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### Senator Borah Vindicated.

Senator W. E. Borah, of Idaho, was acquitted by the jury last week on the charge of conspiracy against the government, in connection with other men, in alleged timber frauds in the state of Idaho. It was predicted that he would show himself guiltless when the case came up, and his friends here are more than gratified over the outcome of the trial. The case seems to have been

the outgrowth of factional difficulties in state politics out there, and the victory for Mr. Borah is all the more gratifying. The jury was out but a few minutes after having taken the case without any argument by counsel. There seems to have been absolutely no evidence of any wrong-doing on the part of Mr. Borah. Mr. Borah is a Wayne county boy,—born and raised in Jasper township—whose career is being watched by all of us with a great degree of pride.

FAIRFIELD, ILL.



SENATOR W. E. BORAH of IDAHO

Senator Borah Acquitted.  
 United States Senator William E. Borah was acquitted at Boise, Idaho, on Wednesday night of the charge of conspiracy to defraud the government of Idaho timber lands. The case was submitted without argument by the defense, and the jury was out just long enough to take one ballot. The verdict was greeted with cheers and applause, which the court officers

made no effort to restrain. Street bells were rung and the fire department made a spectacular run through the principal streets, stopping eventually at the Idaho hotel, whither Senator Borah, surrounded by several hundred citizens, was escorted. A brass band appeared as if by magic, and as the senator reached the hotel it played "Hail to the Chief."



# BY EVENING POST READERS

## The Case of Senator Borah.

CHICAGO, Oct. 4.—To the Editor: Sir: I think it would be a misfortune if the outcome of the recent trial at Dubois, Idaho, of United States Senator Borah, on a charge of complicity in certain government timber-land frauds, should pass without emphatic and unmistakable comment.

The United States District Attorney, backed by the influence and resources of the nation, had procured Mr. Borah's indictment by a federal grand jury, as usual on the strength of ex-parte allegations by various persons, without opportunity for explanation being given to the accused. At the trial just closed the government presented all the testimony it had laboriously gathered at large cost.

In reply Senator Borah took the witness stand, gave a frank statement of his every act bearing upon the matter charged and fully answered every question asked by the prosecution. Here the defense rested and at its request the case was given to the jury without argument. As quickly as the jury could go through the formality of decorously casting a ballot it instantly acquitted the accused on every count.

In other words, from the outset the government, as represented by the district attorney, had no case against Senator Borah. The ascertained facts show that there was no excuse whatever for his indictment and trial, yet for months he has been dragged through the humiliation of public arraignment for crime. His political and official prominence as a Senator of the United States has caused this fact to be published in every hamlet of two continents and at a time when super-heated public zeal is too ready to accept accusation as the equivalent of conviction.

I am heartily in sympathy with President Roosevelt's campaign against corruption and against malefactors in high as well as low place, but the President is a manly man as well as a courageous and resolute one, and he certainly cannot approve, and can scarcely condone, the performance of some of the subordinates in the Department of Justice who, while temporarily representing and wielding the power of the federal government, use their position to drag innocent persons and unspotted reputations into the mire and agony of groundless criminal prosecutions.

It is not surprising that Mr. Hawley, the brilliant senior counsel for the accused, in a public speech following the acquittal, declared the entire episode to be the most damnable travesty upon the administration of justice that had ever come to his knowledge. And it makes little difference whether offenses against public decency and public safety like that involved in the causeless indictment and trial of Senator Borah are due to professional rivalry or ambition, to natural stupidity or to simple

ignorance of the law and of what constitutes evidence on the part of district attorneys and their assistants who commit them.

One such flagrant abuse of an influential office ought to be the only one that the same official will have opportunity to perpetrate. It should be made as infamous for a representative of any department of justice to scheme and struggle to convict an obviously innocent person as to connive at the escape of an obviously guilty one.

Such an event as the Borah trial, while it triumphantly acquits the accused, justly arraigns the accuser. Although Senator Borah was born and reared in Illinois, the writer has not the pleasure of his acquaintance and certainly holds no brief for him, but as a humble apostle of the gospel of the Square Deal he protests against the prostitution of the prevalent salutary revival of civic virtue to the base uses of personal ambition or of inexcusable incompetence and legal blundering.

A. B. N.

## SENATOR BORAH ACQUITTED

### Jury Took Only One Ballot and Demonstration Followed.

Boise, Idaho, Oct. 3.—United States Senator William E. Borah was acquitted of the charge of conspiracy to defraud the government of Idaho timber lands. The case was submitted without argument by the defense, and the jury was out just long enough to take one ballot.

The verdict was greeted with cheers and applause which the court officials made no effort to restrain. As soon as the news reached the street India was rung and the streets made a spectacle of fun through the principal streets, stopping eventually at the Idaho Hotel, whether Senator Borah, surrounded by several hundred citizens, was escorted. A brass band appeared, and as the Senator reached the hotel, played "Hail to the Chief."

The streets about the hotel were blocked by a cheering throng, whose shouts mingled with the fire engine whistles and clanging of trolley car bells. Senator Borah thanked his friends for their demonstration of confidence in him throughout the trial.

After Prosecuting Attorney Deak had completed the opening argument in the trial, the defense decided to submit the case without argument. A recess was taken until 5 o'clock, when Judge Whitson charged the jury.

Previously Judge Whitson had denied the motion of the defense for an instructed verdict of not guilty. Senator Borah took the stand as the first witness in his own defense.

"I never prepared a deed for any entryman or trustee," said Senator Borah. "I do not and never did own a dollar's worth of stock in the Barber Lumber Company. My compensation has always been a fixed salary, and I never had any contingent fee or interest whatsoever."

At the end of Borah's testimony the defense rested. At one point in his cross-examination Senator Borah was loudly applauded by a crowd in the court-room.

United States Senator William E. Borah was acquitted of connection with the alleged land fraud conspiracy in Idaho. Senator Borah says "the flimsy evidence brought before the jury was the most damnable outrage ever perpetrated in the guise of justice," and the result of the trial seems to prove it. Congratulations are due to the Idahoan.

## SENATOR BORAH IS NOT GUILTY

Defense Submitted the Case to  
the Jury Without Ar-  
gument.

### DEFENDANT EXPLAINS DEEDS

Titles in Individual Names So Owners  
Would Not Raise Price to  
a Corporation.

BOISE, Oct. 2.—United States Senator Borah was declared not guilty of conspiracy to defraud the United States Government in the timber land cases late this afternoon. After Prosecuting Attorney Rush had completed the opening argument, the defense decided to submit the case without argument. Judge Whitson charged the jury and verdict was returned after one ballot.

The verdict was greeted with cheers and applause, which the court officers made no effort to restrain. As soon as the news reached the street bells were rung and the Fire Department made a spectacular run through the principal streets, stopping eventually at the Idaho Hotel, whither Senator Borah, surrounded by several hundred citizens, was escorted.

A brass band appeared, and as the Senator reached the hotel played "Hail to the Chief."

Senator Borah thanked his hearers for their demonstration of confidence.

Judge Whitson refused the motion of the defense for an instructed verdict of not guilty. Senator Borah took the stand as the first witness in his own behalf.

Senator Borah said he had been a personal friend of ex-Gov. Steunenberg for years prior to the Governor's death, but never was employed as his attorney. He became general counsel for the Barber Lumber Company in 1903. As counsel he had several conversations with Timber Inspector Sharpe in regard to reports of frauds, and asked to be informed whenever a fraudulent claim was unearthed, so his company, which was a heavy purchaser, might be protected.

The visit to ex-Gov. Morrison was explained by Senator Borah by the statement that the Barber Lumber Company had purchased a quantity of scrip, and had prepared to scrip the section where the State had finally decided to take up 4,000 acres. The company's idea was to scrip the land ahead of entrymen. Gov. Morrison did not give him any specific information.

As to deeds going through his office, Senator Borah said that altogether 339 deeds had been so recorded. He had nothing to do with any of the purchases, many of which were made long before

he became attorney for the company. No controversy arising over the deeds, nothing in regard to them was ever referred to him.

His inquiry as to why the lands had been taken in the names of Rand, Long and others, brought forward by the Government as "dummy" trustees, Senator Borah said was answered by the company officers to the effect that if it became known a corporation was in the field the price of lands would have been doubled. For this same reason the Barber mill site in Boise was also purchased in Rand's name.

Senator Borah called on the prosecution to produce these deeds in court in corroboration of this statement.

"I never prepared a deed for any entryman or trustee," said Senator Borah. "I do not and never did own a dollar's worth of stock in the Barber Lumber Company. My compensation has always been a fixed salary, and I never had any contingent fee or interest whatsoever."

At one point of his cross-examination Senator Borah was loudly applauded by a crowd in the courtroom.

When it first became known that Borah had been indicted a vigorous effort was made by some of his friends to get the President to order the dismissal of the indictment. The Administration refused to interfere.

*Special to The New York Times.*

WASHINGTON, Oct. 2.—The acquittal of Senator Borah is the culmination of one of the most extraordinary incidents in the long series of land fraud investigations and prosecutions which the Government has been conducting for the last few years.

The complete breakdown of the prosecution in his case serves to emphasize the accusation of his friends in Idaho that the indictment against him was really procured through personal and political motives, and not because it was ever seriously believed there that he was connected with any conspiracy to defraud the Government.

This may be followed before long by the removal from office of N. M. Ruick, the Federal District Attorney, who obtained the indictment.

It was widely believed in Idaho that some frauds had been perpetrated in the procurement of land titles which subsequently were transferred to the Barber Lumber Company, a Wisconsin concern.

Borah was general counsel for the company in Idaho. Also he was the main reliance of the State in the prosecution of William D. Haywood for murder, and among his bitterest personal enemies in the State was Ruick, the District Attorney.

Ruick had obtained the paper right of way for a railroad up the Boise Valley, which he had tried to sell to the Barber Lumber Company, but had failed owing to the advice of Borah. Borah had also thwarted the political aspirations of Ruick.

During the Haywood trial Borah was unable to take up his own case, but as soon as the Haywood verdict was rendered Borah began demanding an immediate trial for himself.

It was charged by several members of the Grand Jury that Ruick had argued before them for the indictment, instead of merely submitting his evidence as contemplated by law.

Probably Senator Borah now entertains kinder feelings for those magic words "Not Guilty" than he did just after the Haywood trial.

### THE FORESTS CAMPAIGN.

The trial of United States Sen-  
ator William E. Borah of Boise,  
Idaho, for conspiracy to defraud  
the United States of valuable tim-  
ber lands will be watched with in-  
terest throughout the country, and  
particularly in the west, where it may  
be said to inaugurate a new year of  
storm and stress in the public land  
war. Evidence points to the closer  
formation and more determined pur-  
pose of those individuals and interests  
that are bent on thwarting the admin-  
istration's land policy. The strain to  
which it will be put will try it se-  
verely.

The indictment against Senator  
Borah carries the charges made fami-  
lar by much recent use. It is alleged  
that he, with twelve others who are  
named as co-defendants, conspired to  
defraud the United States of thousands  
of acres of timber land in Boise County.  
The device alleged to have been em-  
ployed was neither novel nor ingenious.  
One hundred and eight residents of  
Boise, so the indictment charges, took  
out timber claims and swore in doing  
so that they were acting solely in their  
own interests. But these statements  
were declared to have been false, and it  
is charged that agreements had been  
entered into whereby the claimants  
were to turn their lands over to others,  
who with like docility were to trans-  
fer them to the Barber Lumber Com-

pany, a company said to be affiliated  
with large lumber interests in the west.  
It now remains to be demonstrated  
whether all this be true, and how many  
kinds of the first, second, and third  
parts—if such they be—will be gathered  
in by the government's nets.

The case has been placed in the  
hands of special attorneys who are de-  
scribed as trained in the timber land  
law and fresh from successful prose-  
cutions in other western states. The  
government's timber land law attor-  
neys have proved their tribe the tribe  
of vigilantes and their courage the  
courage of the frontier. They are men  
of the stripe of Francis J. Heney, who  
because of his work in the investiga-  
tion of the Oregon land frauds was  
called in undertake the prosecution of  
graft in San Francisco, in which, as-  
sisted by a timber land law detective  
who had proved himself a veritable ter-  
ror to evildoers, he has met with so

much success. The assignment of these  
special attorneys to the case seems to  
warrant that it will be sifted to the  
bottom.

The war of the Department of Jus-  
tice on the land frauds has got to be  
maintained with great vigor and ener-  
prise. Especially at this time can there  
be no weakening. The government  
must increase its forces as those who  
oppose it increase theirs; it must wear  
the opposition out and show it that  
whatever political strength and mis-  
guided popular support the opposition  
may marshal its machinations can be  
of no avail. National sentiment is be-  
hind the purpose of the administra-  
tion to preserve the forests and timber  
lands, and it is prepared to assault vig-  
orously in the impending fierce cam-  
paign.

### STAR WITNESSES.

Criminal court proceedings at Boise are  
producing some of the strangest witnesses  
that ever took part in a prosecution. The  
trial of William D. Haywood furnished the  
Orchard example, and that of Senator  
Borah, who is charged with frauds in  
public land deals, has brought into the  
limelight Mr. Albert Kianop Nugent, who  
as a witness for the government, ad-  
mitted on his cross-examination that  
he committed perjury when he took  
out his timber land claim, also admitted  
that he was promised immunity by a fed-  
eral officer if he would testify; that he  
had, at the request of a federal officer,  
sworn out a complaint against a man he  
did not know, and finally declared that  
his understanding of his bargain with  
the government attorney is that he should  
pave the way for any complaint against any per-  
son regardless of his knowledge of the  
person's guilt; and then swore he had  
forgotten what official it was that he had  
the bargain with.

This was the second witness produced  
by the government, which was otherwise  
unfortunate in getting before the jury  
testimony helpful to the defense. A wit-  
ness on whom the government relied to  
prove that claimants for public lands had  
entered them having agreements with the  
Barber Lumber company to turn them  
over to it, swore that when he made his  
entry he had no agreement to transfer  
the title. He admitted that in entering  
his land he had committed perjury, and  
the court, for that reason, would not  
permit his cross-examination for the pur-  
pose of finding out what secret intent  
he had when he made the entry.



## BORAH FREED AMID CHEERS

ONLY ONE BALLOT NECESSARY TO ACQUIT THE SENATOR.

Then Boise Celebrated With a Brass Band, Ringing Bells, a Run by the Fire Department and a Speech by the Acquitted Man.

BOISE, Id., Oct. 2.—United States Senator William E. Borah was acquitted tonight of the charge of conspiracy to defraud the government out of valuable Idaho timber lands. The case was submitted without argument on the part of the defense and the jury was out just long enough to take one ballot. The verdict was greeted with cheers and applause which the court officers made no effort to restrain. On the courthouse steps Senator Borah was forced by the crowd to stop and make a short speech. He thanked them for their good will.

This demonstration at the courthouse served only as a beginning. As soon as the news reached the outside bells were rung and the city fire department made a spectacular run through the principal streets, stopping eventually at the Idaho hotel, where Senator Borah, surrounded by several hundreds of his fellow citizens, was escorted.

A brass band appeared as if it had been held in readiness and as the senator reached the hotel steps played "Hail to the Chief." The streets about the hotel were blocked by the cheering throng, whose shouts mingled with the siren of the fire engine whistles and clang of trolley car bells. Senator Borah thanked his hearers for their demonstration and the confidence they had reposed in him throughout the trial.

Senator Borah said it was now a proper time for him to express his opinion of the events of the last three months.

"I have felt the humiliation deeply," he commented, "especially because of the manner in which the name of my dead friend, Frank Steunenberg, has been brought into the case. I am glad to say I was his friend—the friend of a man who gave up his life for fighting the battles of his state and his country. Political capital has been or tried to be made out of my indictment, but I am glad to say some of my staunchest friends during this trial have come from the other side. The only reason I was indicted appears to have been that I was the friend of Frank Steunenberg. Again I can say to you I am proud of the honor of that friendship. But there

are always some persons who find their only delight in the defamation of the dead."

James B. Hawley, counsel for the defense, spoke. He declared the indictment and trial of Senator Borah on the Steunenberg evidence brought before the jury was "the most damnable outrage and iniquity ever perpetrated in the guise of justice."

The demonstration over Senator Borah's acquittal continued until late in the night with street parades, band concerts, fire works and general celebration. At night Senator Borah was forced to make a third speech in which he again expressed his appreciation of the confidence of his townspeople.

William E. Borah was a United States senator before his forty-second birth anniversary. He was educated in the University of Kansas. He read law in Lyons, Kas., where he was admitted to the practice in that state.

In 1891 he went to Boise, Id., where he has since made his home. Senator Borah is the son of a Wayne county, Illinois, farmer, and was born in that county in June, 1865. Senator Borah won in Idaho by insisting on the nomination of senatorial candidates by a state convention. He declared against the party caucus method of nominating senators and took his fight directly before the people. He was the leading counsel for the state in the Haywood trial.

### (Tacoma News.)

The evidence in the case against Senator Borah of Idaho is not public property yet, but the senator's actions are. And they are not the actions of a guilty man. He has interposed no technicalities; he has waived any attempt to prove irregularities in the drafting of the indictment; he has set up no demurrer. But he has asked for a trial, and that a speedy one. He apparently wants to go to Washington as senator without any cloud on his record, or else not go at all. Of all the public men of the west, Senator Borah is one who gives, perhaps, the greatest promise. He is able and forceful. He isn't much of a politician, and his methods of frankness astonished his opponents during the senatorial campaign. He associated himself with the Haywood prosecution while his fight for the senatorship was at its height. A more cautious man would have shunned that step. He conducted the state's case during the trial with such great ability and marked fairness to the accused as to draw the highest praise from a man like Darrow. That a man displaying such qualities as the senator has shown himself possessed of is guilty of land frauds is difficult of belief at this juncture. His example in refusing to take advantage of any technicalities is in marked contrast with the Oregon cases. There are convicted men in Oregon who are still out of jail. At all events, it is refreshing to find a lawyer who does not resort to legal tricks.

### The Lesson of the Borah Trial.

There is more than one possible interpretation by the courts of the statute Borah, of Idaho, on the manner in which the stone and timber law of the nation is administered. Primarily, the purpose of the government's policy is to protect the public domain against the greed of grasping speculators, rather than to discourage and prohibit investments of a legitimate character and for wholly legitimate business purposes.

Senator Borah declared the stone and timber law to be "a piece of infamy as administered," because it forces "a man to swear that he does not take it on speculation," which the department has construed to mean that "he must not take it with a view of selling it." On the face of it, such a construction is forced. Speculation is one thing and a perfectly legitimate business investment, for strictly legitimate business purposes, is quite another thing.

Every man who buys a thing for the purpose of selling it at a reasonable and fair profit is not, in strict legal contemplation, or in the commonly accepted significance of the word, a speculator, and it was not the purpose of Congress and should not now be the policy of the government, to class as criminals men who engage in these perfectly legitimate and necessary business transactions.

The record in the Borah case, which amply justified the prompt acquittal of the Idaho senator, again emphasizes the need of recasting the laws of the nation having to do with the public domain. Ordinary business sagacity should not be penalized. Common business principles and practices, such as are usually observed in every line of useful human endeavor, should not be pressed down to the low level of crime, either by the laws of the nation or through forced and strained construction of the laws by those who are charged with the enforcement of these laws. The government should promptly reshape its legal and administrative policies so that the public domain may be efficiently guarded against hungry and dishonest speculators, without at the same time putting the taint and odium of crime upon well-meaning and honorable citizens.

