

treasurer of the federation, and George A. Pettibone, the trials of Haywood and Pettibone and the plea of guilty entered by Orchard to the charge of murder in the first degree, the punishment for which, under the Idaho statutes, is death. In regard to the part of Orchard in the trials Judge Wood said: "I am more than satisfied that the defendant now at the bar of this court awaiting final sentence has not only acted in good faith in making the disclosures that he did, but that he also testified fully and fairly to the whole truth, withholding nothing that was material, and declaring nothing which had not actually taken place. It was the particular province of the court to observe and follow this witness upon the former trials and I am of the opinion that no man living could conceive the stories of crime told by the witness and maintain himself under the merciless fire of the leading cross-examining attorneys of the country, unless upon the theory that he was testifying to facts and circumstances which had an actual existence within his own experience. A child can testify truly and maintain itself on cross-examination. A man may be able to frame his story and testify to a brief statement of facts involving a short single transaction. But I can not conceive of a case where even the greatest intellect can conceive a story of crime covering years of duration, with constantly shifting scenes and changing characters, and maintain that story with circumstantial detail as to times, places, persons and particular circumstances and under as merciless a cross-examination as was ever given a witness in an American court, unless the witness thus testifying was speaking truthfully and without any attempt either to misrepresent or conceal."

CONTINUING HIS address, Judge Wood said: "Believing as I do, that the defendant acted in good faith, and that when called as a witness for the state, he told all and withheld nothing, I can the more readily fulfill the duty that I consider the law imposes upon me. In passing upon this question it is immaterial that juries in the two cases tried have declared that they were not satisfied with the guilt of the defendants on trial. The statute of the state imposes a bar to conviction on the testimony of an accomplice alone, no matter though he may be believed by the jury, unless there is other independent evidence tending to connect the defendant on trial with the commission of crimes. And, again, in each of the cases tried, the court, at the written request of each of the defendants, instructed the jury that a verdict of not guilty did not mean that the defendant on trial was innocent, but rather that his guilt had not been proven beyond a reasonable doubt in the manner and form prescribed by law. For these reasons it is at once apparent that the verdict of the juries referred to are not necessarily at variance with the views here expressed. I am thoroughly satisfied that under the facts in this case the court has a plain duty to perform, and that the authorities quoted leave no alternative in the matter, and under these authorities the defendant must be recommended to the clemency of the pardoning board with the full assurance that it is not to be presumed that the equitable title to mercy which the defendant has acquired by testifying to the truth will not be sacredly accorded to him by the board in which power to pardon or commute is vested by the state constitution. The recommendation of the court to the pardon board is that the sentence of the court about to be imposed upon this defendant be commuted and that the death penalty be remitted. Aside from the reasons already given for this recommendation, there is another reason in my opinion which should appeal strongly to the court and to the pardoning board for remitting the death penalty against the defendant. For several years a series of atrocious crimes have been committed in this and other states, and the confession and testimony of this witness is the first direct evidence which has been secured fixing responsibility for a considerable number of said crimes."

JUDGE WOOD referred to the crimes of arson and murder in 1899, which culminated in the blowing up of the Bunker Hill and Sullivan concentrator and the death of two men and to the fact that although a thousand men were involved, only one man was identified and punished therefor in the state courts. "Orchard and Dewey, who at the time was a miner in the Couer D'Alenes, are the only two men of

the large number concerned," said Judge Wood, "who have had the courage or disposition to disclose the truth with reference to the crimes then committed. This defendant also testified to a long series of most atrocious crimes committed by himself and others in the state of Colorado and he was corroborated in such details in relation thereto that there can be no doubt about his participation therein. While these offenses were committed in the state of Colorado, this state, I think, under the circumstances, is under some obligation to withhold the execution of the only person who has voluntarily and freely disclosed these transactions. It is impossible to believe that such a series of crimes can be committed with many persons connected therewith without one or more of said parties sooner or later yielding to the remorse of conscience and joining this defendant in confirmation of the disclosure which he has already made. Again, under the circumstances, involving the defendant, no good purpose can be advanced by his execution, and there can be no demand therefor except from those persons who stand charged by his voluntary confession with the grave crimes or by the defenders and apologists of such persons. If there were no moral obligation on the part of the state to grant the partial immunity recommended I would still say that there could be no good reason in this case for inflicting the extreme penalty while so many crimes have been disclosed that are yet unpunished." Judge Wood, after reading his ruling, formally sentenced Orchard and fixed May 15 as the date for the execution. Orchard asked permission to speak and it was granted. He thanked the court for the review of the case and for the kindly remarks in regard to him. He repeated that he had told the whole truth and that no promise of immunity or of mercy had ever been made to him. Before he had concluded tears were streaming from his eyes and he all but broke down as he again in a broken voice thanked Judge Wood for his recommendation to the board of pardons."

A WASHINGTON dispatch said that Senator Aldrich had told the president that William R. Hearst had picked Senator LaFollette as the presidential candidate of the Independence League. An Emporia, Kan., dispatch to the Chicago Record-Herald says: "E. S. Waterbury of Emporia, populist national committeeman from Kansas and delegate to his party's national convention at St. Louis, is quoted as saying today that United States Senator Robert M. LaFollette of Wisconsin would be nominated on the first ballot for president by the populists. He stated further that Senator LaFollette would not be given a chance to accept or refuse the nomination until after the republican national convention is held."

