STATE STRENGTHENING ITS CASE AGAINST HAYWOOD

Evidence Adduced at Yesterday's Proceedings Coroborates in Mionr Details Many of Orchard's Statements---Trial Adjourned Until Tuesday.

(Special to The Daily News)

Boise, Idaho, June 15 .- in the Haywood murder case today the prosecution put a number of witnesses on the stand to corroborate other portions of Or-chard's story. One of these was W. S. Vaughan, the man who was with Orchard in Canyon City, Colorado, in the spring of 1905, and who Orchard said discovered the clock ticking in his suit ried. For case where the bomb was ca that reason, Orchard declared, Vaughan became suspicious of him and the plan o blowing up Peabody was abandoned. coroborated Orchard's story

very fully. He said he was a member of the order of railway conductors. The bomb was traced fully, its manufacture in Denver and its finding in Wallace. Former governor Peabody testified to eing Orchard in Canyon City at the time of the alleged effort to blow him up and his daughter testified to two men appearing at their carriage in Denver when she and her mother were return-

ing from the theatre. At the close of the day adjournment was taken until Tuesday morning as judge Wood has to go to Caldwell to continue the Orchard case. The state announced it expected to be through with its case by Wednesday. When court opened detective Pendar

was recalled. Mr. Borah stated that under the con-Mr. Boran stated that under the con-tention that Steve Adams was one of the co-conspirators in the case, it would be admissible to show the contents of the telegram sent by Adams from Og-den to Haywood. He said at this time he was not endeavoring to show that the telegram ever reached Mr. Haywood. "Later," said Borah, "we shall show that Haywood did get the telegram and acted upon it." Richardson replied that the testimony

could not regularly be introduced unless it could be shown that the telegram was received and that it proved nething regarding the conspiracy.

regarding the conspiracy. Pendar was asked if he saw the tele-gram fied. He said he saw the tele-gram watten but didn't see it filed. The court overruled the objection and ruled that the contents could be divulg-ed merely as a declaration of an alleged Pendar was asked to state the con-

tents of the telegram, and without hes-itation he repeated the following: "W. D. Haywood, Denver, Colo. I am In D. Haywood, Denver, Colo. I am in trouble; send me \$75 at once. Steve Adams." No cross examination. J. C. Houston, assistant cashler of the

First National bank of Denver was next called. He stated that the Western Federation of Miners did business with his bank, he knew the signature of W. D. Haywood; Borah showed the man six New York drafts on the Frist National ank of Denver. These were identified by the witness.

"The drafts," he said, "were purchased at our bank. The signatures on the back of those that I know are those of W. B. Haywood and James Kirwan ,the latter's name appears only on one. Mr. Haywood's name is signed as secretary and reasurer of the Western Federation of Miners and Mr. Kirwan's signed as acting secretary and treasurer." "The drafts were sent to and signed by J. L. Simpkins, dates and amounts

as follows: June, 1904. \$73: as follows: June, 1909, \$13, January, 1905, \$62.50; June, 24, 1905, \$318.50; Oc-tober 20, 1905, \$114.60; November 20, 1905, \$100; January 17, 1906, \$166.35. Over an objection by the defense the drafts were admitted in evidence. The witness was shown 21 other drafts but their introduction was withheld. Major Naylor, of Victor, Colorado, as-

etary of the mine owners' association there, was next called. He said he knew Orchard. Adams, Sherman Parker and W. F. Davis. At the time of the Vindicator mine explosion he was major in the Colorado National Guards. "I arrived at the mine at about '2 o'clock with a small force of men. We went down in the cage and made an investigation. We saw the dead bodies of McCormick and Beck, Their bodies were badly mutilated. I found part of a pis-tol had been blown apart."

Here, on instruction by Borah, the witness produced the parts of a broken firearm. Major Naylor identified the part, told where it had been found on the sixth level_of the mine and Mr. Borah offered it in evidence, the defense objected, but the exhibits were admitted. Mr. Richardson took up the cross examination. Major Naylor laughed when Richardson asked if four endiers had not been detailed to go shoot up the Vindicator mine shaft house. He had never heard of that

"You have an intense animosity against the members of the miners' un-"I can't say that I have."

"Were you with Sherman Bell when he said: "To hell with habeas corpus, we will give 'em post mortems?" 'I was not present on that occasion," was the reply.

'You helped deport many union min-"Not personally."

