reptiles.

Friedman's testimony was the master-stroke of the defense so far. It has presented irrefutably documentary evidence of the gigantic conspiracy systematically carried on by the employers against the unions. The unions are honey-combed with these creatures that know not the name of shame or honor. They are in all positions of trust, and they report daily to their superior officer.

(Continued on Page 2.)

(Continued on Page 2.)

Defense

State Historical Library

Lined Up

Work of Combating Orchard's Testimony Under Way—Long Array of Witnesses

Boise, June 27. The defense is now well under way. It does one good to see the Western Federation men gather in to go on the stand and uphold their accused brothers with one voice, and the consciousness of the far-reaching power and necessity of their cause. And they are such a bunch of stalwarts, these undaunted western union men. Many of them have been shipped from camp to camp through the vengeance of the mine owners. Some of them have been so bitterly pursued by the emissaries of the employing class that they have jeopardized their freedom by coming here to testify, and will probably be put under arrest before they can leave town.

And as one of them said, "We are all here to go to the river."

A working class that will hang together like that in spite of bull-pens, jobbed courts, the blacklist, and other outrageous persecutions will yet clear the path of civilization for their class interests.

The prosecution look puny, pusillanimous and degenerate besides these big, intelligent, determined men, with the light of serious purpose in their eyes. Far off from the progress, the loyal heart, the generous sympathies of mankind are those who will throw their weight against the labor of the world. When labor is lifted up, mankind will also be lifted up, and the Western Federation is a part of labor that is lifting itself up.

The prosecution attorneys look uneasy and out of place as one after another of these witnesses come to the stand. They give their testimony in such full, clear, self-possessed decisive tones. Their manner has the inherent dignity of men who know they are right. Their very presence commands respect.

The prosecution witnesses had the lifeless aspect of those who were talking for mercenary purposes. The defense witnesses carry the force of those who are testifying for their convictions.

Impeachment Questions.

On Tuesday morning Orchard was brought on that the defense attorneys might conclude asking their impeachment questions of him. The grand march of the thugs took place more with "Estan leading" than Mr. Pennington asked the first question as follows:

"Did you have a conversation with Max Mallich at the Turkish baths, at the Windsor hotel in Denver, in which you called Steunenberg a vile name, and said you were going to get away with him if you did not live twenty-four hours afterwards?"

Orchard denied the conversation, but said he had been in the Turkish bath with Mallich.

John D. Elliot was then asked to stand up and Orchard was asked if he had ever seen him before. He said he had not.

Mr. Richardson then put the question as to whether Orchard had met this man in a car on the Oregon Short line the last of November 1905, and engaged in conversation with him, in which Orchard gave his name as Hogan, and said he had left the miners, and was now working for the Mine Owners' Association; that the conflict between these two classes would result in the breaking up of the Western Federation of Miners; that ways would be found to do this.

Orchard denied the entire conversation.

Mr. Richardson then asked if he had a conversation with D. C. Copley in San Francisco after the Bradley explosion. Orchard admitted that he did have, and that he went to Copley's rooms.

Mr. Richardson then asked whether he had spoken of his interests in the Hercules mine, denounced Steunenberg and said he would get even with him if it was the last act of his life.

Orchard denied the conversation but admitted that he had talked to Copley about going into the business of defacing coins.

Charles G. Sullivan arose and was identified by Orchard. Both men had roomed at Neville's. Mr. Richardson

sation with Sullivan in which he spoke asked Orchard if he had had a conversation with Steunenberg, said he ought to be killed, and that he would kill him himself.

Orchard denied the conversation. Mr. Richardson then asked if in a game of cards, in a saloon at Wallace in the fall of 1905, Orchard had told of his troubles in the Coeur d'Alenes to Frank Hough, spoke of Steunenberg by a vile name, and said he had no right to live.

Orchard denied the conversation. He was asked if he had a conversation with James Ramey, a stage driver in the Coeur d'Alenes, in April 1899, in which he said he would like to sell his interest in the Hercules for \$400, as he had to leave the country.

Orchard denied the conversation.

Witnesses Called.

Lottie Day was the first witness called by the defense. The prosecution had first brought her up here from Denver, but on closer examination they were afraid to put her on the stand, and sent her back to Denver. The defense then called her, and she made the journey again.

She roomed at the Belmont hotel, over Pettibone's store in Denver at the same time that Orchard was there. She testified that he had once told her that he once loved a woman, but was separated from her by poverty, that he might have been rich had it not been for Steunenberg, and that he would kill him because he stood between them.