The government made a poor showing against Senator Borah in the trial wherein he was charged with conspiracy, but it made out a tolerably strong case against the late Governor Steunenburg.

### The Acquittal of Senator Borah.

A conviction or disagreement in the case of Senator WILLIAM E. BORAH, whose trial for complicity in the land frauds in central Idaho has just terminated, would have been a grievous miscarriage of justice. His indictment was procured by a combination of the Western Federation of Miners with his political enemies. Both parties to the conspiracy wanted to see him summarily removed from public life in disgrace: the Western Federation of Miners because, as counsel for the prosecution in the Haywood case, his great abilities and his personal influence with the jury were feared; and unscrupulous politicians because they desired to fill the Senatorial vacancy with one of their own number.

No evidence connecting Senator BORAH with the false entries made in the interests of the Barber Lumber Company, whose attorney he was for several years, could be adduced during his trial of two weeks. District Attorney NORMAN N. RUTICK utterly failed on the direct examination of his own witnesses to compromise the defendant. Senator BORAH had entered a plea of not guilty and instructed his counsel to make no technical objections and to let the case be tried on its merits. He courted the fullest inquiry into all his acts as an attorney for the land company. The prosecution's witnesses, some of whom confessed that they were timber thieves, were allowed to tell their stories with scarcely any cross-examination.

As a witness in his own behalf Senator BORAH went over the history of his connection with the Barber Lumber Company as counsel, declaring that he never owned a dollar of its stock, drew a fixed salary, prepared no entry deeds, and had made it a practice to ask the timber inspectors to report evidence of collusive claims to him. The Senator's reputation for fair dealing and good faith is such in Idaho that his word would probably have been taken against that of any witness the prosecution could have produced. As a matter of fact, its case had broken down before the defendant took the stand. The jubilation in Boise over Senator BORAH'S acquittal shows the esteem in which he is held by the community. There is a wide interest in Mr. BORAH because he displayed such signal ability, zeal and fairness in the Haywood trial. His address to the jury was a remarkably strong and eloquent effort. He gives promise of a useful career in the United States Senate, and it is matter for general congratulation that the conspiracy to ruin him has completely failed.

#### SENATOR BORAH ON TRIAL.

A special session of the federal court convened at Boise, Idaho, Monday to try United States Senator William E. Borah of Idaho, on the charge of conspiring to defraud the federal government by securing illegal entry of timber lands. The indictment was returned last April and included, besides Senator Borah, Frank Martin, attorney general of Idaho under Gov. Steunenberg's administration; Sumner G. Moon and J. T. Barber, millionaire stockholders of the Barber Lumber company, residing in Wisconsin; P. H. Downs, J. I. Wells, L. M. Pritchard, John Kincaid, William Sweet, Albert M. Palmer, H. S. Reed and "John Doe," which is alleged to stand for the name of the late Gov. Steunenberg, who was assassinated by the self-confessed murderer, Harry Orchard.

For several years the federal authorities have been carrying on a searching investigation into land frauds in western states and there have been numerous prosecutions and convictions. The prosecutions have involved many public men of former high standing, the most notable being the late Senator Mitchell, of Oregon, who died before being tried, andlinger Herman, of the same state, who was formerly commissioner of the general land office. The investigation of the grand jury last spring into the alleged timber frauds in Idaho caused a big sensation, not only because of the exposure of the bold conspiracy to secure a large tract of timber lands, but because of the prominence and standing of some of the men involved therein. The investigation was very thorough. One hundred and fifty witnesses were called and the evidence showed that an organized raid had been made by the Barber Lumber company on the timber lands of the Lewiston district. It appeared that in Boise county alone about 50,000 acres of land, the pick of the best timber, were patented by dummies and turned over to the lumber company, and on this evidence all the members of the company, including Senator Borah, were indicted for defrauding the government.

The plan of the timber stealers was very simple and one that has been often used to rob the government. The law permits a person to file a claim for land, but he must take oath that he is buying the land with his own money and that the transaction is bona fide. He is

limited to 160 acres, and upon the payment of \$2.00 an acre a certificate for the quarter-section is turned over to him. The lumber company is charged with having furnished hundreds of men with money to buy lands. It was necessary to have the protection of government officials, so it is said that political leaders of both the Republican and Democratic parties were put on the payroll of the lumber company.

It is charged that Senator Borah cooperated with Gov. Steunenberg in pushing the patents through for the dummies and that as a result the lumber company obtained possession of timber worth more than \$1,000,000. The indictments returned charge that the men accused induced the dummies to file on claims.

Government officials knew of the land frauds two years ago and special agents conducted an investigation. Much evidence was gathered and preparations made to bring the guilty persons to justice, but the arrest of Haywood, Moyer and Pettibone, officers of the Western Federation of Miners, for complicity in the murder of Gov. Steunenberg, and the connection of Senator Borah with the prosecution of the alleged murder cases caused a postponement for a year.

Senator Borah, whose trial commenced Monday, is the Republican leader of Idaho, and his close personal and political friends are involved by the indictments. They declare that these are the result of a political conspiracy engineered by Ruick, a Democratic leader, who has opposed Borah in all his political fights. Senator Borah further alleges that the Western Federation of Miners also was active in securing the indictments against him because of his connection with the prosecution of Haywood, Moyer and Pettibone, but inasmuch as the indictments were secured by the federal authorities, who have aided in every way possible in the fight

of the mine owners against the Western Federation of Miners and the prosecution of the three officers of the federation charged with complicity in the murder of Gov. Steunenberg, this allegation would appear on its face to be wholly without foundation.

President Roosevelt prior to the recent trial and acquittal of Haywood declared that Haywood, Moyer and Pettibone were "undesirable citizens." While the public will not perhaps so readily

condemn Senator Borah and his alleged fellow conspirators before their trial. There is little question of their guilt and that they are even more "undesirable citizens," because of their more pronounced positions, than the victims of the labor troubles in the mining region.

It is evident that there is a strong case against Senator Borah, but with his strong political pull he may possibly escape conviction and be left free to represent his state in the United States senate. The trial of the case will be watched with general interest, not only because of the accused's standing as a member of the United States senate, but because of the effect it will have in checking similar land frauds in the western states.

**WAS ATTACKED BY A GANG OF VENOMOUS ENEMIES**

(Los Angeles Times.)

**T**HE acquittal of Senator Borah of Idaho will be a great disappointment to those yellow-dog newspapers and their numerous followers who take the ground, that when a rich man or a man of high standing is accused of a crime—merely accused—he should be railroaded to the penitentiary, whether he be guilty or not guilty, deserving or undeserving.

Senator Borah was attacked by a gang of venomous political enemies. He was prosecuted, not in accordance with the fundamental ideas of justice, but after the manner of a political campaign—paid claquers and newspapers joining in the cry of his vindictive pursuers, declaring him guilty before he was tried, and denouncing those who stood by him.

It would be an awful thing if political miscreants were able to manipulate courts of this country and save the trouble of meeting their enemies or gratifying their grudges at the polls by imprisoning their opponents and feeding fat their hatreds on the sufferings of their opponents' children. Such a condition would be worse than aught in darkest Russia.

It would be a horrible thing if any combination of power and wealth, or of demagoguery and mob-spirit, should be enabled to use the judicial machinery of the government to lock up business rivals or victims of its revenge in dungeons, and to promote private plots or intrigues. It shocks one to hear of the possibility of such a thing.

Senator Borah faced his political and business enemies with the right spirit. He concealed nothing, evaded in no way. He went on the stand, told his story frankly and made such a convincing presentation of his case that, without argument, he was unanimously acquitted.

The Times always has had and still has a high regard for the courts of the land. While there are some misgivings of justice, the spirit of fair play, innate in the American people, generally permeates the jury room.

As a rule cases are decided on their merits, in accordance with the evidence as presented, in spite of the tricks of schemers and the sophistries of counsel.

Senator Borah's triumph over the wiles of labor-unionable conspirators, political enemies and the fortune-hunting birds of prey, that would pick his bones, is a fresh vindication of our system of administering justice and of American fair-mindedness; it is a most encouraging indication that latter-day attempts to prostitute the courts to the interests of any secret society, faction or clique will fail in the future as they have failed in the past.

**SURPRISED AT TRIAL BASED UPON SUCH FLimsY SHOWING**

(Salt Lake Tribune.)

The acquittal at Boise, Idaho, of Senator Borah, especially so promptly, will, we believe, be gratifying to the entire west. We are really surprised that Senator Borah should have been brought to trial on so flimsy a showing as was made against him. It would seem either that the prosecution was slack or else that there had been a collapse in its evidence since the indictment. Surely there could have been no expectation of a conviction by mere inference, suggestion, or conclusion, in the absence of any damaging evidence or facts directly connecting him with any of the alleged land frauds.

Senator Borah is newly elected to the United States senate. It would be a cloud upon the west if it had been found that he was guilty of anything criminal in connection with those land cases. We are glad, indeed, that he is acquitted, and take it as proof that there has been an enormous amount of exaggeration in connection with this whole matter of the so-called land frauds in Idaho. We have been taught to believe, by repeated reports from Boise, that these frauds were very extensive, and that the proof of them would be ample. At the same time, the assurance was given that Borah's connection with them would be absolutely proved. As a matter of fact, when it came to the test, the case against Mr. Borah absolutely broke down. And for this we are sincerely glad, and earnestly congratulate Senator Borah upon the outcome of the trial.

United States Senator Borah of Idaho was acquitted last week of the charge of having conspired to defraud the government of public lands. There did not appear to be any foundation for the charge at all.

The acquittal of Senator Borah seems to have been received with a great deal of enthusiasm. It is rather unusual for a member of the senate to be hailed in such manner save by the benevolent trusts.

*Mylan*

*Melan*

## DARK LANTERN METHODS SHOULD BE RELEGATED

(Lewiston Tribune.)

The prompt and unquestioned acquittal of William E. Borah yesterday is welcome news to Idaho, not alone because of the cloud it removes from the name of one of its most favored and trusted citizens, but also because of the halt it calls in the hitherto successful effort to stamp corruption and fraud upon those who have embarked in timber activities in good faith and whose transactions have been conducted with no possible intention of wronging anyone out of the value of anything. The testimony in the case just closed has spoken for itself, and how any criminal or immoral indictment could have been predicated upon such grounds is beyond comprehension. It is not necessary here to reflect upon the prosecuting officers in suggesting that if grand jury proceedings are productive of that sort of results, the sooner such proceedings are relegated back to the medievalism from which they sprang the better for all concerned. The suspicions, charges, incriminations and acerbities that these dark lantern and underground practices make possible are amply shown in the current case, out of which no one has emerged with credit except only the original victim of the meshes. In congratulating Mr. Borah upon the outcome, the Tribune is mindful of the special triumph it means to this splendid young scion of the state. Mr. Borah has won other hard fights, he may have others to win yet, but there is none that can mean so much to him as this has. We hope Mr. Borah may long enjoy the honors and rewards of a good servant of a wise and faithful counsellor, of an advocate who observes with care the fine ethics of his high calling.

## SENATOR URGED NOT TO BE FORGETFUL

(Pocatello Tribune.)

The acquittal by a jury at Boise night before last of United States Senator Borah came as no surprise. He was indicted on a ridiculous charge, obviously as a result of politics. He has emerged from the ordeal with perfectly clean skirts, and stands today higher in the estimation of his friends, if that is possible, than before the attempt was made to smirch his fair name.

In a speech at the Idaho hotel after the verdict was rendered, Senator Borah said:

"Let me say to all, that I shall not forget this. It will be a guide on many occasions when called upon to perform public service."

The senator is right. He should not forget this attempt to not only befoul his own name and fame, but should remember that the attempt was also directed against the name of the state of Idaho, whose distinguished representative in the senate of the United States Mr. Borah is. If there are men in the Gem state who are of the kind who would do anything, even prostitute the judiciary, for political purposes, Senator Borah should mark them.

## IMMUNITY SHOWING IS DECLARED DISCREDITED

(Anaconda Standard.)

Not much of the testimony in the Borah trial reached the news readers in this region. However, enough of it came to impress the communities in this section that the prosecutors representing the federal government dished up some more immunity business in the shape of witnesses whose own testimony concerning their own course made them utterly discreditable. When the testimony was in, the defense did not care to argue the case, but submitted it to a jury, which was out just long enough to go through the motions and acquit the defendant. This morning's report is that, in Boise, the bells and the steam whistles and the fire department and citizens generally ratified the verdict with spectacular demonstrations.

## NO BAR NOW TO ENTRY UPON USEFUL CAREER

(Spokane Spokesman-Review.)

Senator Borah is to be congratulated on the outcome of his trial at Boise on charges of being implicated in land frauds. Idaho may also be congratulated on the result, which frees from stigma the name of the man recently elected to represent it in the United States senate. There now seems to be no bar to his entry upon a career of usefulness in the senate.

The jury to which his case was presented presumably acted conscientiously upon the evidence. The charge was a serious one, especially as against a man in Mr. Borah's position. Though comparatively young, he has taken an active part in public affairs and enlarged opportunities will now be afforded him.

The trial, brief as it has been, has served to demonstrate that men who value their standing in the community cannot be too careful as to the relations they have with others whose actions are not above suspicion.

## THROUGH THE ORDEAL WITHOUT A SCRATCH

(Lewiston Teller.)

There are few citizens in Idaho today who are not pleased with the news that Senator Borah had been acquitted of the grave charges that were preferred against him. Public opinion is wholly in accord with the verdict, having read between the lines several days ago that this would be the probable outcome of the trial.

It is not too much to say that Senator Borah comes out of the ordeal wholly unscathed by the trial. He is one of the few prominent men in the Pacific Northwest identified with the land fraud cases that has escaped a smirching from the contact. It is a high credit to him and to the state of Idaho that this is so.

Senator Borah is just entering on a public career that promises to be one of great usefulness. The apprehension that the people had misjudged him in electing him to a position of trust and confidence has been happily dispelled not only by the verdict of public opinion that has followed the case since its inception and as it unfolded in the testimony given at the trial.





## COMMENTS ON HORAH CASE.

To the Editor of The Ledger: "Senator Horah has been exonerated." Such is the news and the fact. It is well that the senator lived through the ordeal. Many equally honest men have not been equal to the shock consequent upon the defamation of their good name, which, through all the years of honorable life and service to their fellow men, there had not been cause for suspicion of wrong-doing.

The sad, yet true, that the successful man in whatever calling his success may be is continually a target for the malice and jealous enmity of worklings who are possessed with ambition and envy, but lack brain power. Such persons too often imagine their own success can only be accomplished by pulling their neighbor down. Senator Horah says: "The prosecution was actuated by personal and corrupt motives." Those who know Horah know him to be a brilliant, fearless young attorney, whose opportunities came to him by the exercise of his talents in a patriotic effort to amend the laws, advocating the necessity of changing bad or obsolete laws, always attentive to the welfare of his citizens, helping in the uplifting of his neighbors and working at all times for the betterment of his state. There was no hint of corruption in his selection to the high office of United States senator. He went honorably and openly before the people of Idaho and received the endorsement of his party and the people of the state before the legislature had convened.

His opportunity thus created by himself and carried to a successful conclusion, was of itself enough to excite envy and animosity on the part of those who are persistently sought to besmirch his character. Had Senator Horah been less fearless, less equally honest men and taken advantage of the technicalities of law in the conducting of his defense he would still be held by those miscreants under the limelight of suspicion. Finding their prey was a wise lion instead of a meek lamb they vilified him, turn upon the martyred Steinensberg and besmirch the memory and good name of the good governor until called down by the court, without even mentioning the name of the man they had brought before it for persecution. For one (and there are thousands of the same mind) I wish to say that I do not believe Governor Steinensberg ever took a dishonest penny from any man, much less his country, knowingly. And no man, or men, but the veriest coward would cast reflection upon the name of a man who had fearlessly done his duty against the advice of many of his political supporters at a time when it required the fortitude of a man of iron to do so.

When Steinensberg, as governor of Idaho, went to the Court d'Alenes and used his authority in behalf of law, order and humanity he did so knowing that most of those implicated in the lawlessness had supported his election. He also knew, and so expressed himself to the writer, that his life and many others would be put in jeopardy by his contemplated duty. He did that duty fearlessly, properly and well. He lived to see his action vindicated, not alone by the termination of the lawlessness in the Court d'Alenes and the successful operations of the mines, but by the approval of the law-abiding people of his state and the country at large. But the wrath and vindictiveness of the originators of the Court d'Alenes' riots was bottled for the time being. Finally it burst forth in Coeur d'Alene and slowly worked its deadly fumes to the gate of Steinensberg. With Steinensberg gone, they still turn the poison of their vituperation upon the name of the Senator's friend, upon the grave of the Steinensberg dead. Well,

Steinensberg may stand it. When he is to be defamed by the carcasses of his detractors and they are terrified, says the law, crime, Steinensberg's monument will be the universal verdict of his countrymen. He lived and died an honest man.

Then Senator Mitchell, lacking the moral fortitude of Horah, dying in his senior age, went down with bowed head to his grave, because in the gentleness of his heart he tried to assist a miscreant who came across the continent with falsehood and deception, because he saw no harm in trying to help a "friend in need," as the defamers of his character pretended to be. Senator Mitchell was the peer in intellect and honor of his colleagues in the United States senate. I did as much for the West as any man by his position; was especially courteous to the poorer classes and attentive to their requests. Yet no eulogy could be spoken in the halls of congress after his death, so far as the government, or the law-making power, the members of which had so long availed themselves of his ability and wise counsel, were concerned. His burial was as silent as that of the historical Nelson's. And why? Because a self-confessed criminal, self-confessed after being caught and jailed, had spit his venom at his erstwhile benefactor, the good and great John H. Mitchell.

Approved of all this is Senator Horah's arraignment of the existing law regarding the appropriation of timber from the United States domain. The stone and timber act has always been open to abuse and is a very poor law. The fact of its susceptibility was perhaps the prime motive for the "forestry reserve" law. How few persons realize the real workings of the "forestry reserve" act! Many people imagine the law concerns the public timber for future needs. Let us see! In the Hitter Root mountains in Montana the forestry reserve covers nearly all the eastern slope of that range, that is, the unappropriated lands. I had a contract to make some heavy railway grade across these mountains and to construct the work must use the adjacent timber. Its construction, for bridges, trestles and tunneling, etc. The sites most needed were square timbers 12x12 inches, in varying lengths. I went to Missoula to see the forestry agent. He was appointed by Mr. Pinchot from the practice of Iowa, a very affable gentleman, who informed me that I must designate the locality of the timber needed and the amount; I must have red fir, white pine and in some cases could use cedar or spruce; this was obligatory under my contract with the railway company. But I am informed that I must take all standing trees, excepting the small ones, no matter what kind; an agent would be sent up there and mark the trees which we must cut and pay for up to the top, where the diameter was not less than 12 inches; I must also take all reasonably sound down timber. When the trees were dead and rotted for "sawlogs" I would be compelled to make them up into cordwood; all brush must be piled neatly so the government employees could burn it during the spring months. The prices were placed arbitrarily in this particular locality. I understood these prices were optional with the agent, at not less than three dollars per thousand feet for square timber and one dollar per cord for round. But before I could get authority to cut or use any, the application had to be filed with the agent at Missoula for 30 days and he would advertise the timber for sale. At the end of 30 days it would be offered for sale and the highest bidder would get it. Thus I was compelled to take at least three times the timber I needed or could use (because only about one-third of the timber was suitable for my uses, to get what I must have—a very peculiar way of conservation. Again after going through all this form of application and advertising my needs, how easy for one of the big mill companies down the St. Regis to swoop in and thus compel me to buy at an exaggerated price from them. And right here is the greater wrong in the operation of the forestry business.