Navlor admitted that he had Majo succeeded Michael Connors as marshail of Victor when the latter was suspended. The major said when he arrived in the Independence depot on the night of the explosion he saw the effects of the explosion. There were 14 dead bodies lying around and a large number of others were more or less severely injured. He said wires stretched along down the side track, which had probably been used

to operate the machine which had exploded the powder. The depot end of the wire was wound around a chair leg. "The explosion was on June 6, 1904, at. bout 2:30 in the morning. It was in onnection with the explosion here that first heard of Harry Orchard. He was uspected of having caused the explo

Navlor said that at 2:30 in the after noon on the day of the explosion the mi-litia was called out. He heard Clarence Hall talk from a wagon that afternoon at about 2 o'clock. He had talked about three minutes when some one fired : shot at one side of the wagon. "Then the troops were called out?

"Not immediately." "And when they came out the first thing they did was to go down and shoot up the miners' union hall?"

"No; not the first thing." "What did they do first?" 'vieared the people off the streets, at tempting to preserve order." "Then they began bombarding the un-

ion hall?' "Both sides were bombarding. Both ides had firearms. "Both sides were?"

"Yes; they were in union hall bom-barding us and we on the outside bombarded them.' "Oh, we were?" "Yes, sir."

"How many soldiers were there?" "Only a few; 80 or 100." "You helped with the bombarding; yo did some shooting?" "Well, I had a gun."

Major Naylor said there were a num-ber of disorderly characters besides strikers who were at that time deported from the district under military law

Major Naylor was excused Fireman Sholenberg; of Spokane, told of finding the Peabody bomb in the river at Wallace in March, 1906. He was cuting ice and his fireman's axe struck i le identified the lead casing. August Sutherland, former sheriff of hoshone county, told of removing the owder from the bomb. Deputy Hicks esisted him. Later he took the bomb to Pinkerton headquarters in Denver, Went back to Wallace and finally rought it here

A. J. Dunn, postmaster at Wallace estified to seeing the bomb unloadel. The next witness called was Charles L. Roch, a plumber of Glenwood Springs, Colorado. In 1906 he was in business in Denver, his place of business was num-ber 1651, Court Place. In May or April he said he had been solicited to make lead sheet bucket for plants. "In May, 1905, a man came into my office and asked me to make a sort of sheet lead bucket. 1 asked him what he wanted it for and he said to plant a cactus in. I went ahead and made it." The witness identified the leaden cas

on the table as the one he had made at that time. Miss Cora May Peabody, daughter of ex-governor Peabody, was next called. She told of living on Grant avenue in the winter of 1904. She told of returning from the theatre saving: "When the carriage stopped at our door I got out first; as I stepped out there was a man so close that I could have touched him and another man was close benind him. When I looked at him he moved away The other followed him. We watched them from the porch, as the carriage turned on Grant avenue I saw the men looking into the carriage, then they turned and ran rapidly down Grant ave-In cross examination she could not fix

the date of the occurrence. Governor Peabody was next called. He stated he went to Canyon City to re side after his term of office expired. He said he knew a man who had been point-ed out to him as Harry Orchard, He said he had seen that man on the streets in Canyon City in 1905. He said that in that year he was engaged in remodeling his house in Canyon City. No cross examination. The afternoon session: E. S. Ray-

lond, special policeman for 19 years in Denver, was called. He told Borah he knew George A. Pettibone and William D. Haywood. He had known a man in Denver who went by the name of Thos. Hogan. Witness formerly worked on beat 22, where the Haywood residence was. In 1904 he said he had seen the man Hogan, Pettibone and Haywood on a number of occasions together in the vicinity, mostly in the evening. "You may examine the witness," an

nounced Borah. Raynold said he had been on one beat in Denver for four years. He said he had seen Haywood, Pettibone and the man Hogan together quite a number of The said he had seen all three together a set of the se

at least three or four times. At one time in particular he saw Haywood and Hogan go into Pettibone's house together. He remembered another occasion of passing Pettibone's house when Haywood and Hogan were on the front porch together

W. J. Vaughan, yardmaster of the Seo line of railway in Minneapolis, was next called. He had followed railroading all his life. In the year 1903 he told Borah he was in Colorado and met a man by the name of Dempsey at the Belmont hotel.

"I first met Dempsey in the fall of 1903 said the witness." Dempsey was the man who testified

the state of the s

here as Harry Orchard. It was in April, 1904 that I met him again, I don't know how long he stopped there. I can't say just when it was he went out to write insurance but it was in the latter part of April, 1905. I saw him later in Canof April, 1985. I saw him later in Can-yon City. We were there together, both attempting to write life insurance. We roomed with an old lady about 60 years of age. I didn't know her name then; I've heard it since. He then went by the name of Thos. Hogan. While in the room with Orchard I heard a clock tick-ing in the room and spoke to Orchard about it. I couldn't see any clock; later in moving the stuff around the room I moved his suit case and was surprised to find it so heavy.

