

BLOW FOR DEFENSE

Ruling of Court Limits Showing Haywood May Make.

COUNTER CONSPIRACY EXCLUDED

Incidents Brought Out Must Connect with Facts Already In.

BOYCE PRINCIPAL WITNESS

Former President of Western Federation of Miners on Stand.

HE TELLS OF ITS ORGANIZATION

Denies Existence of So-Called 'Inner Circle' and Says There Never Was a Conspiracy Within the Union.

BOISE, Idaho, June 27.—A ruling made today by Judge Wood while Edward Boyce, for years the leader of the Western Federation of Miners, and now a wealthy mine owner of the Coeur d'Alene, was testifying in behalf of William D. Haywood, may mark the beginning of the defense as to the existence of the counter conspiracy against Haywood and his associates which it alleges.

James H. Hawley, for the state, objected to a general question as to the policy and practice of the owners throughout the west in blacklisting union miners, and in the argument that followed Clarence Darrow, for the defense, claimed that same latitude in proving counter conspiracy that the state enjoyed in showing a conspiracy.

Mr. Hawley contended that the state had directly shown the existence of a conspiracy by Harry Orchard, and by so doing had laid the foundation for and made the connection of all the evidence subsequently offered on the subject. He said that the defense was trying to show a counter conspiracy by proving various isolated instances and certain general conditions, none of which was connected with the case, and for none of which a proper foundation had been laid.

In ruling the court accepted in part the contention of the prosecution and limited the proof of the defense along this line to events in Colorado and the Coeur d'Alene connected with the case as now established.

Boyce is Principal Witness

Mr. Boyce was the principal witness of the day and his testimony was chiefly devoted to the history, purpose and work of the Western Federation. He denied the existence of an "inner circle," or that there had ever been a conspiracy in the organization to do as they pleased. The chief importance of Boyce's cross-examination was the production of a speech by him at the convention of the federation held at Salt Lake in 1906, in which he said that every union should have a rifle club, every member a rifle and the federation could march 5,000 armed men in the ranks of labor.

Mr. Boyce would not agree with the accuracy of the quotation, but, saying that the sentiment was correct, declared with slight hesitation that the words imputed to him had in mind the misconduct of state troops in Colorado, the use of troops elsewhere against the federation, and the constitutional right of all citizens to bear arms, which was as much the right of the miner as the aristocrat.

William Easterly, one of the most important witnesses in the case, was called just before adjournment, and his testimony will be continued tomorrow. He occupied the witness chair long enough, however, to directly deny the statements of Orchard, charging him with criminal misconduct in Colorado. He denied that he had ever discussed the Vindicator or any other paper with Orchard, or that he had helped Orchard experiment for the device that blew up the Vindicator mine, and denied that he and Orchard had discussed the Vindicator matter or any other subject with Mayer and Haywood at federation headquarters in Denver.

Davis Takes the Stand

When W. P. Davis was recalled to the stand, R. H. Orchard, court clerk, this morning Senator Borah took him over the period he spent in hiding in the Hercules mine after the Bunker Hill explosion. He said that Paulson and another man was there. He could not identify the other man. He remembered two men calling at the mine while he was there. They were union men getting out of the country, Orchard said that he was at the Hercules at this time. Davis was unable to recall Orchard as one of these men.

Bringing the witness down to the Cripple Creek days, Senator Borah wanted to know when the witness first met John Adams. He could not recall. Davis said he was at home the night of the explosion in the Vindicator mine. Earlier in the evening he had attended with Sherman Parker a union meeting at Victor. Davis denied that he called at Orchard's house down town the morning following. He could not remember whether or not Orchard attended the meeting. There were 800 or 1,000 men there. Davis could not recall when he first saw Orchard after the meeting. Neither could he tell just when he last saw Orchard prior to the explosion.

Girl's Body Was Mutilated

Eight-Year-Old Viola Boylan Found Dead in Coal Bin in Home.

NEW YORK, June 27.—Eight-year-old Viola Boylan, who had been missing from her home in Second avenue since last Monday, was the victim of a most atrocious assault. Her body, horribly mutilated, was found in a coal bin in the cellar of her home today. She had been dead for many hours. No arrests have yet been made, but the police are searching for two young Italians, who they have been informed were seen trying to entice the child to enter a cellar with them several days ago.

