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## DEFENSE RESTS IN HAYWOOD CASE

Change of Plans Took the Attorneys for the Prosecution By Surprise.

## STATE BEGINS ITS REBUTTAL

Dan Gainey, an Independence Depot Victim, Positively Contradicts Dominick Flynn.

August Paulsen, a Hercules Owner, Testified Orchard Had Nothing to do With Mine After Spring of 1898.

Boise, July 13.—Contradiction, impeachment and rebuttal became the order of the day when shortly after the opening of court this morning the defense for the defense of William D. Haywood rested their case and the state commenced the second innings. The rebuttal brought out a flood of witnesses whose evidence, short and snappy, kept the courtroom well keyed up. J. H. Hawley conducted the examination for the state and E. F. Richardson again took the lead as cross-examiner. Hawley, vigorous and aggressive, Richardson, quick and at times showing irritation, together provided a number of interesting passages. Good humor was mingled with grave insinuation, and short passages between counsel promptly suppressed by the court.

Objection after objection was poured in to the record by counsel for the defense. Clarence Darrow, assisted by Richardson in keeping interest stirred to the point of excited anticipation and the morning session was generally lively.

Nine witnesses were examined in the first two hours, the most interesting being August Paulsen, formerly a partner of Harry Orchard in the Hercules mine, and now a rich banker of Wallace, Idaho.

The afternoon session will open with argument as to the admissibility of certain evidence and court will sit until 3:30 p. m.

With the opening of the court today, Attorney Richardson sprung a deadly surprise by announcing that the defense rested. At adjournment yesterday afternoon Mr. Darrow had announced that a powder expert would be put on the stand and to testify in connection with the Bradley explosion in San Francisco.

The change of plans took the state's attorneys entirely by surprise and there was some delay in beginning the case in rebuttal.

"We did not expect this," declared Mr. Hawley, leading counsel for the state, and our witnesses were not notified to be here at this early hour."

## ORCHARD HAD NO MUSTACHE

The witnesses began to struggle in, however, and soon John C. Rice was recalled to the stand. He testified that in November, 1905, Orchard did not have a mustache. This was in contradiction of one of the defense's witnesses who swore he heard Orchard make threats against Steenberg, describing Orchard as a man with a large mustache.

## DAN GAINEY.

The next witness was Dan Gainey, of Walla Walla. Gainey lost both of his feet in the Independence depot explosion. He lived in the Cour d'Alene at the time of the explosion and was a part of the time with Orchard. Gainey said that Dominick Flynn, who testified he was playing poker with Orchard on the night of the explosion, had told him in a conversation that he had not seen Orchard since February, 1898.

Richardson, cross-examining Gainey, said he had no present business. "When did you go out of business?" "After I was dynamited at Victor, Idaho," Gainey answered.

"No, sir." "You know it was Orchard who says he blew you up?" "Yes."

"But you have corresponded with Orchard since his arrest?" "Several times," Gainey wrote to him several times.

## O'NEILL'S PRISON RECORD.

R. E. Grimshaw, of Deadwood, S. D., was introduced by the state to identify a prison record showing that in 1890 John M. O'Neill, at present and for many years past editor of the Miners' Magazine, was in Dakota penitentiary. The defense objected on the ground that this was not a proper rebuttal, the witness O'Neill's attention not being called to the matter when he was on the stand. To allow recitation of this prison record was temporarily withdrawn.

In contradiction of the old soldier, John D. Elliott, who said he heard Orchard make threats against Steenberg while on a train, the state introduced several railway officials who produced records showing that the train on which Elliott testified that Orchard traveled did not make the connections which Elliott had described as a part of the journey.

## ORCHARD AT THE CULLEN.

Elliott testified for the defense that he traveled from Victor, Idaho, to Boise, about Nov. 25, 1905. The state called J. P. Stephenson, a hotel clerk of Salt Lake City, today, to testify that Orchard arrived at the Hotel Cullen on Nov. 25, 1905, and remained there three weeks.

To produce records, the witness said he could only find Orchard's name entered in the books on Nov. 25. It was the custom to pay for his room nightly in advance.

J. H. Moser, proprietor of the Ketchikan Block rooming house in Denver, testified that he had heard, under the name of Dempsey, stopped with him for two weeks late in July or August of 1904. Dr. McGee, a witness for the defense, testified several weeks ago that he saw Orchard in the Cour d'Alene at this time. On cross-examination he said he kept no record of guests and could not remember the name of any other transient guest in the summer of 1904. He was requested to come to Boise by a Pinkerton detective.

## AUGUST PAULSEN CALLED.

Interest in the rebuttal case was materially quickened by the calling of August Paulsen of Wallace, Ida., one of the owners of the Hercules, in which Orchard once held a one-fourth interest. There was a long argument between counsel as to the witness' ability to tell when Orchard ceased to exercise control of the mine. Paulsen said he could not remember the exact date,

but that after early in the spring of 1898 Orchard had nothing further to do with the property, his interest being succeeded to by Dan Cardner, now a wealthy man from the production of the mine.

