

HOLDING ITS FIRE IN HAYWOOD CASE

(Continued From First Page.)

Orchard testified; testimony showing that at various times in 1905, Haywood, Pettibone and Orchard were in the habit of going to the mine together, a general confirmation by William Vaughn of the trip that Orchard and Vaughn made to Canyon City; and lastly, proof that Steve Adams was at Pocatello in September, presumably to meet and throw "Pettibone dope" at a carload of non-union miners.

HAYWOOD LINKED WITH CASE

Telegram and Drafts in Evidence.

Peabody's Bomb Identified.

BOISE, Idaho, June 15.—The seats outside the bar were not more than half filled when court opened this morning for the Haywood trial. J. T. Pender, the defense lawyer, called the state's case against Steve Adams in a fruit car at Ogden, was recalled. Senator Borah stated to the court that in the statement made by Orchard and the testimony of Mr. Pender upon the stand yesterday that Steve Adams sent a telegram to Haywood, thus linking Steve Adams as a co-conspirator with Haywood, the state had established the right to introduce Mr. Pender's testimony as to his knowledge of the contents of the telegram. Judge Wood said he had no doubt as to the admissibility of the evidence, but ruled that the state must lay foundation to show that the original telegram had been destroyed. Mr. Borah argued at some length and quoted authorities. Mr. Richardson argued that there was no possible rule of law under which the evidence could be introduced. For the sake of argument he admitted that Adams sent the telegram to Haywood when he was stranded and beating his way back to Denver from a mining camp in California, but maintained that this could not be strained to mean that a conspiracy existed between Steve Adams and Haywood. The court admitted the testimony as a declaration from Steve Adams, whom the state sets up as a conspirator. The telegram read:

D. Haywood, Denver, Colo.: I am in trouble. Send me \$75 at once. Steve Adams. Pender was briefly cross-examined and left the stand.

Many Drafts Sent Simpkins.

J. C. Houston, assistant cashier of the First National Bank of Denver, was called. He said that the Western Federation of Miners did business with his bank and identified Haywood's signature on five drafts which were marked for identification. The drafts were in favor of L. J. Simpkins and were purchased on the Mechanics National Bank of New York, the Park National Bank of New York, the National Bank of Commerce and the First National Bank of New York. All the drafts except one were signed by Haywood as secretary and treasurer of the Western Federation of Miners. Another draft introduced was signed by James Kirwan, assistant secretary and treasurer. Richardson objected to the introduction of the drafts because immaterial and had no connection with the murder of Steenberg. He read from the face of the drafts:

The dates and amounts of the drafts follow: January 27, 1904, \$320, Mechanics National Bank of New York, by William D. Haywood and indorsed to L. J. Simpkins, cashed by the Webster Bank at Vardner; January 18, 1905, \$250, National Bank of Commerce, New York, by William D. Haywood and indorsed to L. J. Simpkins, cashed by the Webster Bank at Vardner; January 28, 1905, \$100, First National Bank of New York, by James Kirwan, indorsed to L. J. Simpkins and cashed by the Exchange National Bank at Coeur d'Alene; October 26, 1905, \$100, National Bank of Commerce of New York, by William D. Haywood and indorsed to L. J. Simpkins, cashed by the Exchange National Bank with additional indorsement of Frank Tibbels; December 2 (second figure cut out), 1905, \$100, Mechanics National Bank of New York, by William D. Haywood and indorsed to L. J. Simpkins, cashed by the Spokane & Eastern Trust Company, with an additional indorsement; January 17, 1906, \$106.35, National Bank of Commerce, New York, by W. D. Haywood and indorsed to L. J. Simpkins, cashed by Matilda Simpkins (wife) at Traders' National Bank of Spokane.

Must Show Connection.

After some argument, Judge Wood ruled that on the state's showing the connection between Simpkins and the defendant he would admit the drafts as evidence. Twenty-one other drafts were introduced and the signatures were identified. They were not introduced in evidence and were only marked for identification. The bundle of drafts was examined very closely by Haywood, who conferred with Clarence Darrow on each one.

In cross-examination Mr. Houston said that thousands of drafts were sent out in the course of a year by Haywood or in his absence by Kirwan, his assistant.

Naylor Tells of Vindicator Affair.

Major H. A. Naylor, of Victor, Colo., assistant secretary of the Mineworkers' Association, was the next witness. At the time of the explosion in the Vindicator mine, Naylor was in the National Guard of Colorado. He went into the mine shortly after the explosion. Fragments of a pistol with which Orchard was armed were found at the sixth level where the Major found himself. They were offered in evidence, objected to and admitted.