moved his suit case and was surprised to find it so heavy. The witness said he left the room after the clock conversation and when he did he said Orchard had the clock out and was tinkering with it. i.e. told me he could use the clock to explode a me ne could use the clock to explode a bomb. I wasn't much interested and told him so. Later Orchard told me in a joking way that he had smething in his suit case that he was going to put under somebody across the way. Later in Denver, in answer to a question in Denver, in answer to a question, Dmpsey told me his grip was still in the com at Canyon City. ... Cross examined by Richardson Vaughan said: "I followed Hogan to Canyon City and

ve worked very hard to write insurance oth of us, for the six days we wer there. He worked harder than I did, I "Did you write any "

"No, sir; but we worked up some pros ects." "And he pointed out Peabody's house, the same as the others?" "Yes, but as it was right there I be-

came suspicious of him, "For what reason?"

"For several rasons; his queer actions. He seemed insincere." Did you think he was probably nutty?" "I thought he was." On redirect eaxmination he said he had been a member of the order of railway onductors for years. G. W. Rich, who kept the Tupper house in Poicatello in 1904, identified Steve Adams

as the man who had stopped in his place on Sept. 24, 1904. That was when Adams, in his confession, said he went there to destroy a carload of Pettibone dope. At this time Borah said he desired to in-troduce in evidence two decisions of the supreme court of Colorado. Mr. Richard-

son said that the defense would strongly object to the introduction of any supren court decisions of Colorado as evidence in the case. "We expected you would do that," sa'd

Borah, 'and will be prepared to meet the objection when the time comes. What I want to know is whether or not you will insist on us producing the original re-cords or will you consent to the introduction of the court reporter on the decisi provided this court allows us to introduc these decisions as evidence?" "Oh, we will not make you any troub'e regarding that matter," replied Richard-

on. These decisions are one by Gabbert, fusing to release Moyer in 1904 on a of habeas corpus; the other by Goddard against th 8-hour law. Thy are offered to show the reason for the attempts to kill the two judges. Their admissibility will be argued later. Court then adjourned until next Tues-

(Special to The Daily News)

Boise, Idaho, June 17.—Today there was no session of court, it being neces-sary for judge Wood to go to Caldwell to postpone the Orchard case. The pris-oner was taken down under heavy guard. There was no special ineident connected with the proceedings. A large crowd had assembled to see the man who had told such a terrible story on the witness stand. By agreement of torneys, the case was continued and the erm of court adjourned. F. T. was substituted as attorney for Orchard C. B. Cox asking to be relieved in view of the fact that his former partner, E. L. Bryan, had been chosen as judge of that district.

that district. • There has been no developments in the Haywood matter today. It is not likely the state will complete the intro-duction of its evidence in chief before the end of the week, it being very profiable Orchard will be put on in re-direct examination about Thursday. It seems well settled that the state will not put Steve Adams on the stand. Nothing has been made public on that Nothing has been made public on that point, but that seems to be the conclu

sion reached. In connectin with the case it is well for the reader to understand the law o conspiracy in this state upon which the state relies. This is to the effect that if such conspiracy is formed as is charg-ed in this case and the fact is proved. each member of the conspiracy is guilty of each overt act done in pursuance thereof. Providing the conspiracy and Haywood's connection with it, the state will claim Haywood's guilt is established even though there be no more direct connection established as to his part in

the murder of governor Steuneberg.

Caldwell, Idaho, June 17 .- Harry Orchard, the self-confessed murderer of former governor Steunenberg and 18 other men, was brought today to the scene of the crime which finally landd him within the clutches of the law and taken before judge Wood at th county court house. The Haywood case at Boise was adjourned over today to enable judge Wood to come to Caldwell today to enable judge wood to come to Caluwing and enter an order formally adjorning Orchard's trial for the present term of court. The proceedings began at 11, judge Wood arriving at that hour, Or-chard was brought over on an early train in custody of warden Whitney, of the state penitentiary, and several dep nties and detectives. The trip was without incident. The prisoner was attired in a natty new brown suit and attracted The local attorney, Mr. Cox, who has been the attorney of record for Orchari in this county, was relieved from further duty by judge Wood this morning and "I persume you desire a continuance of counsel," said judge Wood to the