He spoke of gambling to get some of the miners' money and when Mrs. Day spoke of the uncertainty of such a course, he said that he never went broke, for when he made any money he put some of it in Pettibone's safe to be kept for him.

Mrs. Mary King, who kept a boarding house in Cripple Creek, testified that R. C. Sterling, detective for the Mine Owners' Association, roomed at her place, and that Orchard was often in his room, coming up the back way. Miss Frances King corroborated her mother's testimony, thus proving Orchard a perjurer in connection with his other numberless crimes.

Mrs. Alice Fitzhugh, who bought out Mrs. King, gave substantially the same testimony. She said Orchard had come to see Sterling at least a dozen times before June 6, the date of the depot explosion.

C. W. Aller, who worked in the railroad office at Cripple Creek, testified that Orchard had frequent interviews with D. C. Scott, the detective for the Florence and Cripple Creek road, and was with him at various times for three weeks before the depot was blown up. Scott, Sterling and Orchard were often together.

The witness stood the cross-examination splendidly. The counter-conspiracies are now brought out in bold relief, and the jury will have the opportunity to determine on which side the diabolical plotting has been.

Boise, June 28.

On Tuesday afternoon Ira Blizzard, a conductor, testified that when the blood-hounds were put on the trail after blowing up the Independence depot, he telephoned to K. C. Sterling, detective for the Mine Owners' Association, and he replied, "Call the dogs off, we know who did it."

Dr. McGee from the Coeur d'Alenes said that Orchard was playing poker in a saloon at Mullen at the time the Bunker Hill was said to have been blown up. Dr. McGee is the man to whom Orchard told that he was spotting, and wanted to know if the doctor had any easy money to dispose of. The doctor told him if he wanted a political job to go to Johnson, the chairman of the campaign committee.

D. C. Scott, detective for the Florence and Cripple Creek road, was called by the defense. He has been in Boise for some time, brought by the prosecution, but another one of their witnesses that they have feared to put on the stand. He gave definite information that K. C. Sterling was

(Continued on Page 2.)

Pinkertons

Exposed

Methods Shown Up of Spotters and Thugs—Detectives Create Disturbance and Lawlessness

Boise, June 29. W. W. Rush was the engineer who was carrying the train over the Florence and Cripple Creek road on the night of the alleged attempted wreck. He testified in the trial of the strike committee in Cripple Creek that D. C. Scott gave him information that the wrecking was going to be attempted, and asked if he knew of a good place on the road to wreck a train. It was at this point that a few spikes were found to be removed.

The witness was a healthy, hearty, frank, young worker. The jury watched his face most intently while he was giving his evidence. The very statements of these men who do things carry vital might. They represent the primal necessity of that conscious and useful activity that makes life possible. The human mind turns with instinctive love and confidence to the worker that maintains its existence. It is this basic dependence on the grapple with the material need that is the substructure of the whole socialist position.

This grandeur and power of labor shall illumine the earth-life and make it glorious.

This witness did splendid work for defense. He showed there was nothing to the "wreck" but a shamming put up by the employers to lay a trap for the union.

Ed. Boyce, the first president of the Federation, was called for the defense. Boyce is a character that is revered and loved throughout the ranks of western unionism. He is a man of grand and noble impulses—one to whom the well-being of the working class was a perpetual aspiration. His mind is broad and deep, and he brought the strength of his great ability to bear upon the problems of labor, with which he was thrown. He has been for many years the personal friend of Debs who justly appreciated his rare and beautiful nature. He held an interest in the fabulously wealthy Hercules mine—the one in which Orchard was compelled to sell his share—and is to-day near the millionaire mark; and there is no one who knows him, but rejoices at his good fortune.

It was in Boise jail, held there on account of the labor troubles of 1899 in the Coeur d'Alenes, that he with other labor men first formed the Western Federation. He also replied to Mr. Darrow that he had been sentenced one other time to Boise, for two years to the state senate.

Mr. Hawley was the council of the union men that advocated the formation of a central body of the Rocky Mountain miners. He said the mine owners had set the example. Mr. Boyce said the latter were organized in 1890 at Helena.

On the 15th of May in 1893, the first general convention of the miners was called at Butte, made up from the delegates of the western country. The purpose of the new organization was to prevent a reduction of wages, the abolition of the company board house and store, and securing of safety appliances in the mines, and obtaining legislation favorable to the working class. The Western Federation had always been in politics. Mr. Boyce stated that it had always been his advice that the working men make a business of politics, but he was sorry to say his advice had not been heeded very much.