The defense claims that Orchard had a personal motive against Steenberg because of the loss of this property when he was driven out of the country as a part of the 1899 troubles. The state claims Orchard sold out his interest a year or so before the trouble started.

The deed by which Orchard transferred his interest in the Hercules mine to Cardner was a deed in escrow over the protest of the defense. It bore date of March 7, 1898.

Paulsen was cross-examined but briefly and he stood at the lunchroom adjournment until 1:30 p. m. was ordered.

## TELEGRAPHERS' STRIKE.

A Final Effort is Being Made to Effect a Settlement.

San Francisco, July 13.—With the final last night of the strike, the labor Commissioner Charles B. Neill of Washington and Vice President S. J. Koenigsmann, M. J. Reidy and Joseph M. Sullivan, of the national executive committee of the telegraphers, the results of the final effort to prevent an extension of the telegraphers' strike probably will be known by tomorrow or Monday.

Neill, who has been in the city for some time in getting in touch with the local situation and last night held conferences in Oakland with representatives of both sides to the controversy. At the conclusion of a conference lasting one hour, with I. N. Miller, assistant general superintendent of the Western Union, and a commissioner declined to state what the outcome of the meeting was. It is expected that he will meet General Charles H. Storrer of the Postal company today.

A mass meeting of the telegraphers will be held in Oakland tonight which Commissioner Neill said he would attend. The officials of both telegraph companies have also been invited.

J. P. MORGAN WITNESS IN LONDON POLICE COURT.

London, July 13.—J. Pierpont Morgan appeared in the West London police court today as a witness in the case of Mrs. Josephine Leslie, who was arrested at Newmarket July 4, charged with defrauding members of well known families by false pretenses and who represented herself to be a friend of Mr. Morgan. The latter repudiated all knowledge of Mrs. Leslie. He said he did not write to her advising her to join one of his syndicates, and never invited Mrs. Leslie, as alleged, to dine at his son's house. As a matter of fact, Mr. Morgan added, he was in New York at the time of the alleged interview.

On cross-examination Mr. Morgan said he did not remember any invitation being sent to George Eastwick, the Londoner who for public connection which Mr. Morgan gave in New York.

Mr. Morgan was sure that his firm had no customer of that name, and he said it was improbable that any of his business friends would speak of investments returning 12 per cent, which Mr. Leslie had been promising an interest on money invested in the alleged Morgan syndicate.

"I do not know many of that character," said Mr. Morgan in conclusion. After the plaintiff, Miss Annie Blount, had testified briefly that she was induced to give Mrs. Leslie \$42,000 on the strength of letters purporting to have been written by Mr. Morgan promising huge returns, the case was adjourned.

## SCHMITZ' APPLICATION FOR MANDAMUS REFUSED.

San Francisco, July 13.—The district court of appeals today refused to grant Mayor Schmitz a writ of mandamus compelling the board of supervisors to settle the bill of habeas corpus proceedings in the case in which he was arrested in 1898 and roomed a part of the time with Orchard. Gainey said that Dominick Flynn, who testified he was playing poker with Orchard on the night of the explosion, had told him in a conversation that he had not seen Orchard since February, 1898.

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## JUDGE DAWSON TO ALLOW BAIL

Wants Further Evidence for the Need of It By Mrs. Bradley.

## CONTINUED HEARING MONDAY

Prosecution Urges That the Defendant Remain in Hospital Until Trial for Murder in October.

Washington, July 12.—There was a partial hearing in the supreme court of the District of Columbia today on the application of Mrs. Annie M. Bradley, charged with the murder of former U. S. Senator Brown of Utah, to be admitted to bail, but the action was postponed until next Monday. The hearing was held before Justice Wright, who found the affidavits regarding Mrs. Bradley's health to be insufficient to justify action at this time.

The fact was brought out that it was desired to secure her liberty on bond when she shall have sufficiently recovered to leave the hospital after a surgical operation which she is to undergo. The district attorney suggested that there would be no objection to cutting off the defendant's hair and allowing her to remain at the hospital until the time of her trial in October, but Mr. Hoover, on behalf of Mrs. Bradley, urged the importance of a period of recuperation between the time of leaving the hospital and the time of beginning her trial.

In Salt Lake the Bradley case is a center of as much activity as in the national capital. Max Brown, son of Senator Brown, is spending much time in preparing the case against his father's slayer, and he now is preparing to show that Senator Brown, despite the provisions of his will, was not cutting off the Bradley children, was at one time willing to adopt them and to allow them to inherit equally with his legitimate children.

John S. Rolfe, attorney for the supreme court, has given out an interview in which he says that Senator Brown dictated to him on the night before the Bradley performance at Salt Lake last summer, a petition to the district court allowing him to adopt the Bradley children, and giving them his name and also an acknowledgment that he was willing to adopt them and to allow them to inherit equally with his legitimate children.