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"Yes, sir; if it please your holid"," te-plied Orchard, who until the formal ap-pointment of Mr. Wyman was without a legal advisor in the courtroom. The date of Orchard's trial will not be set until the cases against Haywood, Moyer and Petitione at Boise are disposed of, Orchard being the static minipical ac-Orchard being the state's principal accusing witness against the inficials. Orchard was taken back to the peni-

tentiary at Boise this afternoon. Boise, Idaho, June 18.-Today the trial of the Haywood case was resumed and of the Haywood case was resumed and the proceedings proved highly interest-ing. Harry Orchard was again on the stand, being called in continuation of the cross examination for the purpose of laying the foundation for impeach-ment and being then put in re-direct ex-mutation by the state. The principal amination by the state. The principal feature of the redirect examination was the bringing out of a letter from Hay-wood to Mrs. Orchard and a number of letters from Orchard to his wife. In these letters Orchard represented to his wife he was in San Francisco, dating the letters from there. In the first he stated he would send her money by Fad-dy Malone, and instructing her to answer to headquarters and enclose her let wer to headquarters and enclose her let-ter in a large envelope, and saying head-quarters would forward it to lim. In the second, also dated at San Francisco, he said he would go to Alaska or return to Colorado. The third let-ter dated, Nome, Alaska, and left the day of the month out, sending it to Alaska by Marion Moore to be mailed there he said was to deceive his wife there, he said was to deceive his wife as he feared she would inform on him if she knew he was in Denver as she did not wish to have him chasing around the country. Orchard testified he talked with Pettibone about writing Mrs Orchard that he was in Alaska, and a letter was introduced from Havwood to her stating the last they knew of her

usband he was in Aaska, The first witness called was Casper Nicholas, the sheriff of Canyon P. Nicholas, the sherin of Canyon county, at the time of the murder of former governor Steunenberg and in whose custody Harry Orchard was plac-ed after his arrest. He testified to a eq after his arrest. He testined to a letter being received by Harry Orchard wihle in the county jail just after his arrest. Nicholas produced a copy of the letter, a copy made by himself, be-fore the letter was handed to Orchard.

fore the letter was hanged to the late. It was as follows: "Dear Tom: I have received yours and sent that to Jack. I hope to hear from you as to your movements and that you will be successful." Harry Orchard was then re-called. E. F Alchardson at once began to cross ex-amine and it became evident that the defense proposed to bring a number of defense proposed to bring a number of witnesses to prove that Orchard had for years nursed a vengeful spite against Steunenberg and had repeatedly made hreats against him. "Do you know Max Malich of Denver," isked Richardson.

"Yes sir." "Did you in June or July of 1905 say to Max Malich, you and he being alone, that you were going to kill Steunenberg even if you had to swing for it?" "No sir; I never had any such conersation. Senator Borah asked Richardson if he

could not place the time closer than June or July, 1905. "No man can fix the exact day of such

"We will have Max Malich here and he may fix that for you, but it is not likely that he can give you the day of he conversation.'

the conversation." "Did you say that Steunenberg was mean, and that had it not been for Steunenberg you would have been a mil-lionaire, because you owned one six-teenth share of the Hercules mine and that Steunenberg had driven you out of the state?" "No sir, I never said any such thing." Orchard said he had known of lieu

enant Eugene Engly, a Cripple Creek awyer. "Did you go to his office in June, 1904, and at that office state to him that by means of the Couer d'Alene strike you heating of the couer d'Alene strike you had lost some valuable property, and that Steunenberg was to blame for it and you were going to get him sooner or later "

he state?"

"No "sir, I never did." Orchard denied that he had told Lot-tie Day in a room at the Helmont room-ing house in the spring or summer of 1905 that he would kill Steunenberg if he had to swing for it. Orchard said he had never known of "Kid" Waters. fe had never visited his house. "Do you know Dr. J. T. McGee?"

"Do you know Dr. J. T. McGee?" "Yes; I know him." Orchard was asked if he had told the doctor in a hospital at Wallace that he was spotter working not for the Theil agency but for the "other outfit." Orchard denied the conversation. Or-chard denied that in September, 1905, he had told D. C. Coates in his office at Wallace that the more he saw of the at Wallace that the more he saw of the prosperity of his former pals the more he hated governor Steunenberg, that he would "get even with the former governor yet.'

Richardson gave notice that there were two more witnesses he desired to use in laying foundation for impeachment, who were not yet in town. He reserved the right to recall the witness. Mr. Hawley here began the re-direct examination. His first question was as to when Orchard had sold his interest n the Hercules mine. Orchard replied 'It was February or March, 1897.'

After selling out his business in Burke Orchard said he had no property interests in the Couer d'Alene. He said he had no property there at the time of the blowing up of the Bunker Hill and Sullivan mill. "The last time I saw Max Milach," said Orchard, "was late in 1995. I never per-sonally knew Eugene Engly and I never had any business dealings with him in

atty by judge wood this morning and with the consent of the prisoner, Frank T. Wyman, a Bolse attorney, was ap-pointed in his place. "I persume you desire a continuance of counsel," said judge Wood to the prisoner.