Mr. Boyce's statement of the conditions prevailing of the miners before the formation of the central body carried home to every hearer the necessity of the working class taking active measures to protect itself. He said he had been fired in Wardner because he would not board where he was ordered to. The men had no voice in selecting a physician that they paid a dollar a month to. A day's work in the mines was from ten to twelve hours. The bunk houses were unfit for human beings to live in.

Twelve hours was a day's work in the smelters under most unhealthy conditions. The fumes from the furnaces produced, paralysis of the hands, the

falling out of the teeth and other crippling conditions.

The Federation had corrected the abuses. The Butte union alone had paid out a million and a quarter for charitable purposes.

This, he said, he had presented in his Salt Lake speech, a part of which Borah had read.

Through the continuous efforts of the Federation the eight-hour law for the production and reduction of ores has been established in all western states.

Mr. Boyce's testimony was a dignified account of the purpose of proletarian organization.

He went on to tell of the abolition of the script system, of the union insisting on doors and safety clutches being put on the cages, and the desperate struggles they encountered from the mine owners to get these reforms on account of the expense.

Thursday afternoon was a battle to get in the evidence of the outrages against the W. F. of M. The prosecution kept objecting at every point, but Darrow said the state had covered the whole field and they had to refute it. They had a right to show the counter-conspiracy.

Mr. Boyce said he never saw Orchard till in the court-room, and that he never gave him a transfer card in Butte; that he had no authority to do so.

The state attorneys tried to show that these reforms which the miners had asked for were also advocated by various other agencies, and to minimize the value of the unions.

Their foolish attempts only showed how little these greed-grabbers comprehend the economic push behind all conceding legislation. The economic demands pace the rest.

Borah then read from Boyce's Salt Lake speech his advice to the miners to form rifle clubs. The extract was taken from the "Criminal Record of the Western Federation of Miners," a pamphlet compiled by the "Colorado Mine Operators' Association, published in Colorado Springs."

This little quotation started something. There was stir and confusion among the defense attorneys. They wanted to borrow the entire pamphlet from the prosecution and put it in as an exhibit. Then Mr. Hawley thought the rest of the matter was immaterial and irrelevant.

Mr. Darrow asked Boyce to state to what particular case his speech applied.

With his voice trembling with suppressed feeling the union leader related how, during the Leadville strike the Missouri scabs marched through the streets protected by armed citizens, who called the women vile names and butted them off the streets with their guns, and that since that time he had made up his mind that any other body of men had as much right to have rifle clubs as any body of aristocrats.

It is interesting to watch the utter discomfiture of these who cunningly wait to trap the working class, when their flimsy devices are pushed aside, and what sated condemnatory stands forth in its legitimate and necessary justness of demand.

Boise, June 29.

James Maher of Butte, for five years the secretary of the W. F. of M., testified to the financial effects of the union.

William Easterly came on the stand Thursday afternoon. Easterly is one of the stalwarts in the Federation; has been an officer for years and was one of the Cripple Creek strike committee. He is the man, Orchard accused of helping him to manufacture bombs.

He testified that there was peace in the Cripple Creek district before the militia and gun men came in, and completely repudiated Orchard's confession. He denied in toto his fantastic tales, said he was a card sharp, and never worked to exceed a month at a time. He stated that no violence of any sort was talked in the unions that he ever heard, except from one Charles

(Continued on Page 4.)

Union

Veterans

Reviews History of the Idaho and Colorado Wars—Witnesses Tell Experience of the Bullpen

Boise, June 28.

On Wednesday afternoon W. F. Davis took the stand. This is one of the most valiant and dauntless characters in the whole ranks of the Western Federation. He was accused of stealing and running the train in the Coeur d'Alenes at the time the mill was blown up. The mine owners declared he was on the engine and directed the engineer, and he has been pursued relentlessly ever since by the persecutions of the mine owners. He was a member of the strike committee in the Cripple Creek district, and was tried with the other members of the committee on the charge of attempted wrecking of a Florence and Cripple Creek train. Davis was dismissed by the judge without letting the case go to the jury. He was obliged to leave the district when the union men were run out, and change his name in order to get work.

While he was held in jail, his wife and baby both died. He is a big, noble-hearted fellow who has the confidence and sympathy of the entire Federation. He was moved to tears when the fact of the loss of his family were brought out on the stand. He has jeopardized his freedom by coming here from Goldfield, as the mine owners are looking closely for a chance to arrest him for the Coeur d'Alenes difficulties. Orchard implicated him in the blowing up of the Vindicator mine at Cripple Creek, where the two shift bosses were killed. When he read Orchard's testimony he immediately telegraphed to the attorneys of the defense that he would come to Boise and deny the cowardly lie.