What is to hinder the big timber dealers from commencing the entire timber of this country under this plan? I was told by timber agents of the government that "the department preferred big purchases." And "naturally" but sold at many millions of feet in single purchases. The contract provides that the timber so purchased shall be removed within five years. Thus the big holders are induced to buy the timber under and sell it withholding their own. This is another demonstration of the "conservation" process of "forestry reserve" law.

Thus it is that the good intentions of the honest law-makers are subverted by the evil designs of the other fellow. Can this be avoided? On second thought, what has the government or the people lost by the so-called "timber frauds"? Did the government not get its price in each case? Were these locations not made by the working classes? And could these people for whom we are so anxious ever have exercised their legal rights to a timber claim save as "dummies," or after being helped to the necessary money to prove up on their claims? What disposition has been made of the timber claims located strictly in accord with these very notorious prosecutors' ideas? Unquestionably in most cases they have been sold to the large timber owners. If so, is the result not the same as in the case of the "dummy"? Who has been defrauded? Was it the individual? If so, is he in any better shape now under this "conservation system" than before? Where does the poor man come in under this last system? The rich man does not have to have him as a dummy under it. Where is the fraud? Is it because some other big fellow nearer the throne had lost his opportunity to "scrip" the universe? If so, it would be well to investigate the lineage of some, yes, much, of that "scrip."

He who has seen and watched the sessions of the so-called "irrigation congress" during the past three or four years could not help noticing the proceedings "out and down" proceedings on the part of those in power. The absolute "gag" rules, so that their realizations and intentions could be asserted. "Fraud," travesty.

NELSON BENNETT

Tohama, Oct. 2.

## BORAH ACQUITTED ON FIRST BALLOT

Continuous Demonstration for  
Senator Follows Finding in  
Land Fraud Case.

(By the Hearst News Service.)

BOISE, Idaho, Oct. 2.—Only one ballot was required for the jury in the case of Senator Borah to find a verdict of not guilty at 8:45 p. m. to-day.

Remarkable demonstrations followed the close of the case, the outcome of which has never been in doubt. In the courtroom, in spite of the warning by Judge Whitson, there was a great outburst of applause.

"I suppose," said the court, "that you all know that you are guilty of contempt, but I will make no effort to punish you."

The news quickly spread over the city and some enthusiastic friends of the Senator called out the fire department. A run was made to the Idaho Hotel, a brass band was quickly assembled and an impromptu ovation was given the vindicated man when he reached the hotel on his way home. For half an hour the streets surrounding the hotel were filled with the friends and neighbors of Borah, who used every means imaginable to demonstrate their joy.

### Denounces His Prosecutors.

Senator Borah was escorted to the balcony of the hotel, where, after a brief address by James H. Hawley, his chief counsel, he spoke of his case, bitterly denouncing those responsible for the bringing of the indictment. He started by saying he would rather be in jail with the confidence of his friends than to be free without it, but with both vindication and friends his cup of joy was full.

"This is not a proper occasion," said Borah, "to express myself on some features of this case. Of those who by subornation of perjury secured my indictment I cannot speak with the bodies present. So far as I have been able to learn, I was indicted because I was the friend of Governor Frank Steiensenberg. I am glad that this trial has shown what I will always be proud of, that I was the close friend of the man who gave up his life for his state.

"I want to say to you that the only purpose in bringing this indictment was to blanch the name of Idaho's martyr. There is a certain class of human beings who get no pleasure out of life unless they can attack the character of the dead. I shall not soon forget the way they have considered my dead friend and my state.

### Hawley Calls It Great Iniquity.

Hawley, who is a prominent Democrat, in his introductory speech, characterized the prosecution of Senator Borah as the

greatest iniquity that was ever perpetrated in American jurisprudence. He said that one of his parties would be rejoicing over the vindication of the state and its foremost citizen. Tonight the demonstration was continued Senator Borah being given a continuous ovation wherever he went.

This morning Judge Whitson received the motion made by the defense to let the jury go to return a verdict of not guilty, merely stating as he took the bench:

"I will let this case go to the jury."

Senator Borah was the only witness called by the defense. In a clear way Borah explained his connection with the Barber Lumber Company. He contradicted very little of the evidence introduced by the government, but denied any knowledge of fraud in any transactions in which he acted as attorney. Twice during his cross examination he had occasion to express his opinion of the manner in which his case has been prosecuted.

When shown a check for \$200 drawn by Steiensenberg to his favor dated in January, 1902, and cashed in January, 1902, he said:

"I do not think that Frank Steiensenberg wrote that date 1902," plainly intimating that it had been changed. The matter was important as Borah did not become attorney for the Barber Company until after the date of the check. The government then contended that the check should bear the date of 1901.

At another time when Borah was ques-

ished in regard to his visit to E. E. Garrett, receiver of the local land office in which he inquired about the investigation, the witness denied that he went for the purpose of finding out about the holding up of the entries. "If you desire," said Borah, "I will tell why I went." Ross, who conducted the cross examination, had stated for some time and then told him he could state it. Governor Steunenberg had told me that Garrett and District Attorney Hatch were forming a company to build a railroad to Boise basin.

### Spectators Heartily Applaud.

Borah got no further. He was interrupted by the prosecution and at the same time a ripple of laughter and an outburst of handclapping came from the spectators. Judge Whitson threatened to clear the lobby if there was any further demonstration. When Borah left the stand the defense rested and an adjournment was taken until afternoon. Ross made the opening argument for the government and when he had concluded the defense sprung another surprise by announcing that no argument would be made on behalf of the defendant. This shut Judge Ross' off from making the closing argument for the government. An adjournment was taken until five o'clock, when Judge Whitson instructed the jury.

### NO WARRANT FOR IT

(Salt Lake Republican.)

Even with the acquittal of Senator Borah of Idaho, his enemies have hoped to accomplish. They can in all the future be assured that some one base as themselves—and as cowardly—will, when Senator Borah's name is mentioned, remind those about them that he once was charged with a criminal act, and had to stand trial for it. That can not be denied. "Acquitted" is the sufficient defense when they are accused of calumny. It means he has been on trial.

From a careful following of the case it seems clear there never was warrant for the case at all. In the beginning of this investigation the Republican simply expressed its faith in the senator's integrity, and bided their time when his own people would make trial of the charges, confident that if he were guilty they would punish him—and equally confident that if the charges were not well founded his own people would be prompt to express their unshaken confidence in him. That is what has happened. He was not guilty.

For men who violate the law by robbing the people of any portion of the public domain we have no words of palliation. But for the low crowd that would besmirch the name of their own senator with charges of that lawlessness when they know he is guiltless, when they know their own base motive, we have only the most bitter contempt. It is unfortunate that there is no immediate punishment for them.

To Senator Borah we offer congratulations. He has manfully met one of the hardest trials that can come to any man. He has been accused in his own home. And at the same time he has enjoyed the compensation of justification there. Let us hope that hereafter he may be permitted to go forward in the useful life he has so worthily begun; that he may win benefits for his state, and honors for himself, and that the trial through which he has just come may

but strengthen the fibers of his character and fit him the more for the years of usefulness that are before him.

### OUTCOME GRATIFYING.

(Denver Republican.)

In as brief a time as it was possible to take a ballot a jury in the FEDERAL court at Boise, Idaho, acquitted United States Senator William F. Borah of the conspiracy charge to defraud the government of lumber lands. There was no evidence introduced against him. Almost from the beginning of the trial it was a foregone conclusion what the verdict would be. Mr. Borah left the courtroom without a blush to his name. There was no reservation to that verdict: it was an honorable acquittal.

To the people of Idaho, in particular, and to all who admire pluck and ability the outcome of the trial must be gratifying. Senator Borah is one of the coming men of the west, a leader who can command and yet remain the idol of his following, an orator and a student. He had been just elected to the United States senate when this blow fell upon him. If the accusations were true there was the end of a career full of promise. But he has been cleared of wrongdoing not only by a court jury but by the public verdict.

Many believe from the very beginning that political and personal enemies had to do with the indictment of Senator Borah and the result of the trial confirms them in their belief.

Charges were freely made, too, that the Western Federation of Miners had had a hand in the attack because Mr. Borah had been retained to prosecute the leaders charged with the murder of Governor Steunenberg, but the direct proof has been forthcoming. Of the enmity of those responsible for the indictment toward Senator Borah there is no room for doubt.

### LESSON OF THE BORAH TRIAL

(Seattle Post-Intelligencer.)

There is more than mere personal resentment in the comments of Senator Borah, of Idaho, on the manner in which the stone and timber law of the nation is administered. Primarily, the purpose of the government's policy is to protect the public domain against the greed of grasping speculators, rather than to discourage and prohibit investments of a legitimate character and for wholly legitimate business purposes.

Senator Borah declared the stone and timber law to be "a piece of infancy as administered," because it forces "a man to swear that he does not take it on speculation," which the department has construed to mean that "he must not take it with a view of selling it." On the face of it, such a construction is forced. Speculation is one thing, and a perfectly legitimate business investment, for strictly legitimate business purposes, is quite another thing.

Every man who buys a thing for the purpose of selling it at a reasonable and fair profit is not, in strict

legal contemplation, or in the commonly accepted significance of the word, a speculator, and it was not the purpose of congress, and should not now be the policy of the government, to class as criminals men who engage in those perfectly legitimate and necessary business transactions.

The record in the Borah case, which amply justified the prompt acquittal of the Idaho senator, again emphasizes the need of recasting the laws of the nation having to do with the public domain. Ordinary business sagacity should not be penalized. Common business principles and practices, such as are usually observed in every line of useful human endeavor, should not be pressed down to the low level of crime, either by the laws of the nation or through forced and strained construction of the laws by those who are charged with the enforcement of these laws. The government should promptly reshape its legal and administrative policies so that the public domain may be efficiently guarded against hungry and dishonest speculators, without at the same time putting the taint and odium of crime upon well-meaning and honorable citizens.

**THE SHAME OF IT.**

(Troy News.)

It took the jury just 14 minutes to declare Senator W. E. Borah "not guilty" of any complicity in the timber fraud cases being tried by the government. In the case the judge showed the government the fullest diffidence, permitting the prosecution to go beyond all reason, only demanding that they connect Senator Borah with the alleged conspiracy. The government could not, even in the remotest way, and the trial was a farce that stands today as the greatest travesty on justice ever perpetrated since the establishment of an American court. It is simply a shame, and ought to convince Uncle Sam that somewhere in his service are men utterly incompetent for the work in hand; if the prosecutors are lawyers they ought to have known that they had no case against Senator Borah. That they went ahead with the case under such conditions is ground sufficient to justify the belief that some one was trying to pull off an extremely dirty piece of crooked work. But it hasn't hurt Senator Borah. He has come out of the trying ordeal covered with honor and increased public respect and admiration, while mad with which his prosecutors attempted to besmirch him is dripping from the fingers of other men.

**FEELING IN THE NORTH.**

(Moscow Journal.)

The land fraud case against Senator Borah terminated about as everybody anticipated with the man and the circumstances that inspired the indictment believed from the first it would. There was never any doubt in the public mind as to the innocence of the defendant, and now that the flimsy case of the prosecution has been laid bare the wonder is that any jury of two dozen men could be found anywhere who would deliber-

ately return a criminal indictment against an honored citizen with absolutely no evidence upon which to base it. The circumstances justify the belief that the grand jury were practically coerced into doing a thing which they knew the evidence before them did not justify—led against their will, probably, by the statement of the chief prosecutor that he had damaging and convincing evidence which he did not desire to disclose to the jury at that time. Weak men could be influenced by a plea of that nature, but men of that type are unfit for the duties of jurymen, and prosecutors who would deliberately seek to blacken the character of an innocent man, and convict him of an offense of which they practically know he is innocent, are the worst type of criminals abroad in the land.

The people of north Idaho feel as the people of south Idaho do on this case. They feel that it is regrettable that the machinery for the enforcement of law should be consigned to the care of men who prostitute their office to vent their personal spite against any citizens. In this way is the government and the methods it has provided for the administration of justice brought into disrepute. No American citizen familiar with the Borah case, but must feel a sense of humiliation and shame as he contemplates the methods employed by the agents of his government in the prosecution and persecution of a man whose innocence must have been known to them in advance of the indictment and trial.

As to the senator himself, the people of Idaho never for a moment lost confidence in him. They believed him innocent and they shared with him the humiliation of the outrage which had been inflicted upon him. They now rejoice that he has come out of the ordeal unscathed, and is even stronger in their regard than he has been at any time in the past. The career of public usefulness upon which he has just entered will not be checked; if anything, his opportunities are enlarged and his splendid abilities stimulated by the expressions of popular regard and confidence which are being extended to him from every corner of the state.

**ACQUITTED—OF COURSE.**

(Shoshone Journal.)

Senator Borah was acquitted by the jury Wednesday after 14 minutes' deliberation on the evidence presented against him on the charge of defrauding the government in a timber deal, wherein he was attorney for the company that is alleged to have committed the fraud.

The Journal did not mention the case, even as news, until last week, when the foolish evidence began to pour in. It presupposed honesty of purpose, and at least ordinary ability to discriminate between the true and false, the relevant and the irrelevant, on the part of the government agents who brought the prosecution. It was for them to make good, and to justify the confidence the public wants to have in all branches of the government, especially the department of justice. That they have failed to do make good, in private, in public, in court, is a matter for sincere regret. It is no great consolation that they



are likely candidates for a dishonorable discharge. They have apparently wantonly dishonored the state, in casting a stain upon the name of Idaho's most honored citizen, her representative before the nation; and this with no visible foundation but ignorance or malice. That a jury and a court have officially proved that there was no truth in the slanderous charges does not remove the sting of the insult.

It is a disquieting belief, that any department of the government, especially any one or ones connected with the department of justice, should use the governmental powers for personal malice or revenge. It might be an excess of enthusiasm, leading to a distorted estimate of the value of the testimony. It might be a disregard of personalities which would more or less wantonly strike another, especially one who it would hurt, for the larger good of an object lesson to other offenders. It might be sincere honesty on the part of the prosecution. The course of the Borah trial would seem to favor any of these more than the last. Whatever the motive that prompted the prosecution—hate, jealousy, fear, ignorance, or sincere honesty—is a sealed book until the principals make it known. If it be any but the last it is the act of the assassin who takes no risks because the law cannot prove his motive; if it be the last, it is too like the stupid, dangerous honesty of the fool who believes he tells the truth when he says the gun isn't loaded with which he shoots his friend. It is a dangerous honesty in the hands of a man who does not know what to do with it.

It may be due to District Attorney Hulek to say that he was this week exonerated by the special grand jury from the charge of intimidating jurors and witnesses to secure the indictment of Senator Borah. Though this charge has been disproved, it in no wise explains away the reason for ever bringing an indictment on such flimsy evidence. It may be that he was misinformed by the horde of special agents, who, seeking promotion at the expense of whoever could be made a victim, trumped up a charge hoping it might be substantiated. But assuming the best possible motive, it reflects small credit on his office. Other prosecutions may show much better evidence; the Borah case had so little evidence that few lawyers would have touched it.

Senator Borah of Idaho, denounces the timber and stone act as a piece of infamy as administered by the government. He is eminently correct. The very fact that the law exists invites people to acquire timber, and at the same time, as it is carried out by the land department, the law virtually compels an applicant to lie in order to get a claim. The timber and stone act ought to be changed or repealed entirely.

The Acquittal of Senator Borah

Senator William E. Borah, of Idaho, has been acquitted at Boise City of complicity in timber land frauds, the jurymen reaching a verdict without leaving their seats. Senator Borah was counsel of the Barber Lumber Company. This company acquired land by paying men to take up timber claims, which were later transferred. This is a fraudulent transaction under Federal statutes, though it has come to be so common that public opinion in the timber States justifies it. The evidence was clear that various members of the company, including the late Governor Steunenberg, assassinated in the miners' strike, paid for these fraudulent entries, but there was no evidence to connect Senator Borah. He was conspicuous in the prosecution of Haywood of the miners' union when on trial for the murder of Steunenberg, and the charge is made that his prosecution for land frauds was due to this; but no evidence has been presented. Senator Borah is the third Senator to be put on trial within a year; two others, Senator Mitchell, of Oregon, and Senator Barton, of Kansas, having been convicted. Two Representatives from Oregon, Hermann and Williamson; Meldrum, an ex-Surveyor General, and J. H. Hall, a Federal District

Attorney, are under indictment for land frauds. In Montana, Joseph Woolman, the Republican leader of the State, and John T. Murphy, the head of the Democratic party, have been indicted for fencing frauds, with Joseph T. Carroll, a wealthy cattle raiser. In Colorado, Robert Forester, geologist of the Urah Iron & Fuel Company, this corporation and several railroad companies have been indicted for coal land frauds. In California, John A. Bemon has been convicted, and three members of the same conspiracy remain to be tried. In South Dakota, a man claiming to be a minister has been convicted for cattle land frauds, and in Wyoming a leading attorney, Ellsworth Loombaugh, and a Chicago capitalist have been convicted and sentenced to imprisonment for coal land frauds. These prosecutions come after years of immunity. They represent an enforcement of the law that marks a great moral advance. These indictments, trials and convictions have made little impression in the East. In the West they have spread far and wide the belief that the Government has at last at its head a man who refuses to let wealth or political influence protect criminals.

## THE ACQUITTAL OF U. S. SENATOR BORAH

The recent acquittal of U. S. Senator William E. Borah at Boise, Idaho, of an indictment charging the senator with complicity in land frauds and conspiracy to defraud the United States out of certain public lands has been widely discussed all over the country and the consensus of public opinion as expressed by the newspapers sustains the justice and timeliness of the verdict.

The people of this nation as a rule favor fair and impartial justice and the confined punishment of all those who have been found guilty of violations of the laws of the country be they federal or state, but there is much public feeling existing which does not approve of attempts within recent years of exercising the powers of the courts and of grand juries to a degree that does not look fair and impartial to the average citizen, who is not a government official or a prosecuting officer or a member of a grand jury. That there have been instances of late years in which the actions of courts have been looked upon askance and have stirred up public sentiment that all was not right and proper is an undeniable fact. That such public feeling is not beneficial to the even handed course of justice is too apparent to need argument. It is best for a commonwealth that the courts should be above suspicion and as a rule it is better to let five guilty men escape than to injure one innocent man. This sentiment is behind the attention for instance that has been paid to the Borah case, and courts and court officials should heed it. It is not well for the public good that courts overstep the boundaries and act otherwise than in strict accordance with law and justice.