"HARRY ORCHARD." Haywood's letter: "Denver, Colorado, November 17, 1905. --Mrs. H. Orchard: Dear madam and sister-I have not heard a word since I saw you. The last information I got was from Alaska. I think Fairfield was nation I got the name of the place. I see that awful conditions prevail, among the law and order element. Yours verytruly, "WM. D. HAYWOOD." Orchard testified to talks he had with Adams in the penitentiary about the lat ter's confession, after very sharp objection by the defense. Adams saw an at orney some days before he saw McPar land and after he saw McPar and he talk ed to me about making a confession. Her the defense fought hard to prevent this testimony from coming out. The admis-ballity of the conversation was resisted by Richardson, who claimed that this was an effort on the part of the state to introduke Adams' confession, under the guise of a conversation Senator Borah said the state was not eeking to introduce this as the evidence

show what Adams said about a confes-sion, but could not go into the confession tself. "After the conversation did you and Adams continue to occupy the same cell, and did he occupy it with you after the conversation with McParland " asked than in the case tried twenty years ago, conversation Hawley,

nown ally one personally by that name." Hawley took up the matter of the let-er received by Orchard in the jail at Caldwell, and asked, "who wrote that "Mr. Pettibone."

Hawley then asked to be allowed to place the copy in evidence and Richardon strongly objected. The court asked to see the letter and it was handed to him to read. He read

it over and promptly overruled the ob-jection by Richardson. Hawley handed to Orchard the copy sheriff Nichols had made of the telegram received by Or-chard in the county jail at Caldwell. Telegram dated from Spokans and signed "M." It was received four or five days before Fred Miller reached Caldwell. "After he got there did he say he sent the telegram " An objection by Richardson was sustained by the court. It read: "Attorney Fred Miller will

start for Caldwell in the morning." It was admitted in evidence. Then follow-ed the introduction of letters.

"Where you in April, 1905?" asked Hawley. Orchard said he was in Colorado. thought he was in Denver at that time Orchard said he had told Haywood orchard said he had bld his wife about sending some letters to his wife at Cripple Creek. "Haywood told me, she had written to me and wanted to know where I was. I said I would write some letters and date them San Fran-cisco, and I asked him to write to her and tell her I was in San Francisco.' Here both attorneys for the defense sprang to their feet to object to the ex-"That is not re-direct examination,

houted Darrow. "It is re-direct," said Borah. "It i

omething you people went into very horoughly, this matter of Orchard's porrespondence with his wife." "If it is not re-direct," said the cour the state will be allowed to re-open the direct examination on this point.

Darrow sprang to his feet to support with argument, but interrupted by the court. tlemen, the objection is over-

is objection

The defense took an exception. Or-chard testified he wrote the letters in Pettibone's store. He told Haywood and Pettibone about them. He said further he turned the letters over to Pat. Maloney to deliver. After many objec-

ions these letters were all admitted. They are in part as follows: The first letter-San Francisco, April 1, 1905. My dear wife: I am ashamed to write to you; I have not written in so long, but I got no answer to the last letter I wrote and supposed you didn't get it Now dear, the reason I have not written lately you no doubt know. I do not care for any charges they may make against me for they are without foundation, but I don't propose to let them bring me up before a kangaroo court and treat me as they have hundreds of

"P. S. Paddy will hand you this and when you write me address Harry Or-chard, San Francisco, California, general delivery, but put it in a big envelope and give it to Paddy and he will send it to headuarters and they will send it to me. Be sure to do this." Second letter: "San Fransicco, California, April 17.—

My dear wife: I received your letter or rather your roast. Well, if you felt as you write, I don't know as I will be up there very soon. It is true, I have not done as I might of but I have no ex-cuses to make; you have had enough to live on I think; I have been sick, I am working now. I will be for some time. I am either going to Alaska or time. I am either going to Alaska or will come to Colorado. I do not know what to say dear. I love you just as well as ever but I do not think you do me. No. I did not read any letters you got from Mrs. A. I told her to write

got from aris. A. I told her to write to you and thought you got \$100 as I made arrangements for. I remain as ever, your husband." Third letter: "Cape Nome, Alaska, August 5, 1905--Mirs. Harry Orchard Independence, Colorado: Well, Dollie, I will not call you my wile as you are ashamed of your name. Well, I am not ashamed of it, and I think I am sorry you are, but can not help it. I am going to make a forhot help it. I am going to make a for-tune, I think. Just came in from the interior for an outfit for the winter and hope to get all the money I want and if I do, although you do not care for me, I will not forget you if I am lucky, which I hope to be. Hoping this will find you well as I am myself, I will close with hest wishes. Yours respectfully with best wishes. Yours respectfully. "HARRY ORCHARD."

of a conspirator. He said they desired to get a voluntary statement by Adams to Orchard. If it should turn out that this was a confession the state was entitled to know what Adams sold when not under, any compulsion of any kind. Adams as a co-conspirator with Haywood had made a confession and had repudiated it, stat-ing that it was made under duress. Index Wrood whed that the state could Judge Wood ruled that the state could

"Yes, sir: he did,"

On cross-examination, Orthard said it was not until four or five days before he went off the stand last week that he had seem the letters written to his wife since he had sent them. He had never seen the letters but once until they were placed in his hands in the court room. He denied that he had seen the letters during a consultation with attorneys in Hawley's office on Sunday. Regarding he letters he had written himself and had sent to his wife by Paddy Maloney, Or-chard said he had talked to Pettibone and also to Haywood about the letters "Why?"