THE DULUTH News-Tribune (rep.) prints this editorial: "When Mr. Dalzell said to his democratic colleagues in congress, 'You may have dissensions in your ranks, there is no dissension in ours; we are unanimously in favor of the nomination at the Denver convention as democratic candidate for the presidency of the great commoner and the great uncommoner, William Jennings Bryan,' he came as near telling the truth as was safe for him under the circumstances. Partisan politicians of the party, such as Mr. Dalzell, hope for Mr. Bryan's nomination, because they believe, in their shortsighted arrogance, that a republican 'yellow dog' could defeat him. The great body of the party hope for his nomination for a very different reason. They are no longer afraid of him. The free silver issue is dead and not even Dalzell can blow life into it. The government ownership of railroads under our political system is but a far cry of vengeance. The initiative and referendum as a national issue is in the dim distant future. But on the one great and dominant issue the people know just where Mr. Bryan stands, and that he stands unhitched except to honest, unswerving, patriotic conviction. The republican rank and file want Mr. Bryan as a refuge in case their own party should nominate a reactionary. If the interests control the Chicago convention there are hundreds of thousands of republicans who will vote for Mr. Bryan, if he is a candidate. This is what the Dalzells are too narrow-minded and too politically provincial to see, but it is no less a recognized fact with those who tread the earth, if not with those whose feet wear the marble floors at Washington. Mr. Bryan is but little more popular in congress than is President Roosevelt.

Were it not for the fear of public opinion on both sides, the days of Andy Johnson might be repeated. Yet in spite of this knowledge of public sentiment as personal to themselves, republican congressmen seem to think that they can foist an anti-Roosevelt candidate upon the country and defeat Mr. Bryan. If they should succeed, they would awake next November from their folly and begin earning an honest living."

REFERRING TO former Governor Shortridge, who died recently at Devil's Lake, N. D., the Grand Forks (N. D.) Daily Herald says: "Eli C. D. Shortridge was born in Cabell county, West Virginia, March 29, 1830, and therefore at the time of his death was seventy-eight years of age. He was educated in the district school of the neighborhood and later at an academy at Par, Mo., to which locality he moved at an early date. He engaged in mining in that state, and twenty-five years ago married Miss Anna Burton at Moberly, Mo. Soon afterwards he moved to Dakota, and took a prominent part in the struggles of the early pioneers. He settled at Larimore, where he helped to lay out the present townsite of that place. At one time he owned a large farm in Grand Forks county. In the campaign of 1892 he was persuaded to run for governor on the fusion ticket, he then holding a position as justice of the peace at Larimore. He never aspired to public office, but he made a personal canvass throughout the state, in the end defeating Andrew H. Burke, who was running for a second term on the republican ticket. At the expiration of his term of office, he was succeeded by Roger Allen, republican. Shortridge's gubernatorial administration was run entirely in the interests of the people. His career since coming to North Dakota, twenty-seven years ago, has been consistent with a life of unbroken honesty and unswerving devotion to the better aspiration of life. He was engaged in the grain commission business in Minneapolis after the close of his term as governor and later removed to Devil's Lake, where he has since made his home."

JAMES EADS HOWE and other members of the "national committee" of the unemployed have addressed a petition to the president, congress state legislatures and to the general public asking for remedial legislation. This petition demands that something be done to insure against "enforced idleness" and suggests that sufficient of the public domain be put at the disposal of the unemployed for colonization and settlement. It demands the modification of vagrancy laws so that when men are punished for vagrancy they shall be entitled to a credit of fifty cents each for every day's imprisonment, said sum to be paid to them in cash at the time of their release. As further measures of relief the petition suggests: "First, that congress issue and appropriate \$150,000,000, or as much as shall be necessary, to improve and deepen the waterways of the entire country, and especially those of the Ohio and Mississippi rivers, by means of which enterprises employment shall be furnished to the unemployed. Second, that congress make ample provision and appropriation for a system of national highways and better rural free delivery routes, and that these enterprises also be made to furnish employment to the unemployed. Third, the enactment into law of the so-called Coxey non-interest bearing bond bill, an act to provide for public improvements and for the employment of the citizens of the United States, whereby towns, counties, cities or states, desiring to make public improvements and give employment to those unemployed, may deposit with the secretary of the treasury of the United States a non-interest bearing twenty-five year bond, said bond to be retired at the rate of four per cent of the principal per annum; and that against this bond the secretary of the treasury of the United States shall cause to be engraved and printed treasury notes in the denominations of one, two, five, ten and fifty dollars each, which shall be a full legal tender for all debts, public and private, to the full face value of said bond and deliver in return for it ninety-nine per cent of said notes, retaining one per cent for the expense of taking care of this department. And in order that in future the victims of enforced idleness, together with the whole people, may be able, by direct legislation, to enact such remedial or corrective measures as they may deem adequate, we call for the establishment of the system of initiative and referendum in municipality, state and nation."