The Washington Post, one of the leading and most independent newspapers in the country, discusses the Borah incident from the right standpoint. The paper says:

"The instant acquittal of United States Senator William E. Borah of the charge of complicity in the Idaho land frauds directs sharp attention to the abuse of the grand jury system. In this case it is clear that an infamous use was made of the opportunity to indict an innocent man. By means of secret and ex parte methods the jury was induced or dragooned into making a baseless charge against Senator Borah which might have ruined him. The public is often

prone to confuse an indictment with a conviction, at least to the extent of regarding a man as presumptively guilty. Acquittal does not always remove the stain from his good name. Fortunately in this case the acquittal was so prompt that the innocence of the accused senator is made emphatically clear.

"There may be embarrassment in the Borah case for the Department of Justice. Three grand juries have charged in effect that the United States district attorney appeared in the jury room and practically coerced them into signing the blanket indictment in which Borah was included.

The district attorney, who is a personal and political enemy of Senator Borah, was set aside by the Department of Justice, and another representative of the department was sent to Boise to conduct the prosecution. It was then alleged by the grand juries that the allegations of the three others against the district attorney were untrue, and a special grand jury thereupon indicted two of the juries who made the allegations against the district attorney. The Department of Justice is now awaiting the outcome of the trial of these juries before taking action for or against the district attorney.

Whether malice inspired the district attorney or not, the outcome of Senator Borah's trial is a scathing commentary upon the quality of the evidence placed before the grand jury. The inference will be drawn that the district attorney was either unfit to counsel the grand jury, or that he was able by some means to convince the jury that it should indict an innocent man. It is hardly within the bounds of probability that a grand jury would return an indictment against a man on flimsy evidence if it were advised to the contrary by an able and unprejudiced district attorney. In any event, the Borah trial ought to serve as a stern warning to the Department of Justice and all its district attorneys that the returning of an indictment against a man is a most serious proceeding. When an innocent man is embroiled by an indictment there is apt to be, and there should be, a day of reckoning."

### BLOW AT THE DEAD.

(Parma Herald.)

To Senator Borah: The people of Idaho, Democrats and Republicans alike, congratulate you. May the invidious foes of constitutional government ever receive a like rebuke as that administered those persecutors of yours who would strike the names of a dead patriot over the shoulders of a living friend.



### IDAHO POLITICS.

Thus far the prospect does not seem bright for the conviction of Senator Borah of Idaho of alleged participation in land frauds, although the trial has uncovered a great many facts tending to blacken the name of former Governor Steiensenberg, victim of an assassin.

Senator Borah seems to be fulfilling his promise to court the fullest investigation and to avail himself of some of the many technicalities always so easily raised in cases of this sort.

There seems to be an understanding that there is a great deal of politics in the prosecution of Senator Borah, having for its ultimate object a change in Idaho's representation in the United States senate. District Attorney Hock, who is conducting the prosecution, is understood to entertain the conviction that were Borah convicted of fraud, the man who convicts him would very naturally occupy a commanding position in the public eye and would stand a fair chance to inherit the senatorial succession.

There may be something behind the charges of fraud preferred against Borah, but so far has the prosecution come from showing it that it has been admonished by the court that it is time that, in justice to the accused, some such showing should be made.

Everyone knows how difficult it is to make a conclusive showing against so exalted a personage as a United States senator. It is true that such showings have been made in the cases of Senator Burton of Kansas and Mitchell of Oregon. But here in Nebraska we had an exhibition of the effluence with which the innocence of an accused senator shines in upon the conscience of a court, and the case of Senator Halley of Texas confirms the penetrating influence of such a radiant showing.

Possibly the difficulty in convicting a senator of criminality may be due to the universal consciousness that the senatorial office is ever the storm center around which roar and rage the ambitions of politicians, many of whom would not hesitate, in efforts to advance their own prospects, to tear the garb of respectability and honor from a blameless life and robe it in the direct hideousness.

Idaho was made so famous by the terrible disclosures of Harry Orchard in the Haywood trial that the trial of Senator Borah is perhaps not receiving the attention it would otherwise claim and receive, although the two

cases are not entirely unrelated. Each discloses the tragedy that befalls in the lives of public men in Idaho and the untoward lengths to which ambitious men will go to work their sometimes selfish ends.

### Wm. E. Borah

Out at Boise, Idaho, political enemies got an indictment against Senator Wm. E. Borah, alleging that he had been connected with certain land frauds. Senator Borah refused to take advantage of any technicality in the indictment and urged that the trial proceed on its merits. Personally he gave the matter but little personal attention, merely being in the court room more as a spectator than as defendant. His attorneys handled his case easily and quietly and yet there was much interest. The prosecution put in several days and in fact utterly failed to connect Senator Borah in any way with the alleged frauds. Without any particular argument in his behalf the case went to the jury. That body was out only a short time and brought in a verdict of acquittal. The verdict was so entirely satisfactory that Senator Borah was given an ovation and is receiving congratulations from all over the United States. He was one of the leading attorneys for the prosecution in the Haywood trial. He was so fair, so temperate in that trial that he was universally commended. Yet political enemies, especially one man who had been a candidate against Borah for the senate, made every effort to convict him. But the case was so much of a farce, so clearly a case of spite that it was plain all the way through that there was no merit in it. There have been charges that the Western Federation of Miners spent \$15,000 trying to get evidence on which to convict the senator, but all to no avail. He comes out of this stronger than ever. A big-brained, good-hearted man who is honest to the core. He is now stronger than ever before with the people of his state. The federal grand jury is investigating to see if it is true that undue means were used to secure the indictment. There has been nothing like it for years in the politics of the northwest. It developed at the trial that Mr. Borah was no more guilty than if he had been in London at the time the frauds occurred. It is a shame that such a thing should have been allowed. But by trying to injure Senator Borah his enemies have only helped him. He is one of the coming men of the northwest who has before him a future rich in promise.

# BORAH ACQUITTAL PERSONAL VICTORY

*Defeat Accus*  
OUTCOME NOT REASSURING TO  
LOVERS OF PURE GOVERN-  
MENT, SAYS L. B. CASE.

*Oct 10 1907*

"While the results of the Borah trial may have a salutary effect in putting an end to the land frauds, the occurrence of this trial are not reassuring to lovers and believers in law and order and pure government."

This is the declaration of Leland B. Case, court stenographer, who has just returned from Boise City, Idaho, where he was sent by the government to report the Borah trial.

"While the jury voted unanimously for acquittal," said Mr. Case, "there were many features connected with the trial which had an immense bearing on the result. Chief and first of all, must be mentioned the tremendous personal following which Senator Borah has in the state. Perhaps this can be best put by saying that he is a typical western politician, ready with hand or tongue and equally at home in the church or the saloon. A brilliant trial lawyer, brave, eloquent, magnetic, it is little wonder that he is so worshipped, or that he, and his friends, control the state of Idaho.

"Just a sample of his cleverness and astuteness is the fact that he actually came out of the Haywood trial without incurring the hatred of the Western Federation of Miners. That may seem like a strong statement, considering his brilliant work against Haywood, but it is actually true.

"This wide acquaintance and strong personal following was really important in saving him from conviction. Nearly all of the jury were acquaintances of his, and some were personal friends.

"The prosecution had exhausted its challenges, however, and there was nothing to be done but accept the verdict named. The trial lasted 13 days, and at the end the men only required 12 minutes to bring in a unanimous verdict of 'not guilty.'

"Another factor that put a large figure in the result was the clever trick which the Barber Lumber Co. pulled off. This company, through its manager, refused to show its books, in which were detailed the records of the alleged frauds, on the ground that their constitutional rights granted them immunity from giving evidence which would incriminate them. The point was well taken, and although the United States' attorneys fought the question for two hours, the decision was finally against them. This helped Borah immeasurably, as he apparently feared these records.

"Another feature which helped him was the fact that he was the only witness for his side of the case, and he was thus enabled to take the stand and work in some of his magnetic personality effects."

## BORAH AND THE TIMBER LAWS.

Senator Borah, who has just escaped by the aid of a compliant jury, says that the government land laws and the administration of the same are "pieces of infamy."

Why?

The land laws provide that when a man takes up a piece of land he must swear that he is not doing so for speculation. As the land is intended for actual settlers, there surely ought to be nothing wrong in this.

But, says Senator Borah, the government construes this as meaning that the man taking up the land must not sell the same.

The government does nothing of the kind, as Senator Borah very well knows.

The government has been prosecuting not the men who by stress are compelled to part with the land they actually obtained for settling purposes.

The efforts of the government are directed to punishing the dumpy farmers who are put forward by the big land and lumber companies to take up land that they afterwards turn into the hands of these big land and lumber companies.

And no one can deny that the government is perfectly right in this.

It is the case of the Barber Land company, for connection with which Senator Borah has just had a trial, there is no doubt of the business in which it has been engaged.

Senator Borah was hired by this company, as he himself admits at a preposterous salary, because of his supposed ability to advise that company as to the best way in which the law might be evaded. The law being plain, had it been the intention to live up to it, the land company would have had no occasion for the services of a high-priced attorney. Almost any jack-of-lawyer would have been good enough.

Senator Borah escaped not because he was not helpful in evading the laws of the land, but because he did so in his capacity of attorney, and not as a member of the Barber company.



### THE ACQUITTAL OF BORAH.

To the entire country the verdict of the jury in the Borah case will bring a feeling of relief. He is the fourth senator of the United States prosecuted for crime within a year or two. During that period two members of that body have been convicted. It was naturally hoped that the spectacle of another senator being found guilty would not be witnessed. It would require very few more adverse verdicts to make the United States senate a byword throughout the world. It has been compared with the British house of lords, and in some respects there is a marked parallel between the two bodies. What would be said of the house of lords had two of its peers been convicted and two others indicted for crime, and all within a brief space of time?

In saying that the verdict in the Borah case brings relief to self-respecting Americans, there is no implication of any wish to clear him if he were guilty. On the contrary, if he had committed the offense for which a grand jury indicted him, it was most desirable that he should be convicted. He is one of "the men higher up," and, if guilty, his punishment would have a much more salutary effect than would the incarceration of a few every-day land grabbers. But the prosecution was little better than a fiasco. To those who have followed the proceedings, it is quite plain that no matter what offenses were shown to have been committed, they were not brought home to the Idaho senator. The verdict of not guilty seems to have been the only one possible. It will be accepted by the American people as conclusive. And with the termination of this case, one can only hope that the country will not again witness the spectacle of a United States senator on trial for violating the law of the land.

The trial of Senator Borah, of Idaho, which has attracted widespread attention, resulted as expected, in an acquittal, the jury being out just long enough to take one vote. Senator Borah was charged with conspiracy to defraud the government of Idaho out of timber lands. There were some powerful factors that operated to the advantage of the senator. He is a very popular man in that state, and one of the most persuasive and eloquent public speakers in the western country, thus giving him a powerful influence with the common people. Another factor in the case was the sentiment that has existed from the foundation of the government that it is perfectly legitimate to beat the government out of public lands. Not that it is to be inferred that Senator Borah was guilty, but on general principles the practice of defrauding the government of valuable lands has been winked at, charitably viewed, for more than a century. It is within bounds to say that a large portion of the public lands of the government have been acquired by means that would not stand the test of strict investigation as having been honestly obtained. This has been the case in every state in all the years. These influences are difficult to overcome in the west and Senator Borah was too firmly fixed in popular estimation to come within the plea of condemnation.

*Boyd City, Mich.*

# THE DENVER REPUBLICAN

BY THE REPUBLICAN PUBLISHING CO.

## SENATOR BORAH'S ACQUITTAL.

In as brief a time as it was possible to take a ballot a jury in the federal court at Boise, Idaho, acquitted United States Senator William E. Borah of the conspiracy charge to defraud the government of lumber lands. There was no evidence introduced against him. Almost from the beginning of the trial it was a foregone conclusion what the verdict would be. Mr. Borah left the courtroom without blush to his name. There was no reservation to that verdict; it was an honorable acquittal.

To the people of Idaho, in particular, and to all who admire pluck and ability the outcome of the trial must be gratifying. Senator Borah is one of the coming men of the West, a leader who can command and yet remain the idol of his following, an orator and a student. He had been just elected to the United States senate when this blow fell upon him. If the accusations were true there was the end of a career full of promise. But he has been cleared of wrongdoing not only by a court jury but by the public verdict.

As attorney for the Barber Lumber company, Senator Borah prepared the deeds and transfers for the land which it was claimed had not been properly entered upon. There was not a scintilla of evidence introduced to prove that he was cognizant of any fraud in securing this land. And in this connection it should be noted that the transfers complained of took place before the coming of Roosevelt and the Roosevelt awakening. The law in relation to timber lands was a dead letter. The lumber company in question had been given guarantees of securing so many acres of timber lands if it would enter the state and help clear the land of timber. No attempt was made to hide these transactions. This Idaho case is another striking commentary on what has been accomplished by the president through word and deed.

President Roosevelt himself is not a fanatic, however, and when he learned regarding the Borah case he took pains to see that the defendant was given a fair deal and had the person at the bottom of the prosecution or persecution set aside.

Many believed from the very beginning that political and personal enemies had to do with the indictment of Senator Borah and the result of the trial confirms them in their belief.

Charges were freely made, too, that the Western Federation of Miners had had a hand in the attack because Mr. Borah had been retained to prosecute the leaders charged with the murder of Governor Steunenberg, but no direct proof has been forthcoming, although a federal grand jury is now at work investigating the whole matter. Of the enmity of those responsible for the indictment toward Senator Borah there is no room for doubt.

**Mighty  
Poor  
Witnesses**

The News is as anxious for the punishment of the land thieves as any government agent can possibly be. Also, we want the "big fellows" to bear the brunt of the punishment, as they have consistently taken the lion's share of the profits. Also, we know that in almost all cases of this sort a part of the testimony consists of the confessions of accomplices, usually of the little men, whom the big fellows have been using to their hurt.

But, just the same, we couldn't suppress a feeling of uneasiness when A. K. Nugent, the government's second witness in the case against Senator Borah, admitted that he testified under the promise of immunity, and that he believed his acceptance of this promise bound him to testify against any person whom the government might prosecute. Either the case is being very badly handled from the government's side—which we do not like to think—or some of the government detectives have gone at the business as the Pinkertons go at a labor union—namely, to get a conviction, willy nilly.

Surely it is not necessary to trade and traffic with men like this to get justice done. Surely, also, justice will never be done in such a fashion. It is better to detest the informer, the man who purchases his own security by giving up his partners in guilt. Under the most favorable circumstances the testimony of the "fellow who squeals" is received with caution by the jury. When the informer exhibits such an utter lack of conscience and of the duties of a witness as Nugent showed, the jury is likely not only to disbelieve this particular witness, but any witness who tells a similar story. Very likely this is wrong in jurymen, but it is true, and must be reckoned with.

Perhaps the day will come when the detective of fiction will materialize in the flesh. Then we shall be able to have clean cases in a clean cause; cases not bolstered up by the statements of men who would plainly swear black white, if the swearing would profit themselves. But until that time we wish the prosecutors in a good cause would use a little more caution. It would pay.

Senator Borah has been declared innocent. Not only by the jury, but also by the brass bands and ringing bells.

**SENATOR BORAH'S CASE.**

The instant acquittal of United States Senator William E. Borah, of the charge of complicity in the Idaho land frauds directs sharp attention to the abuse of the grand jury system. In this case the evidence is clear that an infamous use was made of the opportunity to indict an innocent man. By means of secret and ex parte methods the jury was induced or dragged into making a baseless charge against Senator Borah which might have ruined him. The public is often prone to confuse an indictment with a conviction, at least to the extent of regarding a man as presumptively guilty. Acquittal does not always remove the stain upon his good name. Fortunately, in this case the acquittal was so prompt that the innocence of the accused Senator is made emphatically clear.

There may be embarrassment in the Borah case for the Department of Justice. Three grand jurors have charged in effect that the United States district attorney appeared in the jury room and practically coerced them into signing the blanket indictment in which Borah was included. The district attorney, who is a personal and political enemy of Senator Borah, was set aside by the Department of Justice, and another representative of the department was sent to Boise to conduct the prosecution. It was then alleged by the grand jurors that the allegations of the three jurors against the district attorney were untrue, and a special grand jury thereupon indicted two of the jurors who had made the allegations against the district attorney. The Department of Justice is now awaiting the outcome of the trial of these jurors before taking action for or against the district attorney.

Whether malice inspired the district attorney or not, the outcome of Senator Borah's trial is a scathing commentary upon the quality of the evidence placed before the grand jury. The inference will be drawn that the district attorney was either unable to counsel the grand jury, or that he was able by some means to convince the jury that it should indict an innocent man. It is hardly within the bounds of probability that a grand jury would return an indictment against a man on flimsy evidence if it were advised to the contrary by an able and unprejudiced district attorney. In any event, the Borah trial ought to serve as a stern warning to the Department of Justice and all its district attorneys that the returning of an indictment against a man is a most serious proceeding. When an innocent man is beset by an indictment there is apt to be, and there should be, a day of reckoning.

Senator Borah may well be doubtful as to the outcome, as Clarence Darrow is not there to hold him up to the jury as a model.

### INCREASE "THE MOST VALUABLE ASSET."

"The people who live in the country, and who till the small or medium-sized farms on which they live, make up what is on the whole the most valuable asset in our national life." So said President Roosevelt at Memphis. And when he reiterates that "There can be just as real progress and culture in the country as in the city; especially in these days of rural free delivery, trolleys, bicycles, telephones, good roads, and school improvements," he merely buttresses the first proposition by the citation of a known fact.

The tillers of small or medium-sized farms, then, being the state's most valuable asset, it would appear to be the part of wisdom for communities and legislators to direct their most strenuous efforts to the increase of that asset. Manufactories and enterprises which employ large amounts of common labor are good; but the movement which will do the most for the healthy upbuilding of the state is that which will locate upon the soil the largest number of independent small farmers.

Every time a big farm is broken up into smaller ones, the state's "best asset" increases by the exact number of new homes created. Every collection of such homes creates a demand for better schools, houses, newspapers and magazines, books, telephones, trolleys, all the accessories of the best living. The village surrounded by such homes becomes a favorite stopping place for the commercial traveler from the city. The city's business receives, from the growth of such a village population, double the increment that comes to it from the employment of the same number of men in a factory. A home is a man's life in basement houses. The "labor problem" of the farming districts goes down to a minimum when the farmer and his family do most of their own work. And, best of all, the small farm breeds a type of American citizenship that outclasses in value any other, be it of great landlords or of workmen dependent on the periodicity of the payroll. No legislator will make a mistake who seeks to multiply the number of families living in farm homes owned by themselves.

And this brings us to another point referred to by President Roosevelt. That the national land

laws are a "stumbling block" to the increase of "the most valuable asset," and that he created "a great land-owning class, which is usually an obstacle and a drawback to a healthy republican growth. The commercial traveler finds small occasions to visit regions where the land is occupied by large holdings. They breed serfs, not independent freemen; and the freeman is everywhere the best buyer."