Major Naylor also identified a piece of wire found wrapped around the guard rail, the lifting which, Orchard said, pulled the trigger that fired the powder in the Vindicator.

Under cross-examination the Major said the National Guard was called out in September, 1906, during the Cripple Creek strike. He was in charge of a company about a mile from the Vindicator, and a detail was on duty near the shaft.

Mr. Richardson asked the witness if he knew anything of the details of the fight to shoot up the tool shed on the Vindicator. In the course of his examination, Richardson insinuated that the defense would try to show that the Vindicator owners were behind the payment of the assessment to the Mine Owners' Association, and that the soldiers were employed to create disturbances and destroy property in the Vindicator mine. The Association laid to the door of the Western Federation of Miners.

The witness said he knew nothing of any arrests due from the Vindicator mine. He is now assistant secretary of the Mineworkers' Association, but was not connected with that organization during the strike. The witness was asked if he did not have a decided animosity against the members of the Miners' Union.

He Did Not Deport Miners.

"I don't know that I have," replied Major Naylor. "Were you with Major Tom McClelland when he said 'To h—l with the Constitution'?"

"No, sir."

"Or with Sherman Bell when he said

"To h—l with habeas corpus; we'll give 'em post-mortems?"

"No, sir."

"But you heard of these statements?"

"Yes, sir."

Major Naylor declared he had nothing to do with the actual deportation of union miners from Cripple Creek, although he made many arrests, some of the miners so arrested being men of family. He said he succeeded Michael Connor as Marshal of Victor, Colo.

"And you were appointed because of your well-known hatred and animosity toward the Western Federation of Miners," declared Richardson.

"I don't know that I was."

Major Naylor was asked as to the character of various men who served under him as Marshal, among them "Kid" Waters, Jim Warford, Jack Bowman and others—questions as to whether or not these men were known as professional "gun men" were ruled out by Judge Wood. Mr. Richardson developed the fact, however, that Warford is now in the Penitentiary. Major Naylor denied ever having known Tom Hogan or Harry Orchard.

Richardson Shows His Hand.

Mr. Richardson here indicated the purpose of the defense to attempt further to connect the Mineworkers' Association with the outrages in Cripple Creek, this time with the Independence depot explosion to which Orchard has confessed on the stand, implicating Steve Adams.

The attorney wanted to know if Major Naylor had not attended a meeting with Orchard and others, at Victor, the evening of June 5, 1904, and if he had not informed the militia to be ready that something was going to happen. Major Naylor denied that he had ever attended any such meeting and said the militia was not on duty at the time.

"But you were anxious to get the militia back, weren't you?"

"No, sir; there was no reason to have them there."

Mr. Richardson next attempted to show that as Major of militia, Major Naylor took all of his orders from the Mineworkers' Association, but the witness declared he knew of no orders coming from the association at any time.

Ex-Governor Peabody, who was in office at the time of the Cripple Creek disturbances, entered the courtroom while Major Naylor was under cross-examination. He was accompanied by his wife and daughter. They were given seats inside the bar, a few feet behind Haywood.

Looting of Union Stores.

Major Naylor said the troops were ordered into Cripple Creek September 4, 1902, but there was no disorder until November 15, when the spike-pulling matter, or alleged attempt to wreck a Florence & Cripple Creek train, came up.

Major Naylor said he heard about the looting of union stores by soldiers but had nothing to do with it; in fact, the body of the militia was not on duty at the time—the local company was the only soldiers in the territory. Some of these soldiers, he added, were blown up on the platform of the Independence depot.

"After the union men were deported from Cripple Creek," asked Mr. Richardson, "did you wear one of these buttons which read: 'They can't come back'?"

"No, sir."

"Did you sing the song that ended up that way?"

"No, sir; I never heard of the song."

Mr. Borah questioned the witness briefly on redirect examination.

"Do you wear, or have you worn, a button entitled 'I am one of the undesirable citizens'?"

"No, sir," said Major Naylor, with a smile. "I've never seen one of those."

"Maybe he doesn't need one," chimed in Mr. Darrow of the defense.

"But there are others who do," retorted Mr. Borah.

"Well, then, maybe we'd better get him one," drawled Mr. Darrow.

Major Naylor said he made an investigation of the blowing up of the Independence depot, where 14 men were killed. The only clues he found were a wire and a chair-round, to which one end of the wire was attached. The wire led some distance up a sidewalk from the depot.

Riot at Victor.

On redirect cross-examination, Mr. Richardson wanted to know if Clarence Hamlin, secretary of the Mineworkers' Association at the time, did not start the riot at Cripple Creek the day of the Independence Depot explosion?

