DESERET EVENING NEWS TUESDAY JUNE 25 1907



PLEA AND DEFENSE OF W. D. HAYWOOD

Darrow Charges Mine Owners' Ass'n and Pinkertons Are In a Conspiracy.

HAYWOOD WILL TAKE STAND.

Relations Between Orchard and Pettibone Explained on Ground Anyone Coald Make Friends With Latter.

Boise, Idaho, June 24 .- In an address that occupied two sessions of the district court today, Clarence Darrow of Chicago outlined to the jury the de-tailed plea and defense of William D. Haywood to the charge that he murdered former Gov. Steunenberg. In broad description, it is to be a denial of every material count in the testimony of Orchard, with a showing that Orchard killed Steunenberg because of a private grudge born of the less of a private grudge born of the 4058 of a rich share in the great Hercules mins, and explanations of the independent circumstances that tend to connect the inter co-defendants with Orchard's lite and occupations. Haywood will take the stand to make personal denial of Orchard's accusations, Moyer may be called to testify solely to events and circumstances affecting the Western Federation of Miners, but Petilibone will not bé a witness in this case. Mr. Darrow explained that Moyer and Petil-bone must stand trial for this same

Treditation of Miners, but Petilbone will not be a witness in this case. Mr. Darrow explained that Moyer and Petilbone must stand trial for this sime trime, and declared that every lawyer ince the danger, whatever the obrigation of exposing men awaiting trial under like corcumstances.
Mr. Darrow genied the existence of the great conspiracy to murder alleged by the state with Orchard's testimony as a basis; denied that ne effect on the great onspiracy to murder alleged by the state with Orchard's testimony as a basis; denied that the federation was anything but an earnest fighting labor organization with higher wages, shorter hours, tolerable working conditions, and the care and safety and education of its members and their wives and children as its high and only motives; denied the initmacy with the three co-defendants that Orchard had earnes to denied the several conferences and conversations that Orchard had earnes to denied the several conferences and conversations that Orchard had earnes to denied the several conferences and conversations with many of the men named by Orchard when on the stand and many witnesses of credible of his contentions with many of the men named by Orchard when on the stand and many witnesses of credible of his contentions with many of the men named by Orchard when on the stand and many witnesses of the great and heavy witnesses of the great and many witnesses of the great of the promised that agents of the federation or its leader.
The Darrow charged that agents of the mine owners had, he asserted, committed many altowers to discredit the federation of Miners. Agents of the infinite owners had, he asserted, the defense would show that it was a reasonable ference that they engineered the independence depot outrage as an "attempt", that had miscarried that a few finite of the complication by killing the leaders, that the organization by killing the leaders, that the organization by killing the leaders, that the organization the solution of the cashed the check for tha

e mail the amount to him at his home

he mail the amount to him at his home in Spokane.
Of the personal relations between orchard and Pettibone, Mr. Darrow declared that any one could make friends with Pettibone, and that Pettibone had fed Orchard as he would "any other dog." As to their financial relations, Mr. Darrow said that when Orchard eff Denver for Wyoming he gave Pettibone his money, his Masonic badge and other trinkets and some papers for safe keeping. Fro, time to time Pettibone forwarded parts of the money to him as he requested.
The registered package that went to San Francisco contained the Masonic binder to orchard at San Francisco was sent in a manner and under assumed names that Orchard had directed and suggested in a telegram sent to Pettibone. The use of assumed names, counsel declared, was a common practise among the union miners whom he declared had been abused, hounded, denied justice and driven from the state.

charm and his membership card in the Wetern Federation of Miners and other trinkets. Pettibone went out and helped Orchard to buy some camp things, fishing tackle, etc. Orchard went to Cheyeane with the two Ne-villes. At Choyenne he loated about Pat Moran's szloon. He never asked Moran to go to Pettibone and get some money, and Moran never went to Pettibone. "After Orchard disappeared from

to Petilbone. "After Orchard disappeared from Cheyenne he did not come back to Denver that year, so far as any per-sons connected with this case knows. But in the meantime it was claimed in Denver that the Western Federa-tion of Minors had caused the death in Denver that the Weitern Federa-tion of Miners had caused the death of Lyte Gregory. Our evidence will show you that the federation had no grievance whitever against Gregory and knew nothing about him. Greg-ory had been a deputy in the coal fields, in which the organization headed by John Mitchell alone was interested. interested.