"Because I had heard that she had said that if she found out where I was, she would tell the authorities, that she would rather see me in jall than not know where was. I wrote the letters so she would

think I was in San Francisco." Orchard seid he had had several talks with the federation officials regarding what course he was to pursue should he ever be arrested. "I can't remember just when it was, but I had been eng ged in doing some work for Moyer, Petitibone and Haywood. They told me if I got into trouble of any kind and was arrested not to wire or write to them, but they would attend to sending an attorney to my as-sistance as quickly as possible." Regarding Orchard's talk with detective Scott after the Vindicator explosion, Or-chard said: "I went to Scott because he had sent for me. I had seen him a few had sent for me. I had seen him a few days before about the train wrecking plot. I did not dare stay away because I was afraid I was under suspicion by him and went to sort of protect myself. I did not vant him to suspect me." The next wilness called by the state

was Ed. Boyce of Walknee. The witness said he had lived here since 1887. He had een at one time a member of the exccu tive board of the Western Federation of Miners. In 1895, 1897, 1898, 1899, 1900, 1901 and to May, 1902, he was president of the Western Federation of Miners. He said he had been succeeded by Charles H. Moyer. The Federa ion was organized May 15, 1903. Boyce testified that the Min ers' Magazine was made the official organ of the federation in 1901. Borah offered several articles from that publication in evidence and pending their examination by the defense the court adurned until tomorrow.

Boise, Idaho, June 19 .- The entire norning session of the court was conmed in hearing argument on the adisibility of the articles from the Min ers' Magazine. At the opening of the afternoon session judge Wood said he would admit some of them, but he reserved his decision as a whole until he could have time to examine all the arti-

cles offered. Mrs. Sourad, who kept the house in San Francisco in which Orchard roomed when, as he claimed, he was planning to murder F. W. Bradley, was on the stand during the day and corroborated the statement of Orchard and espec-lally that in which he said he had left his device for testing the pull on the cork of the bottle of acid, exposed in

Justice L. M. Goddard of the Colorado supreme court was on the stand in the atternoon and narrated the story of the inding of the bomb planted the solvy of the finding of the bomb planted at his gate. The bomb was dug up a short time be-fore the arrest of Moyer, Haywood and Pettibone. The information of its ex-istence came through McPartland, hav-ing been told by Orchard in his confes-tion

Richardson presented the argumen for the defense against the admission of the magazine articles as evidence. He maintained that the articles offered by the state failed to show that the de-fendant had through these articles con-tributed any thing that might lead to the murder of governor Steunenberg. He admitted that some of the articles were intemperate in tone, but said that they were nothing more than ordinary newspaper abuse. Mr. Richardson quoted from the record of the case. "The people vs. Sples." and the ruling as to the said Wilson had probably called a dozen. "Then you had about fifteen calls." the admission of newspaper articles. In the case of the Miners' Magazine, he said, the articles didn't compare in tone with the violence of the articles ad-

mitted as evidence in the Spies case. Richardson read at length from the evidence in the Spies case the letters from Herr Most to Spies and other vio-lent matter published at the time. Throughout these letters and other mat-ter the introduction of force, dynamite, murder and violence and revolution were recommended Wr. Bioheadcon weinted recommended. Mr. Richardson pointed out that the letters were printed in an-archistic newspapers, published by the defendants in the famous anarchist trial in Chicago, resulting in convictions and in Chicago, resulting in convictions and executions. Continuing his argument Mr. Richardson said that in no one of the articles in the Miners' Magizine was there direct or implied connection with the murder of governor Steunenberg. He admitted Haywood's prejudice against Steunenberg because of his course in Idaho, but, "tens of thous-ands and hundreds of thousands of peoands and hundreds of thousands of peo-ple in the country condemned or ap-proved the course adopted by Steunen-herg." and that those who condemned berg," and that those who condemned should not for that reason be held responsible for the governor's murder. Senator Borah argued for the state that the magazine articles should be admitted because they showed the enmity of an organization of which the defen-dant, Haywood, and the other defea-

dant, Haywood, and the other defea-dants, were officers. He pointed out that the state did not offer the articles as evidence, relying on them to prove the charge of murder, but in order to help the jury in deter-mining among all the circumstances what was the animus of the Western Federation of Miners, of which Hay-wood is the secretary, and the Miners' Magizine the official organ. Senator Borah without quoting from the arti-cles, said that these articles did advo-cate force and that they advised the members of the organization to arm themselves with rifles. He maintained that if the evidence of newspaper arti-cles was admitted in the Spies case, the evidence of articles in the Miners' Mag-azine should be admitted, because in both events. it was shown violence was advocated.

