

STATE STRENGTHENING ITS CASE AGAINST HAYWOOD

Evidence Adduced at Yesterday's Proceedings Corroborates in Minor 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 Orchard's story. One of these was W. S. Vaughan, the man who was with Orchard in Canyon City, Colorado, in the spring of 1906, and who Orchard said was the man who was with him in the room where the clock ticking in his suit case was heard.

For that reason, Orchard declared, Vaughan became suspicious of him and the plan to blow up Peabody was abandoned. Vaughan corroborated 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 seeing Orchard in Canyon City at the time of the alleged effort to direct him up and his daughter testified to two men appearing at their carriage in Denver when she and her mother were returning from the theater.

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.

When court opened detective Pendar was recalled.

Mr. Borah stated that under the contention 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 Denver 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 not 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 something regarding the conspiracy.

Pendar was asked if he saw the telegram. He said he did not see it.

The court overruled the objection and ruled that the contents could be divulged merely as a declaration of an alleged co-conspirator.

Pendar was asked to state the contents of the telegram, and without hesitation he repeated the following:

"I, Haywood, do hereby certify that I am in trouble; send me \$75 at once. Steve Adams. No cross examination.

J. C. Houston, assistant cashier 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. L. Haywood, and he signed the check.

New York drafts from the First National bank 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 on the other."

He said that 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 on the other."

"The drafts were sent to and signed by J. L. Simpkins, dates and amounts as follows: June, 1904, \$72; January, 1905, \$25.50; June, 24, 1905, \$319.50; October, 20, 1905, \$114.50; November, 20, 1905, \$100; January, 1906, \$168.35.

Over an objection by the defense the drafts were admitted in evidence. The witness was shown 21 of the drafts but their introduction was withheld.

Major Naylor, of Victor, Colorado, assistant secretary 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 Victor mine explosion he was in the Colorado National Guards.

He said he saw the bodies of McCormick and Beck. The bodies were badly mutilated. I found part of a pistol 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 soldiers had been detailed to go shoot at the Victor mine explosion. He had never heard of that.

"You have an intense animosity against the members of the miners' union," he said.

"I can't say that I have."

"Were you with Sherman Bell when he said: 'To hell with habas corps, we will have ten million men on the march?'"

"I was not present on that occasion," was the reply.

"You helped deport many union miners."

"Not personally."

Major Naylor admitted that he had succeeded Michael Connors as marshal of Victor when the latter was suspended. The major said when he arrived in the Independence depot on the night 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 power. The depot end of the wire was wound around a chair leg.

"The explosion was on June 6, 1904, at about 2:30 in the morning. It was in connection with the explosion here that I first heard of Haywood. He was suspected of having caused the explosion."

Naylor said that at 2:30 in the afternoon on the day of the explosion the militia 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 someone fired a 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 at the miners' union hall."

"No, not the first thing."

"What did they do first?"

"I heard the people off the streets, attempting to preserve order."

"Then they began bombarding the union hall."

"Both sides were bombarding. Both sides had firearms."

"Yes, they were in union hall bombarding us and we on the outside bombarding them."

"Oh, we were?"

"How many soldiers were there?"

"Only a few, 30 or 100."

"You helped with the bombarding; you did some shooting?"

"Well, I had a gun."

Major Naylor said there were a number of disorderly characters besides strikers who were at that time deported from the district under military law. Major Naylor was excused.

Freeman Shoenberg, of Spokane, told of finding the Peabody bomb in the river at Wallace in March, 1906. He was cutting ice and his friend's axe struck it. He identified the lead casing.

Agnes Sutherland, former sheriff of Stearns county, told of removing the powder from the bomb. Deputy Hicks assisted him. Later he took the bomb to Pinkerton headquarters in Denver.

W. B. Haywood, Wallace, and finally brought it here.

A. J. Dunn, postmaster at Wallace, testified to seeing the bomb unloaded.

The next witness called was Charles L. Roach, a plumber of Glenwood Springs, Colorado. In 1906 he was in business in Denver. His place of business was number 1051, Court place. In May or April he said he had been solicited to make a 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. I 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 case 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 Great avenue in Denver. 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 Elmer Pettibone and Haywood on a number of occasions together in that vicinity, mostly in the evening.

"You may examine the witness," announced Pettibone, whose name Haywood had given to the man who was with him in the room where the clock ticking in his suit case was heard.

Raymond 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 times between the spring and fall of 1905 not less than half a dozen times.

"It may have been a dozen times."

He said he had seen all three together at least four or five times.

In particular he saw Haywood and Hogan go into Pettibone's house together. He remembered another occasion of seeing Pettibone, Hogan, who was Haywood and Hogan were on the front porch together.

W. J. Vaughan, yardmaster of the Soo line of railway in Minneapolis, was next called. He had followed mining since 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

here as Harry Orchard. It was in April, 1904 that I met him again, I don't know how long he was in jail there, I can't say."

"When it was he went out to write insurance but it was in the latter part of April, 1905. I saw him later in Canyon City. We were there together, both attempting to write life insurance. We roomed with an old lady about 80 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 ticking 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."

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. He told me he could use the clock to explode a bomb. I wasn't much interested in it at first. Later Orchard told me in a joking way that he had something in his suit case that he was going to put under somebody across the way. Later he said he was going to a question, Dempsey told me his grip was still in the room at Canyon City."

Cross examined by Richardson, Vaughan forwarded 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 Anderson Malone, and instructing her to pay to headquarters and enclose her letter in a large envelope, and saying head-quarters would forward it to him.

In the second, also dated at San Francisco, he said he would go to Alaska or return to Colorado. The third letter, dated from Denver, was dated the day of the month out, sending it to Alaska by Marion Moore to be mailed there, he said was to deceive his wife. He feared she would inform on him, but if she knew he was in Denver she did not wish to have him chasing around the country. Orchard testified he talked with Pettibone about writing letters to his wife. He was in Alaska and a letter was introduced from Haywood to her stating the last they knew of her husband he was in Alaska.

On direct examination he said he had been a member of the order of railway conductors for years. The Tupper house in Polatsito in 1905, identified Steve Adams as the man who had stopped in his place on Sept. 24, 1904. That was when Adams, this confession, said he went there to destroy a carload of Pettibone's goods.

"At this time Borah said he desired to introduce in evidence two decisions of the supreme court of Colorado. Mr. Richardson said that the defense would strongly object to the introduction of any supreme court decisions of Colorado as evidence in the case."

"For what reason?"

"No, sir; but we worked up some prospects."

"And he pointed out Peabody's house the same as the others?"

"Yes, but as it was right there I became suspicious of him."

"For what reason?"

"For several reasons; his queer actions. He seemed insincere."

Did you think he was probably nutty?"

On redirect examination he said he had been a member of the order of railway conductors for years. The Tupper house in Polatsito in 1905, identified Steve Adams as the man who had stopped in his place on Sept. 24, 1904. That was when Adams, this confession, said he went there to destroy a carload of Pettibone's goods.

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