BRADLEY STORY A PIPE DREAM. DRADLEY STORY A PIPE DREAM, "Orchard said when he left Den-ver that he would write to Pettibone. He did so, and got replies. They used assumed names, as did all the fugi-tives from the mining country. Or-chard eventually turned up in San Francisco, but he never blew up any house there. That story about the Bradley house was another of Or-chards, when desemp throw in 10 house there. That story about the Bradley house was another of Or-chard's plpe dreams thrown in to make him the greatest criminal of the age. We have a deposition from Mr. Bradley, in which he says the house was wrecked by gas; that he smelled the gas and that when he lighted his cigar the explosion occurred. Why, if the bomb this man Orchard has described had exploded as he said it did, you could not have found a square inch of Bradley anywhere and not a stick of timber of the house. Orchard never blew up the Bradley house, and I tell you this without having any special interest in defend-ing Harry Orchard. "In San Francisco when Orchard was there D. C. Copiey was delivering illustrated lectures on the Cripple Creek strike. Orchard went to the lecture one aight and asked Copley if he had heard of the explosion at Bradley's house. Copiey said he had, end Orchard then said that Bradley had got what he deserved—that he had been in the Coeur d'Alenes and was gattly responsible for the militia being called into the district. "Orchard said there was another of Bradley's kind—that it was Gov. Steunenberg. If it had not have been for him, said Orchard. Td be a rich man today, and Til kill him if it is the last act of my life." "THREATS AGAINST STEUNEN-BEERG.

THREATS AGAINST STEUNEN-BERG.

BERG. "We will prove Orchard's threats against Steunenberg-prove that he said Steunenberg made him a pauper instead of a millionaire, not by Copley alone, but by not less than 12 men and women--and they won't all be members of the Western Federation of Miners. either. We will establish a cause for Orchard's act against Steunenberg and we feel we cannot fail to convine you. Orchard's act against Steunenberg and we feel we cannot fail to convine you. "Orchard wrote to Pettibone while in San Francisco and asked that some of his money be sent him. It was sent in the name of J. Wolff, a clerk in Petti-bone's store. Orchard telegraphed twice to Pettibone for money and gave full instructions as to how to send the money, in what name and everything else. The money was sent him as he re quested. quested. "During all this time Peabody, God-

dard and Gabbert were all living in Denver. Not one of these men lifted a hand against them and not one of these hand against them and not one of these men-Haywood. Moyer or Pettibone-even spoke to Orchard about Peabody. Goddard or Gabbert, who are today safe and sound-safe, at least, I won't an-swar for their being sound. "We expect to show that at this time Goddard, Gabbert and Peabody were more roundly abused than any men in Colorado. Goddard and Gabbert were accused of being trailors to their par-

accused of being traitors to their par-

Mr. Darrow went at length into the

Mr. Darrow went at length into the political situation in Colorado at that time. He told how the members of the supreme court were pilloried and car-tooned throughout Denver and even flags were holsted at half-mast. "Like a hungry dog seeking a meal, Orchard did at this time go to Petti-bone's house and stayed there. Mrs. Pettibone had gone east and Pettibone told Orchard he might come there and stay. He did so because he could get cheap food and lodging.

cheap food and lodging. "Yes, Orchard was in Haywood's house also at this time and we can prove it, but he was not there often and he was never in the bedroom." FROM DENVER TO WALLACE. Nr. DERVER 10 WADACE the period of Orchard's travels from Denver to Wallace. "If Orchard ever was here in Bolse," he said, "we know nothing of it, or if he saw Steunenberg here we know nothing of it, but we know that he did go to Portland and to Seattle and then be went to Wallace. "If was the first time he had been in Wallace since he had been driven out by the militia. While there he saw Ed Boyce and Hytton and August Paulson at his old associate's in the Hercules mine. They had all been as poor as he, but now they were rich and he was a tramp. Orchard followed his profession as gambler and confidence man in Wallace. He visited many persons whom he had known in the old lays—among them Paulson. Then one day he went down to see Dave Coates, former Heutenant-governor of Colorado, who will testly before you. Coates is a man without a blemish on his name and a man has to be pretty careful to live that way. Coates was running a semi-weekly paper in Wallace. "Orchard filedas. He said he had come to see some old friends. He said he had seen Paulson among the theory the all coates, the dat they were all rich and he thought he'd steat Paulson's child. Coates, taking the matter as a joke, said he thought that would be a good thing to do. They taked along for a while and th a few days Orchard came back and said: "What do you think of that Paulson child business." Coates asked him if he was in cannest, and he said he was Coates said. I never dreamed that you were; I've never thought of it. If you took a child hut to the mountains it would die. If you ever attempt such a thing i will have a special edition of my paper on the was been thought of it. If you took a child hut to the mountains it would die. If you ever attempt such a thing i will have a special edition of my paper on the streets in fixe minutes damenne. SAN DOMINGO TREATY SIGNED. Mr. Darrow quickly sketched the pe-riod of Orchard's travels from Denver Oyster Bay, N. Y., June 24.—Presi-dent Roosevelt today signed the treaty regulating Santo Domingo's customs matters. The treaty had been approved by the United States and the legislative body of Santo Domingo. Two Denver Men Indicted for Conspir-Denver, June 24.—Peter L. Schaf-fer and Joseph A. Schaffer of this city, were arrested today on an indlet-ment of the federal grand jury chargment of the federal grand jury charg-ed with forming a combination for raising the price of tents to the gov-crument. They were released on $$_2,-$ 500 bond each. It is expected that other tent dealers will be arrested on the same charge on the same charge. "THE BISHOP'S CARRIAGE."