After judge Wood had temporarily disposed of the magazine articles, John L. Stearns, general agent of the Mutua Life Insurance Company, Denver, was called. He was the man who made a contract appointing Orchard under the name of Thomas Hogan as life insurance agent. Stearns said that the contact with

He applied for the position of agent and he told him he must furnish ref-erences. He furnished references from Harry Cohen, George A. Petithone, J. A arry conen, George A. Petitione, J. C. Sullivan and Horace N. Hawkins. Witness wrote to each of these asking information respecting Thomas Hogan, and the answers received were identifi-ed and admitted in evidence. Mr. Haw-kins is the law partner of E. F. Richard-son counsel for the defense and this son, counsel for the defense, and this reply created both sensation and amuse-ment, Richardson himself being obliged to smile at the good character given by his partner to Harry Orchard. The Hawkins letter follows: "RICHARDSON & HAWKINS.

"Denver, Colorado, April 8, 1905. "John L. Stearns, manager Mutual Life Insurance Company, Denver: Dea: sir.—With reference to Thomas Hogan, will say that I have known him for a in in every way as a man of integrity. His habits, so far as I have had occa sion to observe, are of the best and in general, I know of nothing whatever detrimental to his character and am. glad to recommend him for the position.

Yours truly, "HORACE N. HAWKINS." Pettibone's answer caused a ripple of aughter in the court room. The letter follows:

"John L. Stearns, city: Dear sir.-In reply to your letter of 7th in rela-tion to Thomas Hogan. Yes, I am acruainted with him and I am also getting acquainted with you. If any more agents apply to you for positions you would do me a favor by showing them would do me a ravor by showing them the nearest way to the side walk as I can use all these fellows very handy my-self. Yours truly, "G. A. PETTIBONE."

G. A. PETTIBONE. Richardson moved to strike out all his testimony. Overruled. Mrs. A. E. Soward of Berkley, Cali-

ornia, was next called. In the fall of 1904 she lived in San Francisco four doors above the Luitford fats where sred W. Bradley resided. She remembered a man by the name of Barrie who applied for and hired a room house in October.

"He remained at my house five or six weeks, I have seen him here in the court room and he is the same man known here as Harry Orchard. I had a little flat and he had a small outside room in about the middle of the flat." I found shavings of lead and wood in his room in the center of the room. There were also shavings of wood wrapped in a newspaper in the closet." She said she found some suspicious

ttles in the bureau drawers. of finding a cork fastened to a screweye in the closet door, it was a sort of fish line and attached to it was a cork. "How about his suit case?" "I noticed that it was very heavy." "Did you know of an explosion at the

radley house?'

The witness said she found the things n his room a day or two before the explosion. 'When did he leave your house?"

"The morning of the explosion." "When did he settle with you for his om?

"The night before." "The winess said on cross examination that she was induced to come to Boise by a Pinkerton detective by the name of wilson. Another detective by the name of Reeves also cal.ed on her. She said Wilson had probably called a dozen

She testified that she had only received

\$30 before starting for Boise and her railroad fare. Reily Harris, of Greely, Colorado, a

plumber, was next called. In 1905 he was located across from Pettibone's store in Denver. He worked for Mr. Roach. Harris testified that he was in the plumbing shop when the lead casing which Or-chard ordered was made. He was in the shop when the casing was made. He said he delivered the casing to Orchard

at the Petthone store in May, 1905, and collected \$10.50 for it. A motion to strike this out was over

Judge Luther M. Goddard then took the stand. He said that both he and judge Gabbert were on the supreme bench in 1904. "I will ask you if you were present at

the recovering of a bomb at your gate year ago last spring?" After objection by the defense had been overruled, the witness answered "yes." Judge Goddard then told the story of

he uncovering of the bomb. "On February 14, 1906, I noticed for the first time a screw eye in the bottom of the gate. I spoke of the matter to general Wells, who was at my house. He examined it and found a de pression in the ground near the gate. He dug down and recovered a rough box, about 18 inches long. The top of the box was about three inches below the level of the ground. There was burlap above the box. We found a rusted wire attached to a cork partly drawn from a tilted vial in the bottom of which was a brownish sediment. Judge Goddard told of how the box

was removed, placed in a grip and taken by himself and Bulkey Wells to the office of detective McParland here. He said the box was wrapped up and the package sealed. He told about how the vial and other small parts were wrapped up, sealed and marked for indenti fication.