Senator Borah, acquitted of conspiracy, but admittedly a denunciator of "land-grabbers"—adds his denunciation, in yesterday's dispatches, to that which President Roosevelt and four or five presidents before him have bestowed, in their messages to congress, on one of the most pernicious of the land laws, the "timber and stone claim" law. Only the senator's denunciation is more angry and emphatic. If congress shall again, at the coming session, refuse to wipe out this and other laws, whose perversion now makes them almost exclusively the instruments for robbing the nation for the benefit of land monopolists, then indeed must the people believe that they do prefer said monopolists over the men whom Roosevelt describes as "the most valuable asset in our national life."

### Senator Borah.

United States Senator William E. Borah has just been acquitted of the charge of conspiring to defraud the government out of valuable Idaho timber lands. The verdict was anticipated and at its conclusion the senator was escorted to his hotel by a large crowd, headed by a brass band. Borah admitted that he was the attorney for the Barber Lumber Co. This company bought a quantity of scrip, but he, Borah, simply acted as an attorney and he pled his privileges in that capacity. The plea was successful, for he said that he never owned a dollar's worth of stock in the company, his compensation was always a fixed salary and he never had any contingent fee or interest whatever. It has often been urged against the corporations that they hire the best legal talent possible and prostitute their knowledge of the law in order to defraud the public. In was Thomas G. Shearman who enabled Jay Gould to execute his villainy upon the old Erie road. Whenever the captains of finance have made preparations to steal a valuable property, some attorney has always been found willing to show how the trick could be turned and the theft legalized by technicalities of the law. Of course, every interest has a right to hire an attorney. It is a moral question with the individual attorney as to how far he will use his influence in protecting schemes that are directed against the common good. In Senator Borah's case, he must have known that the Barber Lumber Co. were acting in defiance of the law, but his license as an attorney seems to have been strong enough to pull him through any criminal responsibility and relieve him from the consequences of acts that would consign any man not an attorney to the penitentiary. 'Tis a mad world, my masters.

### THIRTEEN AND A HALF MINUTES ALL WASTED

(Nampa Leader-Herald.)

It took the jury just fourteen minutes to decide that Senator Borah was innocent of the charge of committing timber land frauds. Just what the jury was doing the other thirteen and a half minutes is not made public, but it is quite certain that not over 30 seconds were needed to arrive at a verdict. The trial came the nearest of being a farce of anything ever dragged through the courts of Idaho.

## BORAH ON TRIAL.

United States Senator Borah of Idaho, chief prosecutor in the recent trial of W. D. Haywood, charged with complicity in the murder of ex-Governor Steunenberg, is himself a defendant in the United States court at Boise, Idaho, being now on trial on a charge of conspiracy to defraud the government of valuable timber lands. It has also come to light, since the calling of the Borah case, that ex-Governor Steunenberg was one of the men indicted on the conspiracy charge and would have been a co-defendant with Senator Borah if he had lived till the present time. It is also stated that the government has practically taken its case out of the hands of District Attorney Ruick, who is charged with improper conduct before the grand jury, which charges are now being investigated by a special grand jury appointed for that purpose.

Truly, "an honest man is the noblest work of God."

But the fact that Senator Borah is charged with conspiracy does not necessarily imply that he is guilty. Although the public mind is easily prejudiced by mere charges and accusations, it must be borne in mind that American law presumes every man to be innocent of crime until his guilt is proven, and it must be proven by testimony which leaves no reasonable doubt in the minds of the jury that he has actually committed the specific crime which is charged against him. Borah tried hard to convict Haywood on circumstantial evidence and perjured testimony, but now that Borah is a defendant we say, let him have a fair trial and the benefit of every doubt. It will probably make a broader and better man of him.

Now give Senator Borah his due. It is so passing strange to find a member of our higher legislative body who is not generally suspected of complicity in some sort of rascaldom or boobyism success by reason of his governmental position that we are prone to believe the first charge made and when these charges consider the seriousness of criminal warrants there is a general inclination on the part of the public to assume the prisoners are guilty. So therefore, sainte Senator Borah of Idaho. Borah has gained much notoriety since his election. His connection with the trial of Haywood advertised him rather generally. The prosecution was often abused for having Borah on its list of counsellors. But Borah has conducted himself like an honest man and a true citizen through the whole business. After his arrest for complicity in land fraud cases he demanded a trial just as soon as possible. He had at least two opportunities to escape the trial by reason of legal technicalities during the trial and he had several opportunities to rightly protest against the introduction of certain evidence. He didn't, however. And what did the jury do, after all the evidence was in and the case up for decision? Took just one ballot and declared the senator not guilty. In these days of graft and suspicions of graft the Borah case stands out pre-eminentlly. We don't blame the citizens of Boise for giving their senator a mighty reception and displaying their love for him and their happiness at the legal decision of his innocence. However, Borah may not be a saint just because he has been acquitted. It would not be just the proper thing to start a campaign to nominate him for the presidency because the twelve good men and true found him not guilty of stealing timber from the government. No, that wouldn't be just right. At the same time it wouldn't be any more out of reason than the boom which has been started to make Haywood the candidate of one party for the presidency, just because Haywood was found not guilty of the murder of the late governor of Idaho.



## GOOD NEWS.

The acquittal of Senator Borah is gratifying news. Largely as a man he has been vindicated. It is a terrible thing for a man to be a criminal; terrible for himself, whoever he is, and terrible for humanity—unless every man represents, but worst because this man represents American character in its highest department. He is a member of our supreme legislative body, and thereby an expression of the nation's belief as to what the character of that body should be. For the senate is composed of such men as the states think senators should be. States may differ in their beliefs on the matter. Massachusetts may not think a Platt and a Depew are the right sort. Iowa decided on Allison and Dolliver. Michigan has chosen Burroughs and Smith. The extreme western states have sent whom they preferred. For, however a man gets the place he gets it through the prevailing sentiment of his state. The characters of senators are as the characters of the states they severally come from. If Borah has been committing land frauds, he is a man, has acted in all things as a man, has been thought a man, that could do such baseness, and has been acceptable to Idaho for a United States senator nevertheless. His acquittal saves the honor of a state, and in its measure is a vindication of the nation.

Then, we as a people are in great need of belief in the integrity of our public men. We are far from having enough of that. We won't stop here to ask whether our public men are to be blamed for our lack of confidence in them as a class; whether or not most of them have compelled us to conclude that their aims were unworthy men devoted to their country's well-being. We have not censured them with the eastern men in their positions should command. We need to believe in our senators and congressmen and state legislators. And every evidence coming that we may should be hailed with gladness immeasurable. So, let us rejoice in Senator Borah's acquittal. It helps to the feeling we must wish for when we think of the senate itself, to assurance that integrity is to be found in places and business where men wanting it make villainy to abound—that there is enough integrity in the land to overpower, dethrone, and destroy the villainy now being exposed and attacked.

## TIMBER FRAUDS

Idaho is now the scene of another trial that while lacking some of the most notable features of the Hayward case has points of even more far-reaching importance.

When G. A. Hitchcock was appointed secretary of the interior he learned of the existence of extensive land frauds in the west and northwest, particular with reference to the gobbling up of vast tracts of timber land. The secretary was slow to believe that there were so many officials "higher up" who were involved, but gradually he was furnished with proof that not only implicated prominent financiers and politicians in the west, but also certain trusted officers of the government.

Once the secretary was convinced of wrong doing he decided to institute a series of prosecutions that would be far reaching and thorough, and this policy has been continued by his successor.

The government has been seeking to protect the forests of the country, and to bring to punishment those who have been violating the land laws. The charges against some of the most prominent citizens of Idaho is that they engaged in conspiracy with a certain lumber company and that dummy entries were secured, which were turned over to this concern.

One of the most eminent personages indicted in this connection is Senator Borah. Thus far the government has not fully developed its case, and Senator Borah, who acted as attorney for certain interests presumed to have been involved in the alleged frauds, may, his friends hope, be able to fully vindicate himself.

It is certain, however, that the government has established the fact that in many of the great lumber states immense amounts of valuable timber have been secured by methods which will not bear searching scrutiny. There was a strong temptation to use questionable means to obtain valuable timber, and in most instances there was little scruple in adopting devious devices in beating the federal law.

## VIEW OF A MAN UP A TREE.

(Coeur d'Alene Journal.)

The trial of Senator Borah for alleged complicity in a conspiracy to defraud the government out of timber lands for which he has been on trial at Boise for several days will be concluded today. From the reports of the trial which have appeared in the newspapers it would seem as though the government had failed completely to make out a case.

### THE ACQUITTAL OF BORAH.

The acquittal of Senator Borah on the charge of complicity in the conspiracy in Idaho to defraud the government of timber lands will be hailed with genuine rejoicing throughout the country, as well as in Idaho. Probably nowhere else will such a remarkable demonstration as an exhibition run by the fire department be provoked by the news, but the east is naturally less demonstrative and cannot be expected to rise to such spectacular heights as this.

It is unfortunately true that government officers, and even United States senators have not been free from the taint of fraud, and that in some cases those who were chosen by the people to safeguard their interests have been found guilty of using the privileges of the position so secured to plunder the state. High officials have been convicted of public frauds, and have paid the penalty of fine and imprisonment.

Every instance of this is a blow at the state. Every fraud of this sort lessens the public confidence and creates suspicion and consternation. If the officials of the government itself are dishonest, and yield to cupidity, who is to be trusted? Losing the grace has already been brought upon the country in this way.

If Borah had been guilty, if the evidence had been strong against him, he should have suffered accordingly. The man who wrings the public trust placed in him who betrays his country in time of peace, is as much a traitor as he who betrays his country in time of war and the heaviest punishment should be meted out to him. No evidence was brought out, however, to show that Borah had any connection whatever with the land frauds. The judge himself called upon the prosecution to produce its evidence, only to find that it had practically none to offer, and the jury took just long enough to cast its vote to acquit him.

There is this difference between the rejoicing of the country as a whole and that of Idaho, with its brass bands and fire departments. Idaho sees in him William E. Borah, the man; the country as a whole sees in him only William E. Borah the senator. But the satisfaction of the rest of the country is no less sincere than is that of the west.

Senator Borah of Idaho, who was on trial charged with fraud in connection with the homesteading of timberclaims in the West, was acquitted. It is encouraging to note that some of the high officials charged with corruption cannot be proven guilty, for we go on the theory that men are innocent until proven guilty.

### Senator Borah Acquitted.

Senator Borah of Idaho will go down to Washington in December with a sure enough vindication. The jury which tried him for complicity in land frauds was out only long enough to take a single ballot when it brought him in innocent.

As far as this jury is concerned it did nothing but what was inevitable. It was furnished with no evidence against Borah except the fact that he was counsel for the Barber Land company which is principal defendant and that deals in lands taken by this company in the name of "dummies" passed thru his office.

This was rather slim evidence on which to convict, and the jury could not be blamed for failing to do so. If Borah is part of a land fraud conspiracy, it has not been shown. What has been shown is that there was a conspiracy among a few men and that Borah had or ought to have had knowledge of what was going on. The curious thing about the case is that it appears that former Governor Steunenberg, over whose murder there was recently a long trial, was indicted in this case and the evidence showed that he was the disbursing agent for what appeared to be a fraudulent attempt to enter lands in the name of alleged purchasers who were later to turn over

their holdings to the Barber company. What the government sought to show was that Borah, who was the special friend and adviser of Steunenberg,—in fact ran his administration from over the political fence and the counsel of the Barber company which was putting up the money for Steunenberg's operations,—must know that fraud was contemplated.

Senator William E. Borah, who was accused of crooked work in relation to deals with government lands, was tried last week, at Boise, Idaho, and acquitted by the jury, the government being unable to make its case stick. The rendering of the verdict was followed by an exciting demonstration upon the part of the public, indicating that the Senator still holds the confidence and esteem of his neighbors and friends. He did the right thing to demand an inquiry into the affair, and an opportunity to show his innocence. A number of other indictments have been returned, but what effect the acquittal of Borah will have upon the others can not be foretold.

## BORAH FREED; BOISE CHEERS

Senator Cleared by Jury of  
Charge of Conspiracy  
Against State.

Bands, Fire Engines, Whistles  
and Trolley Bells Join  
in Jubilation.

Boise, Idaho, October 2.—United States Senator William E. Borah tonight was acquitted of the charge of conspiracy to defraud the government of Idaho of timber lands.

The case was submitted without argument by the defense and the jury was out just long enough to take one ballot.

The verdict was greeted with cheers and applause which the court officers made no effort to restrain. As soon as the news reached the street bells were rung and the neighborhood made a spectacular run through the principal streets, stopping eventually at the Idaho hotel, whither Senator Borah, surrounded by several hundred citizens, was escorted.

A brass band appeared as if by magic and as the senator reached the hotel played "Hail to the Chief."

The streets about the hotel were blocked by a cheering throng whose shouts mingled with the fire engines' whistles and the clang of trolley car bells.

Senator Borah thanked his hearers for their demonstration of confidence in him throughout the trial.

The government's case at Boise, against U. S. Senator Borah didn't start out well for the government. The first two witnesses on cross examination admitting they had committed perjury in taking out timber claims and one witness in addition swearing that he had been offered immunity for his own acts if he would testify against Borah whom he said he did not even know and that he knew nothing connecting Borah with land frauds. The charge is made by the prosecution that these witnesses had been tampered with by Borah or his counsel. The only clearly established fact so far in this case is that there is rotteness somewhere in the case but whether on the part of the prosecution or defense is not yet manifest.

### Wm. E. Borah

Out at Boise, Idaho, justice was done got an indictment against Senator Wm. E. Borah, alleging that he had been connected with certain land frauds. Senator Borah refused to take advantage of any technicality in the indictment and urged that the trial proceed on its merits. Personally he gave the matter but little personal attention, merely being in the court room more as a spectator than as defendant. His attorneys handled his case easily and quietly and yet there was much interest. The prosecution was in several days and in fact utterly failed to connect Senator Borah in any way with the alleged frauds. Without any particular argument in his behalf the case went to the jury. That body was out only a short time and brought in a verdict of acquittal. The verdict was so entirely satisfactory that Senator Borah was given an ovation and is receiving congratulations from all over the United States. He was one of the leading attorneys for the prosecution in the Haywood trial. He was so fair, so temperate in that trial that he was universally commended. Yet political enemies, especially one man who had been a candidate against Borah for the senate, made every effort to convict him. But the case was so much of a farce, so clearly a case of spite that it was plain all the way through that there was no merit in it. There have been charges that the Western Federation of Miners spent \$15,000 trying to get evidence on which to convict the senator, but all to no avail. He comes out of this stronger than ever. A big-brained, good-hearted man who is honest to the core. He is now stronger than ever before with the people of his state. The federal grand jury is investigating to see if it is true that undue means were used to secure the indictment. There has been nothing like it for years in the politics of the northwest. It developed at the trial that Mr. Borah was no more guilty than if he had been in London at the time the frauds occurred. It is a shame that such a thing should have been allowed. But by trying to injure Senator Borah his enemies have only helped him. He is one of the coming men of the northwest who has before him a future rich in promise.

Senator Borah has been acquitted of the charge of fraud in some land cases. He can now share with Haywood the peaceful and happy feeling which freedom from guilt brings. The Senator was given quite an ovation after he was acquitted. We are glad that the charges against him were not sustained, for when a high official is convicted of wrong doing it has a demoralizing effect on the country.

### THE TRIAL OF BORAH.

The trial of Senator Borah for land frauds is naturally attracting much attention, largely for the reason that Borah was so conspicuous in the prosecution of the mine federation heads at Boise.

The murder of Governor Steedberg is also revived, because the evidence goes to show that the late governor must also, if Borah is guilty, have been mixed up in these frauds.

The trial of Borah is taking place in an atmosphere that is distinctly friendly to him. He is a very popular man, as was shown by his election to the senate. He is a great orator—one of the most noted in the western country.

But back of all these there is something else that is distinctly in favor of the man who is on trial. It is something that ought not to exist, but something that every one who has spent any time in the western country knows does exist.

That is that stealing timber from the government is not really stealing at all. It is wrong to steal from an individual, and the person who steals a horse and is caught is likely to be hung without judge or jury.

But it is so different when it comes to timber.

One of these reasons unquestionably is that so many of the people are mixed up in these steals from the government. The plain ordinary settler may take only what he needs, but he will take that where he has the chance, and this places him in a position where he can hardly condemn the one who takes more.

It is in such an atmosphere that Borah is being tried, and although the proofs even this early seem to establish his guilt, it is doubtful if he will be punished or even condemned.

There is another thing that will help him. The prosecution of the heads of the federated miners was popular in the community where it took place, and the disappointment was great when the mining heads were found not guilty.

Borah made the great speech of the trial, and the leading lawyer for the defense made an anarchistic harangue. This is something that is remembered, and it is something that will have its effect on the jury. It will take mighty strong evidence to convict the senator.

### STAR CHAMBER PROCEEDINGS.

The trial, acquittal and complete vindication of Senator Borah at Boise is another evidence that the grand jury system has long ago outlived its usefulness. It only serves these days as a means through which little cowardly scurrilous curs can attack some man in the dark and assault his good name at a time and place where only one side can be heard. The jury of necessity follows the advice of the prosecutor and why not, therefore, leave the matter and the responsibility to him. Let him file his information as is now done in our state courts and he will be more careful about what he does and people will then know where to place the responsibility and they will likewise be relieved of these back door and dark alley inquisitions. The government officials seem to be infected with the "land fraud" craze and are never so happy as when they get an indictment against some prominent citizen. This is all right when they have a real case but before they allow some pusillanimous, vindictive biped to slip into the grand jury room at the back door and attack the citizen they ought to know what they are doing. These Star Chamber proceedings are not popular in this country and those who resort to such proceedings are not on the highway to popularity and in fact their honesty is at best a moot question. Both Senator and the State of Idaho are to be congratulated on the outcome of his trial.

United States Senator Borah of Idaho who has been on trial in the federal courts as one of the "land thieves," was acquitted. He celebrated his acquittal by making a speech in which he said that "the stone and timber law is a piece of infamy as administered by the government."—Ex.

## ONE SENATOR'S VINDICATION.

Senator Borah of Idaho has been formally acquitted of the charge that had been preferred against him of participating in land frauds against the government. Probably not so much will be made of this fact as there would have been made, if he had been found guilty; but in these days when the reputations of public men are sometimes had and are often impeached, the fact should not be ignored that one senator has successfully met his accusers, and has secured what appears to be not merely an acquittal but also a vindication.

The details are not very material, and Boise, where the case was tried, is quite a way off; but the essence of the matter appears to be that a lumber company had been charged, perhaps justly, of defrauding the government in land matters and that Senator Borah had been employed by that company as an attorney. To these facts there was added the circumstances that Senator Borah had been especially prominent in the endeavor to convict at Boise the supposed murderers of former Governor Steunenberg; and there is at least a suggestion that the one fight had run over into the other. Certainly the outside interest appeared to be divided along the same lines in the two cases; and the people who sustained the defense in the murder case

seem to have been sympathizing with the prosecution in the land case.

But the similarity in the cases ends with the fact that each of them resulted in an acquittal. In the murder case there was a long argument in the jury room, and an outside sentiment that there had been a failure merely to prove the facts. In the land case, Senator Borah was able to establish that he had no interest in the lumber company and as its attorney had a fixed compensation. The jury was out long enough to take only one ballot, and that was unanimously for acquittal.