HAYWOOD WILL TESTIFY.

CATARRH CANNOT BE CURED

Toledo, O. Bold by druggists, price Tie, Taks Hall's Family Pills for constipa-

"Mr. Haywood will take the stand and

DESERFT EVEN tell you his full connection with the Western Federation of Miners and tell of the organization. Moyer, who is still to be tried for his life, will prob-ably take the stand. I don't want to say this positively, but I think he will testify and tell this jury all that he knows. I doubt very much if Petti-bone will be put on the stand, at he was never an officer of the union, and had onthing to do with it. I won't say for sure as to Pettibone. "As to the letter received by Orchard at Caldwell, we may not be able to show you, except by argument, who ft came from or what it was about, but we will do the best we can. "Orchard came to Caldwell yowing vengence against Steunenberg. He had for years been connected with a detec-tive agency. Now, don't understand me to mean that I think any detective agency or any mine owners wanted to kill Steumenberg. I do not mean this, but I do say that Orchard was a detec-tive in the employ of the agency when he killed Steumenberg because of the old grudge of which he had spoken so often. He killed him in the most cow-ardly way a murder could be commit-ted. He was caught red-handed and turned over to McParland, he head of the western hranch of the Poisson After some manipulation he was per-swould be to place the biame on notice

After some manipulation he was per-suaded that the best thing at the source of would be to blace the blame on some one else, which he did. He is getting the biggest price for this he ever got for a crime. He hopes to save his miserable neck." Coming to the arrest of Haywood, Moyer and Pettibone, Darrow charged that it was all done by the Pinkertons on a perfured affidavit. He described the capture in Denver of Haywood, Moyer and Pettibone, who, he said, were arrested, denied all the rights of citizens, kidnapped and brought to Bolse for trial, where in the jail they have been waiting for a year and five months for a jury to pass upon their months for a jury to pass upon their

months for a jury to pass upon their casef. "When Orchard was arrested." con-tinued Mr. Darrow, "it was announced that he was a member of the Western Federation of Miners, Hawwood was told of it and at once wired to Silver City instructing them to look after the case. We will show that it is a part of the policy of this organization to look after its members, no matter how ob-scure. Miller came and saw Orchard a few times, but finding that McParland was also visiting him. Milter decided that McParland could do Orchard more good than he could-and perhaps he was right. good that was right.

was right. "Many names have been mentioned by Harry Orchard of persons connected with him, generally in Cripple Creek. The union was scattered to the four winds from there, but we will bring be-fore you nearly all of those whose names he has given you. We will bring you Davis and Easterly and others, and before we are through with them you will say. We have had enough."

CHARGE AGAINST COLORADO

"Moyer, Haywood and Petilbone nev-er had any connection with this man in any criminal act. We will demonstrate to you before we are through that this is not a murder case; that Bill Hay-wood is not on trial, but that the state of Colorado has sent men to Idano thinking conditions and people here are sociation of Colorada might succeed in hanging executing these men, and kill-

Sociation of Colorada might succeed in hanging, executing these men, and kill-ing these men, and killing the Western Federation of Miners through them. That labor organization, and all labor organizations, and not Bill Haywood, are on trial here." Mr. Darrow had spoken for three hours and 20 minutes. He was pretty well exhausted, and it was decided to postpone the taking of testimony until tomorrow morning. Mr. Darrow said he thought the defense would not re-quire more than seven or eight days to conclude its case. Court adjourned un-til 9:30 a. m. tomorrow.