In speech, in which he urged the people to drive the Western Federation men out of the district.

Major Naylor said he heard nothing of the sort, that Mr. Hamlin had spoken only three minutes when the shooting began.

"And then the militia rushed out, and the first thing they did was to riddle the union hall, wasn't it?" asked Mr. Richardson.

"That was not the first thing, no, sir."

"The hall was fired on, wasn't it?" asked Richardson.

"Yes, sir; but not very many times."

"How many?"

"Oh, 60 or 100."

"You bombarded the place?"

"Well, the miners bombarded us from the place and we bombarded them in the place," said Major Naylor, amid a ripple of laughter.

Major Naylor said he never heard of any men being flogged before deportation.

The Major was asked with reference to the deportation of some men in December, 1904. He said they were not miners at all, just hangers-on.

"They were undesirable citizens," said the witness.

"But you determined their undesirability yourself?" suggested Mr. Richardson.

"There wasn't any chance to doubt," declared Major Naylor, who then was excused.

Miss Peabody Saw Orchard.

Miss Cora May Peabody, the second daughter of ex-Governor Peabody, and a strikingly handsome girl, was here called to the stand to testify as to the time Orchard said he and an accomplice stole up behind Governor Peabody's carriage one night early in 1904, prepared to shoot the Chief Executive of Colorado. Only a party of women alighted and Orchard ran away. Miss Peabody said that she and her mother and sister had been to the theater one evening. Upon their return home they alighted to find two men almost at the carriage door.

Ex-Governor James H. Peabody was called. His testimony was brief. He said Harry Orchard had been pointed out to him on one occasion. He saw Orchard on the streets of Canyon City after the Peabody family went there to live.

There was no cross-examination of Mr. Peabody.

The next witness was E. S. Raymond, a special police officer of Denver, who testified that in 1906 he saw "Thomas Hogan" or Harry Orchard in company with Haywood and Pettibone several times, usually in the evening.

Orchard's Former Partner.

The next witness was the insurance agent, W. J. Vaughn, who Orchard said in his testimony was with him in Canyon City when he went there "to get" ex-Governor Peabody. Mr. Vaughn said he had been in the room, but he could not see it. He asked Orchard about it, but got no information at the time. He

later had to move Orchard's grip, and found it very heavy.

"In a joking way, Orchard told me he had a bomb in the grip and was going to put it under a man across the street," said the witness. In Canyon City Orchard pointed out Governor Peabody's residence to the witness.

On cross-examination Mr. Vaughn said he and Orchard worked hard to write life insurance while in Canyon City, but were not successful. "Did Orchard point out other residences than Peabody's in Canyon City?" asked Mr. Richardson.

"Yes, sir, but I became suspicious of him right there."

"From that or from several things?"

"Several things."

"But you continued to go with him?"

"Yes, I thought he was indiscreet and insincere."

"He acted erratic?"

"Yes."

"You thought he was nutty, didn't you?"