His side and face struck the sharp ends of the ties and a number of gashes resulted. Blood spurted from the wounds and he fell into unconsciousness. No one had seen him fall and the train pulled on before the Bradley children, who were not noticed probably because the station is on the west side and he got off on the east side of the cars. The incident occurred on a hot day for an hour before he was found. A switch engine crew discovered him, and realizing that he was badly hurt, they took him to the L. D. S. hospital. Dr. S. C. Baldwin, who dressed his injuries, found his right arm broken and his head badly injured. He was taken to the L. D. S. hospital. Dr. S. C. Baldwin, who dressed his injuries, found his right arm broken and his head badly injured. He was taken to the L. D. S. hospital.

Dr. Baldwin saw that this injury alone made his death almost a certainty. Besides being badly bruised all over his entire body a spot on his breast indicated that he had sustained internal injuries.

## WAS PARTLY CONSCIOUS.

The attending physician and assistants did everything possible to save the life of the victim. Several times during the night he seemed half conscious and then in a rambling way tried to tell about the accident. While no one knew for a certainty just how this happened, enough was gleaned from Mr. Campbell's statement to justify the explanation given.

The weakened condition of the unfortunate man, from sickness, the loss of blood and exposure to the hot sun all had a part in hurrying the end.

## WELL-KNOWN BUSINESS MAN.

Mr. Campbell was well-known in business circles of this city. He has been in the real estate business for several years and with his brothers has been active in the brokerage business. He leaves, beside his wife, three children, two boys and a girl, the oldest nine years old and the youngest three. Captain John B. Burbridge of the Salt Lake police force was a close friend of the deceased. He was summoned yesterday and it was he who had Mr. Campbell taken right to the hospital.

Admiral Yamamoto was born in this city and has lived here all his life. He has been a real estate dealer and broker for the last 15 years. Other brothers are R. Campbell, formerly a city engineer, and Alex Campbell. The funeral will be held at the Seventeenth ward meeting-house at 4:30 o'clock tomorrow. The service will be held at the family residence. Interment will be made in the city cemetery.

## ARMENIAN TO SPEAK AT THE TABERNACLE.

Rev. H. S. Jenyanian, D. D., founder and principal of the Apostolic Institute of Asia Minor at Konja, accompanied by his wife, is in Salt Lake for a few days and during their stay will deliver lectures on the conditions existing among the Armenians. Dr. Jenyanian will speak in the tabernacle tomorrow afternoon.

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The feature of the occasion was a defile before the monument of the French veterans of the army of the Vosges and deputations of Italian veterans who fought with Garibaldi in the defense of France during the Franco-German war in 1870-71. The presence of the latter in Paris, where they are being shown much attention, gives to the French national fête, the anniversary of the taking of the Bastille, which will be celebrated tomorrow with great popular festivities and a review of troops at Longchamps somewhat of the character of a Franco-Italian fraternalization.

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## CAMPBELL DIES FROM INJURIES

Real Estate Man's Fall From Lagoon Train Results in Death.

## BASE OF SKULL FRACTURED.

Weakened From Sickness, Excursionist's Misses Rear Platform, Striking Ties With All Possible Force.

Injuries received in an accident at Bonneville yesterday were the cause of the death of James M. Campbell, the well-known real estate man of this city. Mr. Campbell passed away this morning at 4 o'clock at the L. D. S. hospital. A bad fracture at the base of the skull and a crushed shoulder were in the main responsible for his death, although a number of cuts and bruises and loss of blood hastened his demise.

The accident was a peculiar one. Mr. Campbell has not been in good health for some time and yesterday went out to Lagoon. I am going to take a ride out and get some fresh air," he told his wife as he left the house, 118 West First North street. He started back to the city on the noon train from the resort. A stop was made at Bonneville, the station at the new packing house and Mr. Campbell got off to "stretch his legs," as he explained. The train started quickly and jerked violently just as he made a jump for the rear platform. He missed the rail and fell onto the track. In his weak condition he could not save himself, but fell with all his weight.

His side and face struck the sharp ends of the ties and a number of gashes resulted. Blood spurted from the wounds and he fell into unconsciousness. No one had seen him fall and the train pulled on before the Bradley children, who were not noticed probably because the station is on the west side and he got off on the east side of the cars. The incident occurred on a hot day for an hour before he was found. A switch engine crew discovered him, and realizing that he was badly hurt, they took him to the L. D. S. hospital. Dr. S. C. Baldwin, who dressed his injuries, found his right arm broken and his head badly injured. He was taken to the L. D. S. hospital.

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## MILITARY MEN HAVE MEGRIMS

Army and Navy Officers in Washington Foresee Awful Results in Case of War.

## CONSEQUENCES AN UPHEAVAL

Should Japan Win, Would Take Philippines, Tutuila, Hawaii, Alaska and Panama Canal Zone.

Chicago, July 13.—A dispatch to the Tribune from Washington, says: Terrible would be the results of a war between the United States and Japan and slight in comparison would be the advantage to the victor, in the judgment of high army and navy officers in Washington.

Statistics which have been collected by the military departments forecast appalling consequences and justify the demand that jingoism cease its efforts to promote a conflict. These statistics are based upon results of the war between Russia and Japan and of that between the United States and Spain.

According to statements made at the war and navy departments yesterday, the consequences of a war between the United States and Japan would include:

Destruction of fleet of one or other of the combatants.

Loss of territory by vanquished.