Senator Borah is a new man in public life, and it is yet to be shown whether he is likely or not to establish in the senate a reputation as a statesman. But in matters connected with civil war, to which the state of Idaho for a time approached, he became conspicuous as a spokesman of the law and order side; and when he has himself been accused of conduct such as some public men have

been guilty of, he has met the accusation absolutely. The later experience has doubtless been a disagreeable one for him; but he is none the worse for it. And in meeting successfully his accusers he has contributed something to the good name of the senate. Where much is loosely said, it is well occasionally to have charges thus exploded.

### SENATOR BORAH ACQUITTED

Senator Borah's acquittal of charges brought against him in Idaho court is of the kind that will afford himself, as well as his friends, much proud satisfaction, for the proof of his innocence was of the most thorough kind, and was a result of the fullest possible investigation of the matter.

As the Press pointed out when this hearing began, the accused man demanded that his acts be given a careful probing, and he placed in the hands of the prosecution every means for conducting such an inquiry which he could command. Senator Borah declared that he was innocent of every charge brought against him, and that he desired the fact established beyond the shadow of a doubt.

The trial which followed was remarkable from the fact that, while the prosecution failed utterly from the start to connect Senator Borah in the remotest manner with any illegal act, the court hearing was continued several days beyond the time when, under other circumstances, it might have been abruptly terminated by the judge on the bench. During this time every scintilla of evidence which could be secured touching the accused man's business dealings was introduced in the effort to show something which might not be entirely to his credit. The result of it all was the jury's unanimous vote for acquittal on the first ballot.

Senator Borah goes to his congressional seat this winter with a proud record, for it is the record of a man who has proved the perfect integrity of his character against the most strenuous efforts of carefully prepared court prosecution to break it down.

Senator Borah had reason to be proud of his vindication, which was accompanied by cheers, music and the ringing of bells. The only features lacking were fireworks and moving pictures.



### ACQUITTAL OF BORAH

The emphatic acquittal of Senator W. E. Borah, of Idaho, after a vigorous effort on the part of the government to connect him with the land frauds in the Far West, is highly gratifying to the senator's many friends in this part of the country, and especially in Kansas, which claims an affectionate proprietorship in Mr. Borah. The senator's vindication is complete and unequivocal. There is no suspicion of a Scotch verdict; there was no technicality invoked. It was not a case of alibi manufactured by shrewd attorneys, but from start to finish of the trial there was absolutely nothing to connect him with the frauds, any more than there was to connect him with the Steunenberg murder or the blowing up of the Maize. It was simply a case of the government, in its spectacular desire to "get" somebody "higher up," getting after the wrong man. This desire is in itself entirely laudable, other things being equal. For officials who are guilty of betraying their trust, no matter how high up they may be, the people have only condemnation and contempt. Their punishment should be adequate and certain.

But this is only another way of saying that the government should be fairly sure of its case before it assails the character of a reputable citizen, high or low. The United States senate has had unworthy members, and perhaps still has them, but it does not deserve the opprobrium that has been heaped upon it by reckless traducees. It has become the fashion to look for a United States senator when graft is unearthed which in any way points toward the national capital. This is wholly unjust to the honorable and high-minded members of that body, who are vastly in the majority. Popular prejudice, which is actuated frequently by the principle of giving a dog a bad name and hanging him, lends a willing ear to the easily made charges against high public officials. That Senator Borah has come unscathed through this ordeal of unjust accusation is a handsome vindication and shows that grand juries are not always reliable detectives of graft.

Idaho has no cause to regret her choice of United States senators. He has been weighed in the balance and so found found.

### DARROW ON BORAH

"I truly believe Senator W. E. Borah to be guiltless of complicity in Idaho timber frauds, with which he is charged," said Clarence L. Darrow, of Chicago, senior counsel for the defense in the trial of W. D. Haywood, at Boise, Ida., to a Spokane, Wash., paper shortly before the senator's acquittal.

"In all my relations with him in the trial of Haywood, in which he appeared for the state, I have been convinced of the integrity and enormous mental capacity of the senator. He is a most capable lawyer. I can not participate his conviction of the crime with which he is charged. His argument in the Haywood case was extremely clever, his plea to the jury was the most eloquent I have heard spoken by any attorney; he fought his case with tenacity and skill, and not because of the failure of the state to gather sufficient evidence against Haywood aside from the confession of Harry Orchard.

"If he is acquitted, which I hope will be the result of the trial, he will continue to sit our prisoner in the state, the two cases pending against Meyer and Pettibone; if convicted, of course, he may drop out of the case. His immediate trial will have no material effect on the cases of Meyer and Pettibone.

"The Haywood trial could not have resulted more favorably for all classes of people than it has acquitted the prisoner. The cause of industrialism has been materially strengthened; the workingman throughout the United States has been made to feel that he will be given a square deal in the courts. The verdict of acquittal has been the means of installing a sort of conservatism into the minds of the laboring classes. An era of good feeling between the employer and the employed has been created, and the then-existing short-sightedness of both the defense and prosecution has in a measure been removed.

"The service of the Associated Press sent out the most correct version of the arguments at the trial."

Compare this with the riot that has appeared in the Appeal to Reason and other anarchistic sheets.

### SENATOR BORAH'S VINDICATION.

Senator **Edwin S. Idaho**, was cleared from the charges of timber stealing. Was this a real vindication or merely whitewash?—Washington (La.) Democrat.

A large number of papers of the class skeptical concerning the virtue of public men, and a large number of people who are influenced by such newspapers, are asking the same question. It implies a doubt of some kind in the minds of the inquirer—a doubt prompted by a suspicion against all men in high estate, engendered by the indiscriminate assaults of sensational newspaper and magazine writer, and demagogic public speakers.

This class of doubters of the virtue of others rarely attempt to put themselves in the other's place. How, for instance, would the editor of the Washington Democrat like it, after a jury had unanimously declared him guiltless of a charge of fraud, to have the papers ask if it was merely a case of whitewash?

Any one who intelligently followed the trial at Boise, does not need to ask such a question. The case against Senator Borah was brought by the United States government. The legal representatives of the government prosecuted it. They presented every atom of evidence in their possession. Senator Borah went on the stand as a government witness, and frankly told everything he knew of the case, evaded nothing, sought no delay, urged the introduction of any evidence that could be secured against him, and offered every means of aiding the government in its efforts to convict him.

When the government finished its testimony and the attorneys for the defense took up the case, the latter declined to introduce any evidence in defense of Senator Borah, and made no argument in his behalf. This extraordinary procedure was taken because the government had not succeeded in introducing a particle of evidence to connect Borah with any illegal acts in connection with the purchase of timber land.

The case went to the jury, and in fifteen minutes, after taking one ballot, a unanimous verdict of "not guilty" was returned. If there was any whitewashing done, it was Uncle Sam who did it, for he had the case in his own hands, and was under no obligations to let Borah go free if guilty.

Senator Borah is a young man of great ability and popularity. His election to the senate was won in a most

strenuous political campaign abounding in much "progressive" style of campaigning. The case against him is said to have been based on political intrigues of the most questionable nature. It is another case where the great political game of "reform" has gone to smash in the light of fairness and common justice.

### BORAH FLAYS LAND POLICY

#### SENATOR IN BITTER ATTACK ON INTERIOR DEPARTMENT.

#### LAW AS CONSTRUED INFAMOUS

**Idaho Man Declares that Government Officials Connive at Alleged Fraud and Then Seek to Punish Men for Doing What They Encourage.**

Boise, Idaho, Oct. 3.—Boise is still celebrating today over the acquittal of United States Senator William E. Borah, who will go to Washington to take his seat for the first time at the coming session of congress.

Senator Borah has received many telegrams of congratulation from all parts of the country. In a statement today he said:

"I was tried before an eminently able and fair judge and by a jury of leading citizens of the district, men of unquestioned standing. We cross examined but two of their forty witnesses; made no objection to their line of evidence, although much of it was wholly irrelevant; introduced no witnesses other than myself; made no argument to the jury; the jury was out eleven minutes; it was an *ex parte* proceeding from the beginning to the close, and you all know the result. The Barber Lumber company was clean in all its transactions.

"The stone and timber law is a piece of infamy as administered by the government. The government makes a man swear that he does not take it on speculation, and the department construes this to mean he must not take it with a view of selling it. There is not a man in the department of the interior, and presumably in the department of justice, but knows full well that 99 men or women out of 100 take up these claims with no other view than to sell them as soon as they get titles. Notwithstanding this knowledge the government continues to issue final deeds and connives at the doing of that which they afterward seek to visit upon some one as a fraud."

## PASSING OF TIMBER LANDS.

The trial of United States Senator Borah of Idaho, and a number of other defendants on a charge of conspiracy to defraud the government out of many thousands of acres of timber lands, makes the Oakland-Tribune in fact the history of the timber land frauds is one of the darkest pages in the record of the disappearance of the national domain. The charge against Borah and associates is that they were concerned in the employment of 108 residents of Idaho as dummies to locate timber lands.

The same charge might be laid in California in a number of cases, but as far there has been no prosecution of any importance in the great frauds that have been perpetrated in this State, and there is reason to believe that the fraudulent business is still going on in the California timber belt, but the government seems to be busy in digging up old cases of fraud rather than in uncovering frauds of today. As the Tribune says, these timber land frauds have been in progress since the first timber land act was passed, with the procedure always the same. The locator has frequently been a dummy employed specially to file on the lands and then surrender his rights to corporations, who paid him usually \$10 for his service. The dummy locators were guided to the lands, hauled back to the land offices and obliging land officers, who received the fees charged for their services, were usually accommodating and assisted in the smooth handling of the business by offering no bothersome objections though they always had reason to suspect the fraudulent character of the wholesale business.

California frauds in this business have been repeatedly investigated by government special agents, but no prosecutions of a wholesale character have been started and the law may never be invoked in the glaring frauds, yet the federal authorities seem to be busy in Idaho, where the frauds sorely are no more daring. California is a fruitful field for operations of the government's avenging forces, but land grabbers seem to be unconcerned about the action of the federal authorities and the unsavory history may be repeated.

## Senator Borah on Trial

Great interest will be felt all over the country in the trial of United States Senator Borah of Idaho for conspiracy to defraud the government out of timber lands.

Not since the conviction of former Senator Mitchell of Oregon on a similar charge, has there been a criminal case of this sort marked by equal prominence of the defendant. If Senator Borah is found guilty, his punishment may be expected to strike terror to other persons who have defrauded the people and to lessen greatly violations of the land laws.

The charge is that Borah, with twelve other men who are co-defendants with him, induced 108 residents of Boise City to take out timber claims under secret agreements that they would turn their lands over to the Barber Lumber company. This amounts to stealing the lands from the people, who are willing to turn over lands to bona fide settlers but object to having them go into the possession of any corporation to be denuded and made worthless.

Public lands in the United States are now so scarce as to be extremely valuable. Population is increasing rapidly, and every foot of the public domain should be applied to the needs of actual settlers. The day has gone by when the public could contemplate with indifference the spectacle of lumber companies enriching themselves on lands that were apparently not to be needed for many years to come.

President Roosevelt sees the situation clearly, as his vigorous prosecution of land thieves shows. He has inaugurated a fierce campaign to protect and preserve the forests and timber lands and public sentiment will support him in carrying it on. If Senator Borah is found guilty his conviction will stimulate other proceedings and end in preventing further robbery of the people.

*Senator Borah, of Idaho, who prosecuted Wm. Haywood of the Western Federation of Miners, is now under indictment himself for participation in the "timber land frauds", and is giving the country a surprise. The eleven other defendants in the same case have filed demurrers, counter charges against the state prosecutors, alibis, lullabies, injunctions, e pluribus unum, mala vixit, affidavits, hors de combats, and every other sort and kind of legal technicality, to enable them to dodge the main issue as long as possible, but Borah has forbidden his attorneys to use any such tactics, and says he wants the case decided on its merits. This is most unusual conduct, to say the least, and furnishes fairly conclusive evidence to the ordinary rank outsider that the Senator is probably innocent. We hope so, anyhow. We like a fellow who rolls up his shirt-sleeves to the elbow and shows the color of his fighting skin.*

### Senator's Borah's Accusation.

Senator Borah correctly describes the Timber and Stone act as "a piece of infamy;" it has been in effect so called in successive reports of the Public Lands Commission, though official decorum constrained that body to express its opinion in more polite language. The reasons of the Commission for its denunciation of the act are not the same, however, as those advanced by the Senator. The latter accuses the Department of Justice and the Department of the Interior of complicity in the frauds committed under this law: "there is not a man in the latter department and, presumably, none in the Department of Justice," says he, "but who knows full well that 99 men or women out of 100 take up these claims with no other view than to sell them as soon as they get title." Inasmuch as the entrymen are obliged to swear that they are not taking the land on speculation, and inasmuch as the Interior Department has construed this to mean that the land is not taken for the purpose of reselling, the Senator makes a very serious charge when he says that, knowing the falsity of the oaths taken, the Land Office nevertheless issues patents. As above stated, the department is practically accused of being an accessory to frauds which it is its duty to prevent and punish.

The truth of the matter is that the laxity of the law promotes frauds and makes the prevention and punishment thereof well-nigh impossible. Entries under the Timber and Stone act become effective without anything more than a constructive residence of the pre-emptor on his claim; title is perfected after a few months of constructive occupation and patents may be assigned before they are granted. The way to correct the evil and prevent the passing of the Government's forests into the hands of timber thieves by the aid of Senator Borah's 99 out of 100 fraudulent entrymen would be to repeal the law, as the Land Commission has repeatedly urged Congress to do. And the law would have been repealed but for the speculative interests represented by the Senator's 99 out of 100 fraudulent claimants. The opposition to repeal comes entirely from the mountainous States of the Great West, of which that represented by Senator Borah is one. If the Senators and Representatives of that region are really in earnest in their expressed desire to stop land stealing by lumber and cattle-raising syndicates they would vote for the repeal of the Timber and Stone act, the radical amendment in the interest of honest dealing of the Desert Land act and in favor of the Government letting of grazing and forest land under conditions that would preserve them from waste.

### SENATOR BORAH'S TRIUMPH.

THE triumphant acquittal of Senator William M. Borah has probably been received with a feeling of satisfaction everywhere in the country, for the man and his methods have aroused the sort of admiration that inspires a belief in innocence. The case has been watched with greater interest than is usually devoted to the Government's prosecution of land-fraud cases. This is due to the unique personality of the central figure. Borah is a new man. He was unheard of outside of his state until last winter when he was elected to the United States Senate by the Idaho legislature, and as he has not yet taken his seat it is apparent that his whole future depended on the outcome of this trial. His conduct of the prosecution of Hayward last summer directed attention to his ability as a lawyer, and his methods were so refreshingly frank and uniformly dignified as not only to win the respect of the public but to compel an expression of admiration from his chief opponent, the violent Mr. Darrow.

In the case just ended it would have been possible to escape prosecution altogether by accepting the protection of certain legal technicalities, but he announced his desire to have the case tried on its merits and this was done. The twelve other men who were indicted with him interposed defences, pleas of abatement and other legal quibbles, some of which are still pending, and further sought to complicate the case by charging the United States District Attorney with using improper and illegal methods to secure the indictments. Possibly they are as innocent as Senator Borah has proven himself to be, but it does not appear that their recourse to these methods has done them any good, for even if they succeeded in delaying their cases indefinitely they must eventually stand trial and it would have been better for them if they had accepted the inevitable and faced the charges as Borah did.

A noteworthy feature of the acquittal is the enthusiastic demonstration of approval by the people of Boise. A street parade headed by a brass band was formed, bells were rung, and the hero of the hour was ferried to make a speech. This at least shows that Borah is tremendously popular among his own people and that they have unbounded faith in him. His career in the Senate will be watched with interest, for his record thus far gives promise of something worth while in the future.

### SENATOR BORAH

The acquittal by a jury at Boise night before last of United States Senator Borah came as no surprise. He was indicted on a ridiculous charge, obviously as a result of politics. He has emerged from the ordeal with perfectly clean skirts, and stands today higher in the estimation of his friends, if that is possible, than before the attempt was made to smirch his fair name.

In a speech at the Idaho hotel after the verdict was rendered, Senator Borah said:

"There have been those who would have made politics out of this. I feel it my duty to say here that my friends have been of every party. Some of the most loyal have been of the Democratic faith. It has simply been a fight of men of all parties who like fair play against a clique whose appetites were whetted by private malice and corrupt motives, unconscionable and unprincipled.

"Let me say to all, that I shall not forget this. It will be a guide on many occasions when called upon to perform public service."

The senator is right. He should not forget this attempt to not only beset his own name and fame, but should remember that the attempt was also directed against the name of the state of Idaho, whose distinguished representative in the senate of the United States Mr. Borah is. If there are men in the Gem State who are of the kind who would do anything, even prostitute the judiciary, for political purposes, Senator Borah should mark them. Their time will come.

In a signed statement yesterday Mr. Borah thus pays his respects to the timber and stone law:

"The stone and timber law is a piece of infamy as administered by the government. The government makes a man swear that he does not take it for speculation, and the department construes that to mean he must not take it with a view of selling it. There is not a man in the department of the interior and presumably in the department of justice but knows full well that ninety-nine out of every hundred men or women take up these claims with no other view than selling them as soon as the get title. Notwithstanding this knowledge the government continues to issue final receipts and thus connives at the doing of that which they afterwards seek to visit upon some one as a fraud.

The government ought to establish a rule which would at least not ambush men into doing wrong. Undoubtedly there are some instances of actual wrongdoing and they ought to be punished, but there are hundreds and hundreds of instances where the people would not think of taking the land except as they believe to be in accordance with the law, which, however, is often construed by the government to be not in accordance with the law, although it has issued final receipt with the full knowledge of how it was taken. I do not justify any man in wrongdoing, but I say this deliberately, that the government has blundered shamefully in the administration of the stone and timber law."

### BORAH'S ACQUITTAL

The acquittal of Senator Borah of the charge of entering into a conspiracy with certain other men to defraud the government of valuable lands by securing false entries for the land was accomplished on the first ballot of the jury that has been hearing the evidence. Whether all the other cases will fall to the ground as a result of the failure of the government to make out a case against Borah remains to be discovered. But that the verdict was a popular one in Boise was evidenced by the unusual demonstration that followed the announcement of the decision of the jury. People congregated before his hotel and cheered, the fire department gave an exhibition drill, and the steam whistles shrieked. Borah had taken the stand in his own defense and had denied the allegations in every particular. He said he had never prepared a deed for any entry or trustee, and he had never owned a dollar's worth of stock of the Barber Lumber company. He said that his compensation for his work for the company had always been a fixed fee and he had never received any contingent fee or commission. The government was not able to prove the contrary and the verdict was a speedy acquittal. But the decision in the Borah case does not mean that there have been no frauds or misrepresentations in the securing of land tracts in

the west. If Borah has not been mixed up in the crooked work, others have been and it is not likely that the government will let the matter rest.



TUESDAY, OCTOBER 3, 1907.

## JUSTICE TO THE INNOCENT.

The evidence and arguments in the Borah trial have been transmitted but fragmentarily through the press dispatches and the average observer probably feels himself unable to form an intelligent opinion as to the merits of the verdict. Yet if we assume that the trial has been a fair one, and no complaint appears to the contrary, the lesson of the Senator's prompt acquittal is one that should be pressed home upon the attention of all.