Mr. Borah handed the judge a sealed envelope, the witness identifiel 's ig-nature to this envelope. He was asked to tear open the envelope. He die so and (Continued on Page Four

LAND NOTICE

OTICE is hereby given that NOTICE is hereby given that after date I intend to apply to it the Chief Commissioner of La. Works for permission to purch following described lands in Wes-nay district, British Columbia: Co-ing at a post marked "S. Lear corner," said post being at a po-miles west of a point three miles i Columbia river, up Mosquito creek Columbia river, up Mosquito cre south 40 chains; thence west 40 thence south 20 chains; thence chains; thence north 40 chains east 40 chains; thence north 2 thence east 40 chains to place mencement, containing 320 Dated this 23rd day of April.

CHARLES SIDNEY NOTICE is hereby given that

after date I intend to apply to the Chief Commissioner of I Works for permission to pur following described lands in We nay district, on the east sid of row lake, adjacent to Octopus crit mencing at a post on the north T. Beattie's application to purch running east 20 chains; then north: thence 20 chains west chains to point of commencer taining 40 acres, more or less. Dated at Nelson, B.C. this 20 May, 1907. Т. М.

NOTICE is hereby given that after da e I intend to apply to the Chief Commissioner of La Works for permission to purchas lowing described lands, situate Kootenay District; Commencing planted on the south side of Lem near the mouth of the first Non and marked "R. W. Gladstone east corner post," thence running west: thence 20 chains south: east; thence 20 chains not place of comment R. W. GLADS

April 29, 1907.

NOTICE is herety given that 60 d date we intend to apply to the Chief Commissioner of Lands an for permission to purchase the described and situate on the year for permission to purchase the described ands situate on the scu the West Arm of Kootenay lai menoing at a post adjoining R. N.E. corner, Lot 6892, thence bouth; thence 30 chains east, chains north, thence 30 chains point of commencement, con acres moré or less. DELBERT DYE.

ERNEST HARRON May 6, 1907.

NOTICE is hereby given that after date I intend to apply to Commissioner of Lands and W permission to purchase the follo scribed lands, in West Kootenay commencing at post marked N.W. corner," situated at the N. of Lot 3815, Little Slocan valler wouth 20 chains; thence east 2 thence north 20 chains; thence chains to point of commencement chains to point of com 40 Acres more or

Slocan, B.C., May 20, 1907. NOTICE is hereby given that after date I intend to apply to the Chief Commissioner of Works for permission to pu lowing described lands: Commer post planted about half a mil Nelson and Fort Sheppard railwa Fails) bridge, and about a qu south of lot 1236, N. and F. S. 1 and east of S. N. Ross' applica May 23, 1906, thence 1-4 mile er south 1-2 mile; thence west 1-4 m 1-2 mile to point of beginning, 160 acres, more or less, Staked May 13th, 1907.

A. B. BUG NOTICE is hereby given th after date I intend to app'y the Chief Commissioner of Works for permission to pu following described lands in nay district, British Columbia ing at William McDevitt's southeast corner, thence east thence north 20 chains; then chains; thence south 20 chains commencement, containing or less. JOHN H. Me

Dated this 24th day of April, NOTICE is hereby given th after date I intend to app'y the Chief Commissioner of Works for permission to pu following described lands in V following described lands in Y nay district, British Columbia lag at a post marked "Maggie S.W. corner," said post bein Cariboo creek and at the N.H J. H. McCormick's purchase (thence east 00 chains; then chains; thence west 60 cha south 40 chains, to place of ment, containing 240 acres, m MAGGIE Mc Dated this 24th day of Apri',

NOTICE is hereby given to after date I intend to apply the Chief Commissioner of Works for permission to pure lowing described lands, situ Kootenay District: Commenci planied on the west' side of lake about three miles sout and near W. O. S.evens' N.E marked "I. R Poole's S.E. o west 40 chains; thence nor htence east 40 chains; thence the western shore of Upper 80 chains more or less, to ement, containing

La:ed Aril 29, 1907.

NOTICE is hereby given that date I intend to apply to t missioner of Lands and W unissioner of Lands and foll ed lands: Commencing at mear the S.E. corner of lot Mootenay and marked "H.J mer," thence north about 65 west about 34 chains; the about 80 chains; meanderin enay lake to point of com enay lake to point of

March 22nd. 1907. NOTICE is hereby given after date I intend to app