SCHMITZ'S SENTENCE PUT OFF

Convicted Mayor of San Francisco Was Brought Before Judge Dwyer.

SAN FRANCISCO, June 27.—Pleading of sentence upon Eugene E. Schmitz, convicted of extortion in the French restaurant case, was today postponed until July 2.

KILLS TWO-CENT FARE BILL

Wisconsin Senate, by Vote of 5 to 21, Repeals Measure at Madison.

MADISON, Wis., June 27.—The senate today by a vote of 5 to 21 killed the two-cent railway fare bill.

SUMMARY OF THE BEE

Friday, June 28, 1907.

Table with columns for 1907 and 1907, and rows for Sun, Mon, Tue, Wed, Thu, Fri, Sat.

THE WEATHER. FORECAST FOR NEBRASKA - Fair, with rising temperature. Temperature at Omaha yesterday: Day, 81; Night, 61; High, 81; Low, 61.

TELEGRAPHERS CONFIDENT COMPANY MUST COME TO TIME.

Officials of Union Declare that if it is Decided to Call Out Men at Other Places No Notice Will Be Given.

SAN FRANCISCO, June 27.—A hopeful sentiment prevails at the headquarters of the striking commercial telegraphers and the rank and file of the union, as well as the executive officers, who are unanimous in declaring full faith in ultimate victory.

CHARACTER IS NOT IN CASE

Judge at Houston, Va., Rules on Admissibility of Evidence in Loving Case.

HOUSTON, Va., June 27.—Judge Barksdale, on convening court for the fourth day of the Loving murder trial, rendered his opinion as to the admissibility of evidence by the prosecution tending to disprove the story told by Miss Elizabeth Loving to her father of her ruin at the hands of Theodore Estes.

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STILL HOPEFUL OF OUTCOME

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RUMOR OF CHICAGO STRIKE FALSE

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HOLocaust in Hong Kong

Five Hundred Chinese Burn to Death When Theater is Destroyed.

VICTORIA, B. C., June 27.—A horrible holocaust is reported in mail advices from Hong Kong, where 60 Chinese of the audience of a Chinese theater, and ten of the actors were burned to death when the native theater was destroyed by fire.

MONEY BY TUNE OF AMERICA

Y. M. C. A. Funds Are Now Collected by Singing Official Song.

TEN THOUSAND DOLLARS NOW CHARLES METZ OF BREWING COMPANY GIVES ONE-TENTH OF THIS WHICH IS HIGH FOR THE DAY.

Previously reported: \$4,750 Citizens committee, 2,700 Young men's committee, 1,175 Boys' committee, 450 Grand total, \$9,075.

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THIRTIETH FOR THE ORIENT

Infantry Leaves Fort Crook Saturday to Sail for the Philippine Islands.

The Thirtieth infantry will depart from Fort Crook Saturday via the Rock Island for San Francisco, from where the regiment will sail July 3, for the Philippines. The regiment will be succeeded at Fort Crook by the Eleventh infantry, now en route from the Philippines. In the meantime one company of the Eleventh infantry will garrison Fort Crook.

Private Jack Payson, Troop C, Second cavalry, has been ordered transferred to the hospital corps, upon the recommendation of the United States surgeon of the Department of the Missouri.

Leave of absence for one month has been granted Second Lieutenant Joseph M. Cummins, Eighteenth infantry, Fort Leavenworth.

A militia uniform consisting of coat, pants and cap has been handed in to the office of the chief quartermaster. This far no claimant has appeared for the uniform. The officials at army headquarters desire to know if any of the Omaha National Guard companies are shy one uniform.

Honorable discharges have been granted from the United States army to the following enlisted men: Privates L. A. Bodewell, Battery B, Fifth field artillery; John E. Lea, Company D, Fourth infantry; Fred Hanewinkel, Troop D, Sixth cavalry, and Sergeant Robert Bieler, Company D, Fourth infantry.

Payment of the troops of the Department of the Missouri for the month of June has been ordered. The troops at Fort Meade and Robinson will be paid by Major George T. Holloway; at Fort Riley and Leavenworth by Captain J. M. Sigworth and at Fort Des Moines, Crook, Omaha, Council Bluffs and Camp Washakie by Captain Claude H. Sweeney.