Doubtless most of us were inclined to take Senator Borah's guilt for granted—not because we knew any facts to his condemnation, but because Burton and Mitchell were guilty, because the muckrakers have included Borah's name in their wholesale indictment of prominent far Western men and because we have conceived the whole fabric of public land transactions in the Rocky Mountain and Pacific Coast sections as one vast honeycomb of fraud.

The Borah verdict may remind us that honest men as well as knaves have bought timber lands in Idaho and in adjoining states, have developed the resources of that great region and have acted the honorable part in the work as lawyers, surveyors, cruisers and agents. It was President Roosevelt himself who first sounded the note of caution in this indiscriminate censure of a class because of the sins of isolated members of the class; and he pointed out the important fact that this propensity not only does injustice to the innocent, but impedes the work of singling out for punishment the good from the bad.

It is cruel and unjust to say that the Senate is corrupt because Mitchell and Burton were corrupt; or that preachers are licentious because some certain preacher has fallen before temptation; or that "the railroads" have done what Harriman has done; or that every shipper has done what Standard Oil has done; or that "organized labor" stands for what Parks once did or some other agitator may be doing now.

The plain and simple thought of just minds, that the honest rich man or the honest corporation should not be de-

clared guilty because of evil done by some dishonest rich man or corporation, has been reiterated by the President to the point of tediousness. But his insistence upon it shows clearly enough that in his estimation at least it is made necessary by a too general disposition to jump at conclusions and to condemn the innocent indiscriminately with the guilty.

## SENATOR BORAH CLEARED.

The acquittal of Senator Borah is the Government's first important failure in its land fraud prosecutions. If the United States District Attorney made out the best case he could it ought to have failed; rather, it should never have been brought. The lack of evidence incriminating the defendant caused the trial judge to interrupt the prosecution and demand some evidence bearing on the defendant's guilt if the case was to proceed further. Though in the end he declined to direct an acquittal, the case was submitted to the jury by Borah's counsel without argument, and the jury promptly acquitted him.

This is a gratifying ending. It is not pleasant to have United States Senators defendants in criminal actions, and when they do so appear it is highly desirable that they should be able to clear themselves. Senator Borah is evidently a man of force and leading. His prosecution of Haywood, though unsuccessful, demonstrated the ability and high courage of the prosecuting attorney. He could not rise to leadership in the strenuous politics of Idaho or prosecute officials of the United Mine Workers without making bitter enemies. As so many public men of that section are mixed up in land frauds and lumber frauds they thought it was safe to accuse Borah. They had no evidence on which to convict him. The verdict clears him and no cloud of accusation or suspicion will hang over the Senator when he goes to Washington in December to take his seat as a United States Senator.

The Government is enforcing its land laws and timber laws with even-handed justice, though that hand is mailed and heavy. Senators and Congressmen, as well as lesser men, fall before it if guilty. Lawmakers should be exemplars of obedience to law. It is to be hoped that Grand Juries will have no occasion to indict any more members of either branch of Congress, or if they do that the accused will clear themselves as easily and quickly and completely as Senator Borah did.

## KANSAS STILL IN IT.

Wichita Eagle: Is the present to be written down on the page of history as the money-craze age? Federal and state and county prosecuting attorneys, from one end of the land to the other, are encumbering the court dockets with filings of charges against all manners of corporations, against officials of every degree, and against obscure individuals of almost every community. Whether the age is one of degeneracy, or crankism and of faddists, in which prosecuting attorneys are bent on gaining name and fame by emulation, or that everyone is bent on beating everybody, might be hard to determine. Take Kansas as an instance, with her attorney general, and other officials, including the state board of health, the tax commissioners, and the railroad commissioners. There is no possible hope of keeping up with the pace these are setting. And speaking of Kansas, there is United States Senator Borah, of Idaho, a former Kansan, now in the ~~United States~~ ~~Senate~~ ~~at~~ ~~Boise~~ ~~Idaho~~, being a conspirator in defrauding the public. In six or seven of the western states, men of wealth and prominence stand charged by the federal authorities with high crimes and misdemeanors. Ex-governor Stannenberg, who was slain by the hired assassin of a miners' union, it is now said, was the principal agent of a gigantic timber-land fraud, in the interest of a millionaire lumber firm of Wisconsin. Senator Borah, formerly of Kansas, was his attorney and counselor.

Senator Borah, elect, who declares that he will never try to claim his seat in the United States senate unless he is acquitted, is a graduate of the Kansas State University. Later he taught school in Lyons, Rice county. His private secretary is a former Wichita stenographer, he landed in Boise penniless, but having studied law and being a good talker, he went to the top with the chances all indicating that we will land at the bottom.

## BORAH ACQUITTED

Of Charge of Conspiracy—Jury Only  
Took One Ballot.

United States Senator Borah was acquitted of the charge of conspiracy to defraud the government out of valuable timber lands. The case was submitted without argument on the part of the defense and the jury was out just long enough to take one ballot. The verdict was greeted with cheers and applause which the court officials made no effort to restrain. This demonstration in the court room served only as a beginning.

As soon as the news reached the outside, bells were rung and the city fire department made a spectacular run through the principal streets, stopping eventually at the Idanha hotel where Senator Borah, surrounded by several hundred of his friends and fellow citizens had been escorted.

The vindication of U. S. Senator Borah in a court of justice at Boise is notable because it was shown that a government detective had hired a scapegoat to connect the senator with timber land frauds. The government of the United States is no big a thing to be dealing in such business, and the men connected with the prosecution should be summarily dealt with. Political expediency that would lead to such straight as to hire perjurers to blacken the character of a man just entering public life is of the most despicable sort. The fact that Borah emerges clean handed from the trial has made him more popular with the people than ever. No such demonstration ever followed the verdict of a jury than which was accorded the young senator at Boise. For three days his admiring friends kept up the jubilee, and apparently only desisted when nature demanded a rest.

United States Senator Borah worked his way through college as a janitor, studied law at night and went to Idaho in a shabby suit of clothes. If he was in the timber frauds, it is a case of another good man gone wrong, and he says that he will resign his senatorship if convicted. That will probably insure activity on the part of his political enemies and rivals.

# BORAH WAS TOO POPULAR FOR ANY JURY TO CONVICT

U. S. Assistant Attorney General Explains the Failure of His Case.

TRIED AT WRONG TIME

Charges That Ruick Forced the Indictment Also Hurt the Case.

The personal popularity of Senator Borah in Idaho; the idea prevalent in Boise that a lawyer can do almost anything he desires; the popular notion that the Barber Lumber company was a vastly wealthy concern and intended to erect mammoth mills near Boise, giving employment to hundreds; the proximity of the trial of Borah to the Haywood case, where Borah distinguished himself, the necessity of having a judge who was unacquainted with local conditions and prejudices, and the attack upon United States District Attorney Ruick in order to divert attention from the main issue against Borah.

These are the chief reasons why the government lost its case against Senator Borah by the verdict of the jury, according to Marsden C. Burch, assistant attorney general of the United States and the chief of the land fraud forces in the West. Attorney Borah left for Washington last night, after several days spent in Denver resting up from the labors at Boise. He expects to return in November, when the government will take up the trials of those indicted last June. Attorney Burch revealed for the first time some conditions that prevailed at Boise during the trial.

## A Popular Politician.

"In the first place," said Attorney Burch, "Borah had just finished two campaigns for United States senator. In addition to his great natural qualifications for practical politics, he is a hell fellow well met, and a good mixer. He is particularly the representative of Boise, his home town, in the senate, and he is the pride of all of his townsmen from a local standpoint. He is also the leading attorney.

"An impression seemed to prevail in Boise that a lawyer has a right to do a thousand things no one else can do under the law. They seemed to have a general idea that an attorney was like a father confessor in the Catholic church. They considered that he was privileged by being an attorney for most anything

that was confided to him, but unless the confessor was privileged as to most anything he would do in the interests of his clients.

## Wanted Great Sawmills.

"They all thought the Barber Lumber company vastly wealthy and it undertook to get hold of all of the timber on the forest reserve and contracted with Steunenberg to obtain 2,000 acres. The company tried to buy all state lands with timber and the people thought it was unfortunate that the government should interfere in any way with its plans in getting control of this timber.

"Then, too, the department of justice and of the interior, acting unwittingly, selected a time for the trial of Borah in juxtaposition with that of Haywood, during the trial of whom Borah not only distinguished but endorsed himself to a large portion of the people in Boise and vicinity. It was necessary that the government should not appear to be taking sides either way. Therefore, it was necessary that United States District Attorney Ruick should be kept from the trial of Borah because of the possibility of charges of interference. Borah was able to secure severance of his trial from other alleged conspirators and an immediate trial when the case was hardly in proper shape to try.

## Outside Judge Called.

"The resident judge was appointed through Borah and naturally felt delicate about trying the case, in which he was perfectly right. Another judge, unacquainted with local conditions and surroundings, was brought in.

"All representatives of the prosecution, including any antipathy, motive or feeling toward Borah. If he was to be acquitted for the good of the state it is well that it be done promptly, unanimously and in such a manner as to give him due credit as a United States senator. On the other hand, the department of justice nor its officials charged with the prosecution of the case should be blamed by his foolish friends, because none could have received kinder treatment than he has through us."

## NOT WELL INFORMED.

The Portland Oregonian has published a series of editorials criticizing Senator Borah both during and after the trial. It is, as The Statesman believes, the only paper aside from the anarchist press that has taken this stand.

Some over-zealous friend of Senator Borah has written an anonymous letter to the Oregonian which was probably as foolish and worthless as such communications usually are, but it had the effect of calling out an editorial which indicated plainly that the Oregonian's investigation of the subject had been very superficial. In it Senator Borah is taken to task for being attorney for a company which it states did the following things:

The Barber Lumber company wanted timber lands. It engaged a great number of men—real men or

## THE BORAH CASE AS APPLIED TO NEW MEXICO.

dumies—to enter the lands; it put up the money to pay the entry fees and the price of the lands, then an extra sum to each for his facie oath-taking, and took assignment of the lands to itself.

It is true that the Barber Lumber company wanted timber lands. It recorded 329 deeds, and in the trial the government showed a doubtful title respecting 22 of them and stated it had nine more, but introduced no evidence respecting them. It is safe to say, therefore, that the government claims fraud on not to exceed 31 claims. But as no defense has been presented as to these claims, it is manifestly unfair for the Oregonian at this time to assume that any or all of them are fraudulent.

If it be wrong for the Barber company to buy a large tract of timber, it will have to shoulder the responsibility for that action; if that be a crime, it will have to suffer for it. But the Oregonian does not contend it is. It proceeds calmly to presume that the company has been guilty of collusion and fraud.

As a matter of fact there is no evidence in support of the claim that the Barber company engaged a large number of men to enter lands and paid an extra sum to each for his facie oath-taking.

The trial did not show that the Barber company was a member of a conspiracy or that there was a conspiracy.

The Oregonian takes it for granted that the Barber company and Senator Borah had known all these years that the government claimed wrong doing on the part of the entrymen; but the facts are that the only charge of fraud the inspectors presented was the general one of classification of mineral land as timber land. That matter was passed on in Washington and patents were issued. The four claims that were contested and shown to be fraudulent were never brought to the Barber company nor did Senator Borah have any connection with them.

There is much in the trial that the Oregonian should know and that it should go into thoroughly; it seems a shame to have it expressing itself editorially on a superficial knowledge of the facts.

The Borah trial ended as it should and as people who took any interest in it expected it would. Against the Senator there was not the shadow of a shade of evidence. Why he was ever indicted is a grave question and should be answered.

That Senator Borah of Idaho believes as does President Roosevelt, that the present land laws are inadequate when applied to western conditions, goes without saying. It is gratifying also to hear that U. S. Attorney Rank of Idaho is to be removed for his self-interested zeal in securing the indictment of Senator Borah when he knew that Senator Borah was at the most guilty only of a technical violation of the law and as the Senator's acquittal proved not even guilty of that. Uncle Sam has plenty to do in ferreting out grafters and there are grafters even among those who hunt grafters, without spending time, energy and money to secure convictions upon mere technical grounds. That the conditions in the Borah case have much similarity with the alleged land frauds in New Mexico can be gathered from the following editorial of the Denver Republican:

"An attorney for the Barber Lumber company, Senator Borah prepared the deeds and transfers for the land which it was claimed had not been properly entered upon. There was not a scintilla of evidence introduced to prove that he was cognizant of any fraud in securing this land. And in this connection it should be noted that the transfers complained of took place before the coming of Roosevelt and the Roosevelt awakening. The law in relation to timber lands was a dead letter. The lumber company in question had been given guarantees of securing so many acres of timber lands if it would enter the state and help clear the land of timber. No attempt was made to hide these transactions. The Idaho case is another striking commentary on what has been accomplished by the President through word and deed.

"President Roosevelt himself is not a fanatic, however, and when he learned regarding the Borah case he took pains to see that the defendant was given a fair deal and had the person at the bottom of the prosecution or persecution set aside.

"To the people of Idaho, in particular, and to all who admire pluck and ability the outcome of the trial must be gratifying. Senator Borah is one of the coming men of the West, a leader who ran command and yet remain the idol of his following, an orator and a student. He had been just elected to the United States senate when this blow fell upon him. If the accusations were true there was the end of a career full of promise. But he has been cleared of wrongdoing not only by a court but by the public verdict."

IN ITS REMARKS OF THE TRIAL OF SENATOR BORAH, OF IDAHO, AND HIS RELATION TO THE ACQUISITION OF LANDS BY THE BARBER LUMBER COMPANY, THE OREGONIAN WAS NOT HYPERCRITICAL. IT SAID IT THOUGHT IT STRANGE THAT AN ATTORNEY OF THE COMPANY SHOULD NOT HAVE KNOWN THAT THE BUSINESS WAS OF A CROOKED KIND. THIS, INDEED, WAS THE CHARACTER OF THE BUSINESS; FOR THE RESULT WAS THAT, CONTRARY TO THE USE OF THE LAW, LARGE BODIES OF PUBLIC LAND HAD BEEN PASSED INTO THE HANDS OF A CORPORATION, SYNDICATE OR MONOPOLY, AT A COST TO IT FAR BELOW THEIR TRUE VALUE. THE CRITICISM OF THE OREGONIAN WAS THAT NO ONE HAS A RIGHT TO PERVERT OR TAKE ADVANTAGE OF A LAW OR SITUATION, FOR HIS OWN GAIN, AT THE EXPENSE OF THE GENERAL INTEREST IN THE PUBLIC DOMAIN OR WELFARE; AND THAT NO LAWYER OUGHT TO BE AN ATTORNEY FOR SUCH AN UNDERTAKING. IN PARTICULAR, A UNITED STATES SENATOR OUGHT NOT TO BE.

Today we have a letter on the subject from Boise. It comes without the name of the writer. The letter is merely a special plea, of which the writer should have a right to be ashamed. Let the anonymity therefore pass. The letter is a cloud of words, intended to obscure—but cannot obscure—the real nature of the transaction. The Barber Lumber Company wanted timber lands. It engaged a great number of men—real men or dummies—to enter the lands; it put up the money to pay the entry fees and the price of the lands, then an extra sum to each for his facile oath-taking, and took assignment of the lands to itself. No sophistry can ever make the like of this a decent and honest transaction.

It is true the law and regulations are alleged to be such as to make this possible; yet it was contrary to the true intent of the law, and has resulted in bringing large bodies of the most valuable lands into the hands of corporations, trusts, syndicates and monopolists. Acting as attorney for the Barber Lumber Company, Mr. Borah examined and approved the deeds. He didn't hire any perjury, nor pay any money to men or dummies, nor have profit from the transaction other than his pay as attorney, which probably was not inconsiderable. No allegation of fraud, therefore, could be sustained against him. The plea is that his clients were following a custom, into the morality and rightfulness of which it was not his business to inquire. But was it not his business? Can there be no duty or obligation that the law does not make plain, or which there may be opportunity to escape?

While The Oregonian is well aware that its jurisdiction will not be accepted upon such a matter, especially by those whose practices make it necessary for them to challenge any jurisdiction that has no other than a merely moral basis, yet it believes it

has a right of statement and criticism, and it uses the right.

Among the statements in this letter is the assertion that the wrong is not due to the law itself, but to an "impious" administration of it. It is not apparent that this is any sufficient defense of the land-grabbing practiced under it.

It is, in truth, an insult to moral intelligence to pretend that this transaction and others like it, in many states, are clean transactions. We do not find, indeed, that this one is called such. The blame is thrown upon the law, or on the administration of it, because it gives or leaves open, a chance to fraud; as if men could have a right to perpetrate or abet a particular kind of swindle or wrong-doing because the law or an interpretation of it might leave it possible for them to do so. Nor need the late Senator Mitchell be thrown at the head of The Oregonian as a reproach to it, or as a defense of practices either in Oregon or ~~in the~~ like of which The Oregonian has always censured and condemned.

The Oregonian has no disposition whatever to criticize Mr. Borah harshly, it would not speak of him unjustly, or even unkindly; yet it feels at liberty to say that it thinks he ought not to have acted as attorney for the lumber company, for obtaining of timber lands in such ways.

Were there no ground for criticism, such as is complained of against The Oregonian in this Idaho business, it is to be supposed that any one at Boise would heed it, and take the trouble to write a long letter about it, in high tone of stung indignation? The quality of the "ethical sense" behind his anonymous letter is plain enough without revelation of the personality of the writer for its interpretation.

#### Power of Oratory Not Dead.

There is every reason to predict that Senator Borah, of Idaho, will yet be a colossal figure in the affairs of the nation. Whatever may be the varying opinions in the public mind regarding the rights or wrongs of the Haywood case, it is generally conceded that but once in a generation is heard such a marvelous effort as Senator Borah's six-hour speech last Friday at Boise. A man who can prepare such a speech as that, and then deliver it with such dramatic effect, is of no less wonderful an oratory, than in intellect.

It has been said that there is no longer a place for eloquence in statescraft, that the days of such dramatic speakers as Webster, Calhoun and Clay will never return. It has been said that people are no more



awared by eloquence and are too much in a hurry to listen and that in modern statesmanship other abilities count for more than this gift. Such an idea

is discounted entirely by the mere mention of the name of one man prominent in our national life. William J. Bryan has never done any great thing. He has never accomplished any lofty purpose. He has never made a place for himself, except by his oratorical powers. Neither has what he said been of vast importance for it has been changeful and vacillating in aim, but it is the silver tongue, the rare charm of that utterance, the fascinating something in the man as he speaks that has trailed the multitudes after him when he had nothing but promises to offer. It was but fairy gold, yet the lure of it sent thousands and thousands rainbow chasing.

All of this goes to prove that the power of oratory is not dead in this workaday world and that when a man with a wondrous gift of speech arises he is going to sway the multitudes just as he did when the nation shook under the thrall of Webster's words. Senator Borah will probably be heard in the national capital to some effect.

#### BORAH ACQUITTED.

Senator Borah stands before his constituents today acquitted of the crime with which he was charged by the government. The jury says he is not guilty as charged. Senator Borah's many friends throughout the state will be pleased at the result of the trial.