DETECTIVE PEABODY.

Dismissed for His Connection With the Howard Gould Divorce Case.

New York, June 24 .- Detective Wil-New York, June 24.—Detective Wil-liam E. Peabody was dismissed from the police force today, after a trial or a charge of giving false testi-mony and being absent without leave and disobedience. All the charges giew out of the investigation of Pea-body's work in securing evidence in the divorce suit of Mrs. Howard Gould against her husband. Peabody went to Baltimore to investigate a re-port that Mrs. Gould had been mar-ried before her marriage to Mr. Gould, but failed to secure such evidence. but failed to secure such evidence

PRICE OF TENTS.

ing to Raise It.



ay by an interurban car as he was leav-ing the local race track. Avers, in com-any with Jee Cluman, were endeavoring catch a car from the Meadows and human had safely crossed the tracks then the accident happened. Avers be-fildered by two trains passing in oppo-tic directions stepped in front of the wiftly moving cars and was instantly lifed.

killed. Ayers was about 50 years of age, was known on every track in the west, Dur-ing the racing days of Marcus Daly in Montana. Ayers held the betting privilege or the Daly tracks. He will be buried at Portland, He leaves a widow.

July on Record. New York, June 24 .- The quarterly dividend and interest disbursemen this year by various corporations will reach a grand total of \$182,881,849. This is \$18,573,678 greater than the aggregate of last year and is larger than the total of any previous July on record.

YALE ALUMNI.

of Yale yesterday D. T. Judson of St. Louis, was re-elected chairman.



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1862



ARREST OF AN ENGLISH SUFFRAGETTE.

ate. Mr. Darrow said that the defense ould probably not undertake a showwould probably not undertake a show-ing as to the unsigned letter received by Orchard at Caldwell jail-the letter that said "that" had been sent to "Jack" on Dec. 21, and which Orchard swore Fettibone wrote-and at the close hoth sides would probably argue their respective constructions of it.

AFTERNOON SESSION.

AFTERNOON SESSION. Ethel Barrymore, the actress, was among the spectators at the trial dur-ing the afternoon session, as were also Gifford Pinchot, chief of the bureau of forestry at Washington, and Judge Dictrich of the federal court. Mr. Darrow, resuming his speech af-ter the recess, continued to harrate to the fury a story of the conditions pre-valling in the Crippie Creek district during the period of martial law foi-lowing the Independence depot explo-sion.

sion. He told how Moyer had first been ar-rested at Ouray on a charge of dese-crating the American flag and then was held in custody as a "matter of mili-tary necessity." Moyer also was charged with the murder of the two men killed in the riot at independence—the riot which had occurred while he was in the buil pen presided over by Bulkley Wells.

UNION MEN DEPORTED.

were: I've never thought of it. If you took a child into the mountains it would die. If you ever attempt such a thing I will have a special edition of my paper on the streets in five minutes denounc-ing you. Never mention it to me again.' After you ase and hear Mr. Coates on the stand, if you want to believe Or-chard in preference, why, all right. "From Wallace, Orchard and Jack Simpkins came to Caldwell.Orchard had succeeded in borrowing \$200 from Paul-son and said he was sorry he had not asked for \$500. Simpkins made the trip in pursuance of his duties as an organ-iger of the Western Federation of Min-ers. He went to Silver City and other places. He received regularly the mon-ey that was due him for his work. We will show to you why the drafts were sent to Simpkins from the miners' head-quarters, what they were for and that they were a part of the regular course of business. We will show that Simp-kins drew as small amount from the federation treasury as any organizer in the service. HAYWOOD WILL, THESTIEM Mr. Darrow told of the deportation of the union miners from Cripple Creck and the posting of natices that ne man should be allowed to work in the district without first renouncing allegiance to the union and securing permit from the Mine Owners' as-

a permit from the Mine Owner sociation The attorney dwelt for some time upon the Crippic Creek troubles, say-lag' thal most of the men who were driven out and who scattered to the four quarters of the west found it necessary to change their names. Mr. Darrow then came back to Or-chard. the service

chard. "Alone with Johnny Neville and the Neville boy, Orchard came to Denver after the Independence depot affair. Orchard had considerable money from the burning of Neville's saloon. He hald around Denver gambling and got acquainted with Petithone. He told Petithone he was a furifive from Crip-ple Creek and wanted to leave the CATARRH CANNOT BE CURED with LOCAL APPLICATIONS, as they cannot reach the soat of the disease. Ca-turth is a blood or constitutional disease, and in order to cure it you must take in-ternal remedies Hall's Catarrh Cure is taken internally, and acts directly on the plood and muccus surfaces. Hall's Ca-turth's Cure is not a quack medicine. It was prescribed by one of the best physi-cians in this country for years and is a regular prescription. It is composed of the best tonics known, combined with the metuous surfaces. The perfect combina-tion of the two ingredients is what pro-duces such wonderful results in curing Caturia. Sond for testimonials free. F. J. CHENEY & CO., Prop., Toledo, O. Sold by druggists, price Te. Creek and wanted to leave the state