He said the Coeur d'Alenes story of his leading a thousand men to blow up the mill at Wardner was a pure fake. He was not on the train at all, or connected in any way, with the blowing up of the mill. He knew Orchard only slightly, when he came to join the union at Altman of which Davis was president.

He gave a most vivid account of the persecution of the union men; how he was fired for belonging to the union, and blacklisted because he was a union man; how he wandered over the country looking for a chance to work; how the military officers threatened if union meetings were held they would break them up.

He testified that he had advocated peaceful measures both publicly and privately at all times. He told of the prosperity of the union in the Cripple Creek district before it was broken up by the mine owners, aided by the militia—of its fine halls, worth \$50,000, its four stores, its libraries, its hospitals.

The cross-examination proved a battle royal between Davis and Borah, in which the foxy lawyer went down to defeat before the proletarian giant. When asked why he was blacklisted, Davis filled with indignation for the wrongs of his class, said because he had signed a petition with 700 men, after seven men had been killed in the mine from rotten timbers giving way, for safer and better conditions.

On Thursday morning the battle royal between the plain, blunt miner and the prostituted advocate of capitalist brutality and greed still continued. The timber thief lawyer attempted to mercilessly bulldoze the witness. Darrow was on his feet watching like a tiger that no undue advantage be taken of him.

Again and again Borah tried to make the witness say that there was trouble in the Cripple Creek prior to the troops being sent in. Davis asserted that all was peaceful. Borah tried to draw out that force and violence were used by the union men against the scabs. It was through Davis that Borah tried to make a case against the unions. He did not succeed. Mr. Davis not only gave his testimony that there never was any cause for such accusations against the unions, but he succeeded in presenting the matter in a clear light so that all could see it.

He gave a graphic tale of the infamies practiced against him; how his people were deported and scattered over the country; how he had been

kangarooed in the courts, and false charges preferred against him.

Borah searchingly asked him regarding the whole history of the Cripple Creek war.

The vagrancy notice issued by the adjutant general was brought into the limelight. This was one of the most disgraceful official documents ever issued in America. It amounted to a compulsory command to work under conditions the men were not willing to accept.

Borah brought out the assaults made on Floaten and Richardson.

During this dramatic presentation every soul in the court-room was alert. The jury missed nothing. They were learning the realities of the great proletarian struggle that flows around our daily lives like a mighty sea ever breaking over its fragile bounds.

On Saturday morning several witnesses from Mullen, Idaho, testified Orchard was playing cards there while the mill was blown up, and was not in Wardner at all. These were Flynn, in whose store the game was played, and Pat McCoy, who was in the game.

The defense attorneys fought to prove the terrible conditions that prevailed in the Coeur d'Alenes after its occupation by the militia. The prosecution fought the introduction of this evidence, but were obliged to be quiet.

Frank Hough was the man who was in the bullpen and gave the testimony. He told of the wretched accommodations, the dysentery that prevailed among the prisoners, the stench in the air, no ventilation, 600 men packed like hogs, and a quarter of them sick, how they could not get out to the one closet, and guarded by colored soldiers.

Simpkins was in this hell of torture and one day for some trifling offense was taken out by these negro troops, and stood in the sun for six hours, and prodded with bayonets when he sank to the ground.

W. Anall, who worked on the Portland mine in Cripple Creek, owned by Jim Burns, which made terms with the union and continued operations by virtue of having its own mill, told of the atrocities perpetrated on the miners after the explosion, and how he escaped from the soldiers and the district after being beaten up.

The sole offense with which he was charged was that he was a friend of the Federation, Jim Burns and the Portland mine.

The sensation of the day on Saturday was the testimony of Morris Friedman, the author of the "Pinkerton Labor Spy." This young man testified that he had been a stenographer in the employ of the Pinkerton detective agency, and particularly engaged upon the correspondence of James McParland. He handled the reports that came in from the different operators of the agency. These "operators" were known by number, and were employed as union men acting as spotters. His evidence fell as a bomb among the Pinkertons thronging the court-room. They never read anything in the way of socialist literature, and had no idea of the revelations Friedman had made in his book.

Geo. Riddell, who was fired from the Denver convention because of his exposure in this book, was standing in the door when Darrow pointed him out with scorn. Great excitement was displayed among the Pinkertons. They gathered in groups whispering, and glared at the young man who so fearlessly and honestly told the simple tale of the black deeds of these human reptiles.

Friedman's testimony was the master-stroke of the defense so far. It has presented irrefutably documentary evidence of the gigantic conspiracy systematically carried on by the employers against the unions. The unions are honey-combed with these creatures that know not the name of shame or honor. They are in all positions of trust, and they report daily to their superior officer.

Continued on Page 2.