Proposals for the heating apparatus for the commanding officers' quarters at Fort Omaha will be opened at the office of the chief quartermaster's office in Omaha July 1, 1907.

A general court-martial has been ordered to convene at Fort D. A. Russell Thursday with the following staff: Major R. M. Blatchford, Eleventh infantry; Captains R. S. Welch, Second field artillery; E. W. Tamm, O. S. Eskridge, Eleventh infantry; First Lieutenants F. R. de Puntak, Eleventh infantry; Ned B. Rehkopf, Second field artillery; Second Lieutenant J. E. Barzynski, Eleventh infantry, and First Lieutenant W. E. Parsons, Eleventh infantry, judge advocate.

A general court-martial has been ordered to convene at Fort Leavenworth Friday, June 28, with the following staff: Lieutenant Colonel William Paulding, Eighteenth infantry; Captains William F. Grote, Eighteenth infantry; J. R. Slattery, Engineer corps; First Lieutenants Harris P. Pike, Eleventh infantry; K. P. Williams, Thirtieth infantry; R. D. Foubler, Twenty-fourth infantry; Second Lieutenants George O. Bartlett, Bruce Megruder, Eighteenth infantry, and First Lieutenant J. G. Taylor, Eighteenth infantry, judge advocate.

POLICE MUST HELP CONNELL

Patrolmen Are to Be Enlisted in the Crusade for Clean City.

Every policeman in the city of Omaha is to be enlisted in the crusade for a clean city.

Thursday morning Health Commissioner Connell called upon Acting Chief Mostyn and laid a protest before him, complaining that patrolmen fail to carry out that provision of the law which requires them to report nuisances and to make arrests where sanitary laws are violated in their precincts.

This is the second or third time the matter has been called to the attention of the police department and heretofore police have been notified to enforce the law, but the health commissioner says so far as he knows nothing has ever been done by the police.

Wednesday morning Mayor Dahlman joined the hustlers. In the afternoon he planned to attend the old settlers' picnic at Hanscom park.

PRISON BREAKERS HANGED

Three Convicts Who Killed Guards to Secure Freedom Executed in Missouri.

JEFFERSON CITY, Mo., June 27.—Harry Vaughan and Edward Raymond, convicts sentenced to the penitentiary from St. Louis, and George Ryan, a convict sentenced from Kansas City, were hanged in the county jail here this morning for the killing of Prison Guard John Clay during a concerted attempt to escape from the penitentiary.

The three were hanged at the same moment. Sheriff Scott sprung the trap and five minutes later all three were pronounced dead. No statement was made from the scaffold.

The execution of Convicts Harry Vaughan, George Ryan and Edward Raymond is the termination of a desperate attempt they made on the afternoon of November 24, 1906, to escape from the penitentiary. During the outbreak, Prison Guards John Clay and E. Allison and Convict E. Blake were shot dead. After two trials they were convicted of the murder of Prison Guard John Clay during a concerted attempt to escape from the penitentiary. A verdict of conviction was rendered in the first trial but was reversed by the supreme court and a new trial ordered. Vaughan was admitted the leader of the outbreak by which the three and Convict Edmond Blake endeavored to gain freedom. Each was secretly armed with a revolver and they had secured dynamite.

When a favorable opportunity presented the four walked into the office of Deputy Warden Bee, and Vaughan, with drawn revolver commanded him to throw up his hands. The deputy warden hesitated and Blake fired a shot that injured Vaughan's hand and seriously wounded Bee. Deputy Warden Bee and two farmers who were visiting in his office, were marched quickly to the prison entrance. At that moment Guard Jay swung the inside gate open to admit a team. He was shot down and the four convicts rushed into the enclosure to the outside gate. They quickly blew open the gate with dynamite and ran through the opening. An open fuselage ensnared between the escaping convicts and prison guards, and Convict Blake and Guard Allison were killed. After a hard chase through the city Vaughan, Raymond and Ryan were recaptured.

The four convicts were serving sentences for robbery when the prison outbreak was planned.

ST. LOUIS, June 27.—John King, a negro, who was convicted of shooting his sweetheart, Hallie Davis, on November 23, 1905, was hanged here this morning in the jail.

TOO MANY BOYS IN ELEVATORS

Law is Disregarded and Accidents Occurring, Says Boiler Inspector.