Here Mr. Durrow explained the defense's theory as to the transmission of money from Pettibone to Orchard. He said:

He said: "Orchard asked Pettibone to keep a sun of money for him, saying he would write aim from time to time. Pettibone had a big safe where he kept things for many persons. Or-chard gavy him the money to put away. He disk enve him a Masonic

London, June 24.—"The Bishop's Carriage" was produced at the Wal-dorf theater tonight and was favor-ably received. Charles Cartwright. Fannie Ward and Margaret Fuller took the leading roles. GREAT FLOOD IN MONTANA.

Billings, Mont., June 25.-A destruc-tive flood in the Stillwater valley, we tive flood in the Sullivater valley, West of Columbus, yesterday, destroyed five of the several bridges which spanned the Stillwater river and also swept away piers of the Columbus Lands & Irrigation company. It was only by merest accident that the big bride over the Yellowstone at Columbus was pre-vented from being carried out. Great damage was done to growing crops. damage was done to growing crops, and a long stretch of the railroad track was washed out. The flood was caused by a cloudburst in the upper Stillwater valley. The total losses ag-gregate more than \$100.009.

TUSGEGEE INSTITUTE.

Seth Low, Ex-President of Columbia. Elected President of Trustees.

New York, June 23.—Seth Low, educ, for and former mayor of Greater Nee York, has been elected president of the board of trustees of Booker T. Washim ton's Tuskegee institute. Mr. Low, wh has accepted the position "only for the time being." he says, succeeds Robert C. Ogden, who resigned recently because of ill beaith.

INDIAN GIRL SOLD.

An Old Chief Outbids a Young Brave

For One. Vancouver, B. C. June 25.-At an Indian potlatch held at Aleri Hay, participated in by 2000 Indians yesterday, an Indian girl, nine years old, tall for her age, and unsuality preity, was sold to an Indian 50 years old, who hid a higher price than a young braze 20 years old. for \$1.40. Indian girls of tender age were sold to chiefs of the neighboring islands. Two-maidens of the Talmpseans brought good prices, the wealthy Indians bioding them it.

W. M. AYERS KILLED.

Seattle, June S.-William M. Ayers of Portland, one of the best known book makers in the west, was killed yester

CUTICURA REMEDIES IN ALL PARTS OF PARISH





"My wife was taken badly with oo terms for three years. And she employed doctor with no effect at all until she employed Cu-bintment. One of her hands and be relate year were and it y affected, and when she would stop using Outieura Soap and Outment. One of her bands and be relate year were and when she would stop using Outieura Soap and Outment the eo-er and the she would stop using Outment the eo-erms came back. Survey wife is entirely recovered. She hanks Cuticura very much, and will and in every nook and corner of our autient humanity. T. M. Robert, Hy-dropolis, La., Jan. 5 and Sept. 1, 1906."

SOUTHERN MAN CURED Of a Terrible Eczema by Cuticura in Six Weeks.

In Six Weeks.
"Some time ago I suffered terribly with eczema, and I had the best medicine to the care and the data of the data o

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UNTIL FURTHER NOTICE Drs. Shores will treat all catarrhal chronic diseases of the Head. Nose, Throat. Langs. Stemach. Liver, Kidneys, Bowels, etc., for the low fee of \$5 a month, all medicines included. Don't invite consumption or meningitis by allow-ing catarrh to so weaken your resistance and make you an easy victim for these deadly diseases. Be cured now-while the scason is right and the prices are low. You can consult Drs. Shores FREE for any disease. Do it NOW. Drs. Shores also treat and cure all curable Ner-yous. Chronic and Private Diseases of Men, Women and Children of every name and nature. Summer is the time to cure catarrh and chronic diseases. One month's treatment now will be equal to three months any other season of the year. CONSULTATION AND ADVICE FREE. Call or write.

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