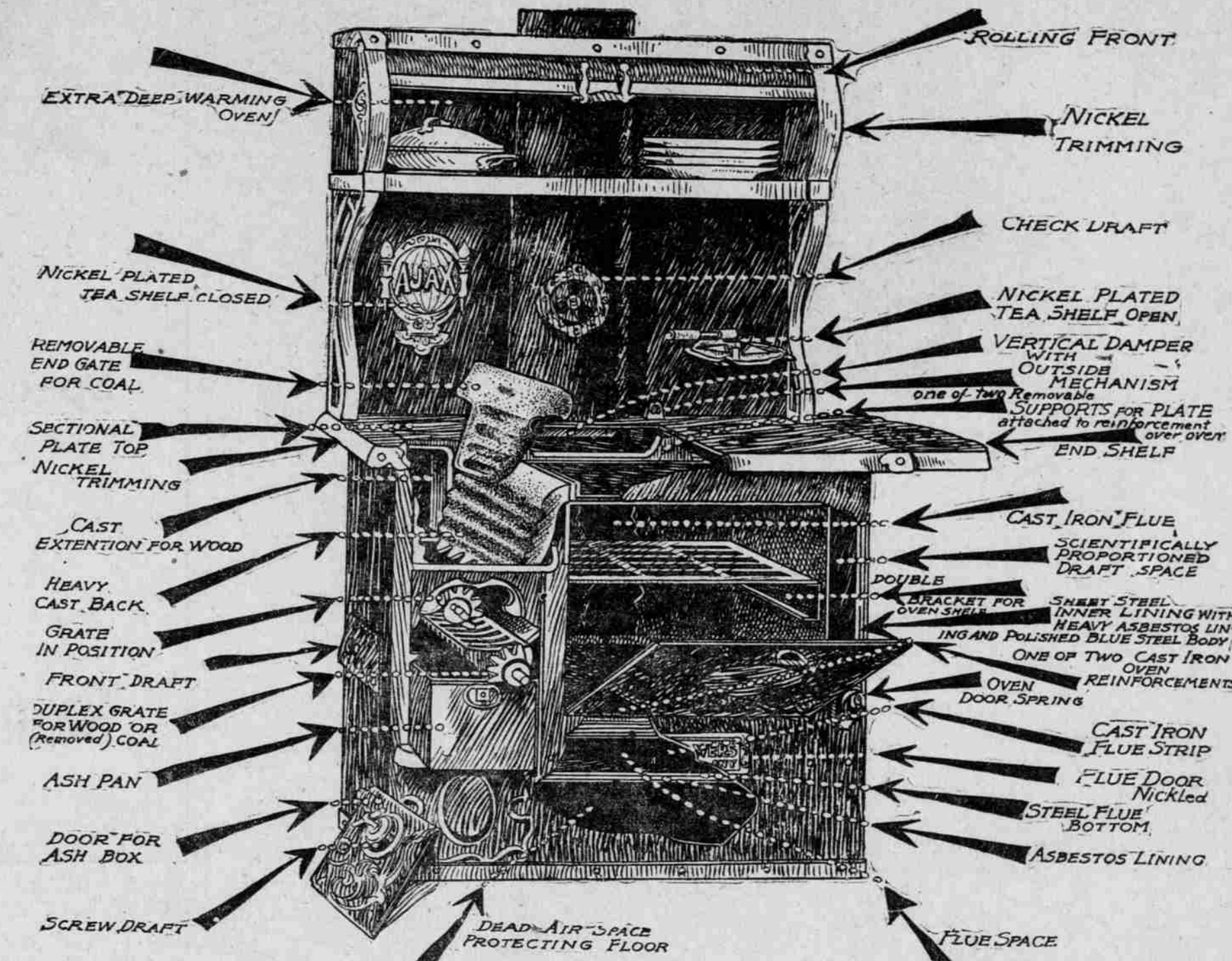
"Yes, sir; I thought he was 'bug-housed,'" replied the witness.

Mr. Vaughn, who now lives in Minneapolis, said he was first approached about coming to Boise by a Pinkerton detective. He reported to Detective McFarland upon arriving here.

On redirect examination he said he was a union labor man—a member of the Order of Railway Conductors. Speaking further of his suspicions of Orchard, Vaughn said he became convinced the man was not a gentleman. The answer was stricken out as a conclusion and not a fact. There was some laughter at this new charge against Orchard.

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DOCTOR'S JOKE TAKEN IN EAR-NEST BY ST. LOUIS.

Exploited by Newspaper, It Enlists Army in War on Vermin—Serious Results Possible.

ST. LOUIS, June 15.—(Special.)—Rodents hunted their holes in St. Louis tonight. A large part of the city's population turned out in a general raid to exterminate rats as the result of what was started as a belated April joke. Hundreds of men and boys participated in the wholesale attack, but whether the slaughter was in proportion to the number of credulous persons who engaged in the war is not yet known.

Two weeks ago a newspaper man bewailed to Dr. John G. Harper that he was "afraid of rats."

"You say you are afraid of rats?" said the doctor. "Why don't you start a crusade on rats in St. Louis? The town is becoming alive with rodents, which have become so ravenous that they are tearing down the Exposition buildings for possession of their larders. Here is your chance. Get busy, and you've got a good story."

That evening bold headlines in double column layout announced that a crusade against rats had been planned for the city and that Saturday night was the day for the work of wholesale slaughter. All of today men and boys waged war upon the common enemy.

Dr. Harper laughed tonight. He said the story was the result of a joke, but the joke may culminate in another kind of plague. Unless the carcasses are promptly removed, the work of vermin will soon cause them to decay and induce sickness. Dr. Harper said he did not think of that end of it.

Huge New Prison for New York. NEW YORK, June 15.—The city has

accepted from a jury of architects a design for a new \$4,000,000 penitentiary on Rykers Island for short-term prisoners. The prison will be a model of its kind and one of the largest in the world. There are to be 2000 cells in the building.

Among the features will be a powerful searchlight, by which when an "escape" is sounded, the whole island and river may be illuminated.

Plans for \$20,000 Edifice. ABERDEEN, Wash., June 15.—(Special.)—Plans have been drawn for a church to be built by the Presbyterians at a cost of \$20,000.

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