When the state opened its case there was much to show that Senator Borah might be a party to the conspiracy, but the testimony failed to connect him with the timber frauds in any other than a professional way. For the honor and good name of the state, the vindication of one holding the highest honor within its gift is sufficient reason for congratulation on his acquittal. Aside from this the people generally would regret to see so prominent a man as Senator Borah convicted of a crime, therefore all will rejoice in the knowledge that he is cleared of the charge. On the other hand had the evidence proven him guilty his official position and prominence should not have stood in the way of a different verdict.

#### LIARS IN IDAHO.

The indictment against Senator Borah of Idaho, who is now on trial, carries the charges made familiar by such recent news. It is alleged that he, with twelve others who are named as codefendants, conspired to defraud the United States of thousands of acres of timber land in Boise County. The device alleged to have been employed was neither novel nor ingenious. One hundred and eight residents of Boise, so the indictment charges, took out timber claims, and swore in doing so that they were acting solely in their own interests. But these statements are declared to have been false, and it is charged that agreements had been entered into whereby the claimants were to turn their lands over to others, who with like facility were to transfer them to the Harbor Lumber Company, a company said to be affiliated with large lumber interests in the West. It now remains to be demonstrated whether all this be true, and how many liars will be gathered in by the government's nets.

Very likely there has been tall lying on both sides. Yesterday one of the witnesses for the prosecution, admitted in cross-examination that he committed perjury in taking out a timber land claim, admitted that he had been promised immunity by an officer of the federal government for testifying, admitted that at the request of the federal officer he had sworn to a complaint against a man whom he did not know, and, lastly, that he believed it to be the part of his bargain for immunity that he should swear to any complaint against any person, regardless of any knowledge that he might have as to the person's guilt.

The trial of Senator Borah is being watched with interest throughout the country and especially in the West, where the operations of the timber land sharks have been most flagrant.

A good many persons will rejoice at the acquittal of Senator Borah, whether they know the man or not. There were a lot of vindictive miners in Idaho, who hoped to rejoice at his conviction because he had done his duty in the Steunenberg murder case. That he goes free, as innocent man, shows that every man is likely to get the benefit of the doubt in the State, and that no man's right to liberty will be long jeopardized.

The Minneapolis Tribune gives the following editorial hints on affairs in Idaho: "Society and civil government are in a perilous state in Idaho, but the courts and juries seem to have kept the track of justice. The triumphant acquittal of Senator Borah must be accepted, like the acquittal of Haywood, as justified by the facts in evidence. Indeed the prosecution seems to have collapsed before the case went to the jury. We have no information to warrant discussion of the local aspects of this case. The indictment of Borah may have been procured by labor unions to avenge the trial of Haywood and to smirch the memory of the dead Steunenberg. He may have been guilty and his acquittal may have been procured by a conspiracy of capital and officialism. But most citizens at a distance are willing to leave those questions to the jury. Putting all these questions aside, the verdict remains a warning against the rash conclusion that every tract of timber land acquired in the West is stolen from the government, and that every United States senator accused in connection with it is necessarily guilty. \* \* \* 'Give a dog a bad name and hang him.' We are all too prone to take the short cut to what we fondly imagine is justice. It will not do, for example, for public opinion to convict a United States senator or a lumber company every time it is accused, or even indicted."

#### HARD TO CONVICT

The usual difficulty in proving a United States senator of anything is being encountered in the trial of Senator Borah of Idaho, though there seems to be a great deal of evidence being unearthed against the dead ex-governor Steunenberg. It is almost as difficult to find evidence against a senator as it is to convict a trust official. They seem to have a terrific pull with the officers in charge of the trials. However, Senator Borah is setting a good example by courting the fullest investigation and refusing to avail himself of the technicalities usually employed by accused persons of his standing. We are of the opinion that Mr. Borah is a pretty good fellow, if he is a senator.

#### BULLY FOR BORAH

The verdict of not guilty in the case of Senator Borah of Idaho, will be as popular in the country generally as it is in Idaho. The evidence did not show any reason at any time for connecting Senator Borah with the fraud, and the indictment was evidently a malicious prosecution. When the evidence was all in the defense saw no reason to offer an argument just let it go to the jury, and the jury promptly and unanimously voted for not guilty.

Borah is a formerly of Kansas man, a graduate of the state university and his record has been one of a young man who has gone forward as a result of integrity, ability and energy. He has a lot of friends in Kansas who will be glad that he is so handsomely vindicated, and who will look for his future to show still greater power and progress to the front and for the right.

In the language of the pounding West, Bully for Borah.

#### THE GENERAL VERDICT

Senator Borah's friends and admirers in Tacoma, as elsewhere, rejoice in his acquittal by a jury on the first ballot. They have been confident at all times of his innocence, for they were quite sure he was not the kind of a man to engage in fraud. He is forceful and brilliant and in the prime of life. Those who know him predict that he will be a power in the national congress.

His conduct since the charge was brought and during the trial has been manly and upright. He would not permit his attorneys to attack the indictment on technical grounds, but would have the prosecution present its case in open court, that the world might judge of whether he had proved false to himself and to the people.

There is no question but that the verdict of the jury, returned as quickly as the vote could be taken, well expresses the general opinion of the case. It is hard to understand how an indictment was returned on such flimsy evidence as was presented in open court against the senator.

It is good to know that a young man of such character and attainments, evidently beloved of the people of Idaho, will remain in the service of the state and nation.

### A Blast from Borah

In spite of that popular local outburst over his acquittal Senator Borah of Idaho is still in a state of mental irritation. He makes the broad affirmation that "there is not a man in the Department of the Interior and, presumably, none in the Department of Justice, who does not know full well that 30 men or women out of 100 take up land claims with no other view than to sell them as soon as they get title." What does that mean? Senator Borah charges two things: First, that the 30 out of 100 deliberately and knowingly violate the oaths to which they subscribe; and, second, that the officials at Washington know that the 30 out of 100 are guilty of fraud? If all this is true, and if by means of false swearing and fraudulent sales the bulk of the public lands in many parts of the West have passed into the hands of great combinations of speculators, the process has been a national scandal of vast proportions. The complacent, easy-going people have been robbed under false pretenses. The pity of it is that in this matter Congress itself has been tainted; executive officers have been negligent or worse, and there appears to be no trustworthy agency for fixing individual responsibility.

### RICHARD ROE ALSO DEAD.

At the opening of the trial of Senator Borah upon a charge of conspiracy, in Boise last Monday, District Attorney Rulek publicly disclosed the fact that the John Doe of the indictment charging extensive timber frauds was the late former Governor Frank Steunenberg. The true name of Richard Roe, in the same indictment, was not disclosed.

That has been an open secret for months. He is now dead, as is the former Governor. He was a banker and sheepman.

Other surprises will result from this trial.

## THE MOST WIDELY ADVERTISED SOLON



William E. Borah

Senator-elect Borah comes to the senate next month more widely advertised than any of his contemporaries. He was made the subject of court indictment recently and on trial was honorably vindicated. It has been charged that the indictment was the work of his political adversaries and was a definite and deliberate plot to ruin him.

Senator Borah is one of the strong men of the new west. His career has been highly creditable from every point of view. He has worked his way upwards from poverty and obscurity by his own efforts solely and is entitled to recognition as one of the self-made men of America.

### NEWS IN BRIEF.

—United States Senator William E. Borah of Idaho, was acquitted Wednesday of the charge of conspiracy to defraud the government out of valuable Idaho timber lands. A remarkable ovation followed the announcement of the verdict of the jury.

#### THE ACQUITTAL OF BORAH

It cannot be denied that the acquittal of Senator Borah is a relief to the country, if not a source of positive joy. His indictment did not create surprise, for so many of the eminent men of the West have been participants in the colossal timber and land frauds perpetrated there that all were prepared to have another added to the list. It is possible, indeed, that the average man who reads the newspapers concluded that the new Senator was guilty, without waiting to learn what the court proceedings would develop.

It turns out, however, that there was little ground upon which to base an indictment, the sole evidence against Mr. Borah being that he was attorney for a corporation charged with complicity in the frauds alleged. The frauds were established clearly enough by evidence that inculpates several who are under indictment, but there was not a particle of testimony that connected the Senator with them. So clear was his innocence, in fact, that his attorneys rested after his own story had been told, and the jury found its verdict almost immediately upon retiring.

It is refreshing to note in this connection that the Senator himself has had the demeanor of an innocent man from the beginning. He refused absolutely to countenance anything on the part of his attorneys that would delay his trial, demanding immediate action that the ordeal might be over before Congress opens. He forbade any undue recourse to technicalities during the trial and not only asked, but received the fullest investigation. His acquittal under the circumstances is very much in the nature of a triumphant vindication. It is so regarded by his fellow citizens at Boise and will be thus received by the nation, whom he is about to serve as Senator.

Senator W. E. Borah, charged with conspiracy to defraud the government out of timber lands, was acquitted at Boise, Idaho, last night. The jury was only out long enough to take one ballot. The result is a complete vindication of the senator, and the event was celebrated in Boise with a brass band, ringing of bells, and a speech by the acquitted man.

#### BORAH'S ACQUITTAL

The prompt acquittal of Senator Borah of Idaho, should receive as great publicity as the charge that he had been concerned in a criminal conspiracy to cheat the government out of valuable tracts of timber which belonged to the national forest domain.

It is not a pleasant thing to see a Senator of the United States arraigned before the courts on a grave accusation—even though he is a man little known by the public outside his own community. Yet, when the proof of his guilt is clear, as it was in the case of Mitchell, of Oregon, he deserves and should receive exactly the same treatment as any other criminal.

In the instance of Borah it is significant that the defence did not think it worth while even to submit an argument to the jury after the evidence had been heard. The quickness with which a unanimous verdict of "not guilty" was reached seems like a strong point in his favor.

That land frauds of enormous extent, vitally affecting the interests of the whole nation, have been perpetrated in the West is undoubted. There is too much reason for thinking that more than one member of the Senate and the House has been implicated in them. That, however, does not justify the assumption that every man under suspicion or indictment is guilty. Popular judgment should be suspended until the facts are threshed out in court. Senator Borah is to be congratulated both on the trial and its outcome. Under such conditions it is far better for a public man to face his accusers manfully than to seek to evade the issue.

#### THE BORAH CASE

The Borah case is attracting as much public attention as did the Haywood case in which the man now being tried acted as one of the chief prosecutors.

About to step into the United States senate, the highest honor his state can confer upon a man, Senator Borah's position is unique in the annals of politics. Senator Borah is today standing on a pinnacle from which he may be dashed to oblivion in a moment's time—the verdict of the jury with the one word "guilty" and all is lost, the ambition of years wrecked and a life's efforts gone for naught.

On the other hand acquittal opens the way for a useful and successful career in public life, because Senator Borah is a man of great ability and a recognized leader. He should not be condemned as guilty until the charge is proven and the numerous admirers of the senator will watch the progress of the trial with deep interest.

### Filmsy It Must Have Been.

Filmsy, indeed, must the evidence against Senator Borah, of Idaho, have been. On the testimony of the prosecution the defense, itself, rested and counsel for Senator Borah declined to take up the time of Court and jury in arguments on behalf of his client. The case went to the jury on the evidence offered on the side of the prosecution, and it took the jury only ten minutes and one ballot to return a verdict of not guilty and Senator Borah was honorably discharged from further attendance on the Court. It is gratifying for more than one reason. The very fact of an indictment against him was as a cloud upon his reputation, and a thicker cloud than would have gathered over the head of one less prominent before the public and it is gratifying for the credit of the State and for the honor of the Senate.

Senator Borah had powerful enemies, and so had former Governor Steunenberg, blown to atoms by some one, and whose name was sought to be linked in dishonor with the name of Senator Borah. That the evidence absolutely failed is evidenced by the action of counsel for Senator Borah, by the charge of the Court and by the verdict of the jury. That the Department of Justice was imposed upon by enemies of Senator Borah and former Governor Steunenberg seems to be undoubted. But the matter of personal and political hostility to Senator Borah failed, and the District Attorney, while doing his full duty cleanly, knew that the machinery of the courts was being sought for the purpose of snatching the good name of the Senator from Idaho, who was made the victim of a conspiracy which, fortunately for all concerned, failed of its object.

### SENATOR BORAH ACQUITTED.

who used to teach school and practice law out in Elmer county, was promptly acquitted by an Idaho jury the other day after a trial on the charge of having engaged in a conspiracy to swindle the government out of a lot of timber lands.

Judging from the reports in the newspapers we can hardly understand why the case was brought in the first place. If the prosecutor did not know what testimony he would be able to produce, or at least have a fair idea as to what the testimony would show then he was not fit for a public prosecutor. If he did know and still brought the suit then he was not a fit public prosecutor, because no public prosecutor ought to bring a case unless he has a reasonable prospect of making it stick. If there was testimony against the senator that might have been produced at the trial of the case but was not, then of course the prosecuting attorney ought to be removed.

Assuming however that the prosecuting attorney made as good a case as it was possible to make, while it was no credit to him, every Kansas man will feel glad that Borah came out without any smell of fire about him. He is a man of great ability; and then he need to live in Kansas.

### BORAH ACQUITTED.

Senator Borah stands before his constituents today acquitted of the crime with which he was charged by the government. The jury says he is not guilty as charged. Senator Borah's many friends throughout the state will be pleased at the result of the trial.

When the state opened its case there was much to show that Senator Borah might be a party to the conspiracy, but the testimony failed to connect him with the timber lands in any other than a professional way. For the honor and good name of the state, the vindication of one holding the highest honor within its gift is sufficient reason for congratulation on his acquittal. Aside from this the people generally would regret to see so prominent a man as Senator Borah convicted of a crime, therefore all will rejoice in the knowledge that he is cleared of the charge. On the other hand had the evidence proven him guilty his official position and prominence should not have stood in the way of a different verdict.



Before the acquittal of Senator Borah Charles Darrow, his leading opponent in the Haywood trial, paid him the following compliment which the Senator no doubt appreciates: "In all my relations with him in the trial of Haywood, in which he appeared for the State," says Mr. Darrow, "I have been convinced of the integrity and enormous mental capacity of the senator. He is a most capable lawyer. I can not anticipate his conviction of the crime with which he is charged. His argument in the Haywood case was extremely clever, his plea to the jury was the most eloquent I have heard spoken by any attorney; he fought his case with integrity and tact, and lost because of the failure of the State to gather sufficient evidence against Haywood aside from the confession of Harry Orchard."

#### Will Be Acquitted.

Hon. W. E. Blake of Burlington has been attending the trial of Senator Borah of Boise, Idaho. He has returned home and declares that his client, Horace S. Rand, the wealthy lumber merchant of Burlington, who has been indicted for timber land fraud, will be acquitted. The defense is made that when the Barber Lumber company purchased the timber land from the original holders, the deeds were filed in Mr. Rand's name without his knowledge in order to prevent it being known among the holders of the property that a corporation was making the purchases, because this would have increased the price of the land. The case against Rand is set for October 12th, but it is now said that it will be dismissed.

There was never a more utter failure than that of the government's case against Senator Borah in connection with the Idaho land frauds. Not the slightest connection was established between the defendant and the alleged frauds but it was abundantly proved that government officials were guilty of subornation of perjury, and that some one in the interest of the prosecution was guilty of forgery in the alteration of the date of a check which was offered in evidence. There was behind the action against the senator political hatred, a purpose to blacken the memory of his dead

friend, Governor Steunenberg, and the ambition of government officials to secure the conviction of a prominent citizen. The court apparently did what it could to aid the government, but it was all undone in an instant by a fair and level headed jury. Senator Borah now, in consequence, occupies a higher place in the estimation of his fellow citizens than he did before.



WILLIAM E. BORAH.

Idaho's United States senator, who aided in the prosecution of William D. Haywood and who has been acquitted of the charge of conspiring to defraud the government of timber lands.

Senator Borah of Idaho, who has been on trial for complicity in land frauds, was cleared of the charge by unanimous vote of the jury, as soon as the case was submitted. His personal friends were wild with enthusiasm and there is general rejoicing throughout the country.

The case against Senator Borah, of Idaho, appears to have been brought by his political enemies for mere spite and its collapse was something more than a vindication of the man against whom the prosecution was directed. It was an ugly indictment against those who sought to blacken his name and impair his influence.

### STRANGE THINGS IN IDAHO.

In an Idaho case, with which all are familiar, Ananias was made to look the personification of truth. Now comes another story from Boise. In the trial of one of the land fraud cases, a witness named Nugent admitted with non-chalance that the prosecution paid him to bear false testimony, and that he carried out the agreement. He practically declared that he is a glib and cheerful liar, provided that he gets the price.

Do the authorities out there rely upon perjury when the merits of a case fail them? In the Haywood trial they rested their case upon a man who made himself infamous beyond belief and swore to it. The story of his crimes shocked civilization. The jury told what it thought of his word. He may have been right, but his own story damned him.

The case in which the perjury was admitted by the witness who declared that the prosecution hired him to lie was the case in which Senator Borah was acquitted as a principal in the land frauds. They do strange things in Idaho. The history of the state for five years back is filled with episodes, startling and even monstrous.

### A JOB, BORAH'S FRIENDS SAY.

**The Haywood Case and a Federal Attorney's Evidently Blamed.**

WASHINGTON, Oct. 2.—The acquittal of Senator Borah is the culmination of an extraordinary incident in the long series of land fraud investigations and prosecutions which the government has been conducting in the last few years. The complete breakdown of the prosecution in this case serves to emphasize the accusation of Senator Borah's friends that the indictment against him was really procured through personal and political motives and not because it was ever seriously believed there that he was connected with any conspiracy to defraud the government. The collapse of the case will be followed before very long by the removal from office of N. M. Ruck, the federal district attorney who obtained the indictment, and it is not improbable that Marshal Rounds, who worked with Ruck to that end, will follow the attorney into retirement.

Several influences worked together for the indictment of Borah, it is said. It was widely believed in Idaho that some frauds had been perpetrated in obtaining land titles, which subsequently were transferred to the Barber Lumber company, a Wisconsin concern which had established a big plant on the Boise river five miles above the city. Borah was general counsel for the company in Idaho. Also he was the main reliance of the state in the prosecution of William D. Haywood for murder, and among his bitterest personal enemies in the state was Ruck, the district attorney.

# Wayne Co

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Oct. 10, 1907.

FAIRFIELD, ILLINOIS



## Senator Borah Vindicated.

Senator W. E. Borah, of Idaho, was acquitted by the jury last week on the charge of conspiracy against the government, in connection with other men, in alleged timber frauds in the state of Idaho. It was predicted that he would show himself guiltless when the case came up, and his friends here are more than gratified over the outcome of the trial. The case seems to have been

the outgrowth of factional difficulties in state politics out there, and the victory for Mr. Borah is all the more gratifying. The jury was out but a few minutes after having taken the case without any argument by counsel. There seems to have been absolutely no evidence of any wrong-doing on the part of Mr. Borah. Mr. Borah is a Wayne county boy,—born and raised in Jasper township—whose career is being watched by all of us with a great degree of pride.

## MABRY.

Oct. 7—J. E. Miller, and family moved to Wayne City last week.

Mr. and Mrs. David Hoover, of near

this writing.

Rev. Orval Smith, an evangelist preacher, is visiting his son, Noah Smith, and family, this week.

Rev. E. E. Weasley, filled his regular appointment at Hopewell, Sunday.

Hopewell Sunday School was re-