

# DESERET EVENING NEWS.

TRUTH AND LIBERTY.

SATURDAY JUNE 15 1907 SALT LAKE CITY UTAH

FIFTY-SIXTH YEAR

A little DISCOUNT may be the harbinger of content itself. If your discontent makes you hostile—and advertise while you are hostile—this will prove to be true in your case.

32 PAGES—LAST EDITION

## ADAMS' APPEAL TO HAYWOOD

Court Admits Telegram Sent From Ogden to Federation Leader in Denver.

SAID HE WAS IN TROUBLE.

State Secured Admission of Six Drafts Sent by Defendant To Simpkins.

STRIKE AT CRIPPLE CREEK.

Attempted by Defense to Connect Mine Owners' Assn. With Violence There—Peabody's Daughter a Witness.

Boise, June 15.—The prosecution in the Steunenberg murder case won its fight for the admission of the contents of the telegram Steve Adams sent from Ogden to the defendant, Haywood, at Denver, in June 1903, and Detective Pender of Ogden, was permitted to testify to the contents this morning. The message was an appeal from Adams to Haywood for money.

The state then produced and secured the admission of six drafts sent by Haywood to Jack Simpkins at various times in 1904, 1905 and 1906. One was sent just before and one just after the Steunenberg murder, and the purpose for which they were introduced was to show the relations of Haywood and Simpkins, who aided Harry Orchard on the first attempt to kill Steunenberg.

The state next produced the fragments of the pistol and device by which the infernal machine placed in the Victor mine was set off, and this led to a general description into the whole story of the Cripple Creek strike of 1903-04, in which the defense sought to show violence and incitement to violence by agents and officers of the Mine Owners' association, and highlanded injustice by the militia after martial law was declared.

Then the play went back to the Peabody bomb to prove its recovery from the Cour d'Alene river. Former Gov. Peabody, Mrs. Peabody and Miss Peabody, who had seen within the rail, and the defense sought to show the production of the bomb casing which so long held tragedy for them.

Charles T. Roach, a plumber, testified that he made the casing of what is known as the "Peabody bomb." It was made to order. He identified the bomb casing, examining it carefully. He said he did not think he could identify the person who ordered it and did not know Orchard.

Miss Cora May Peabody, daughter of former Gov. Peabody, was one of the last witnesses at the morning session. She testified to seeing two men near her carriage during her father's term of office, after mother and sister were with her. Orchard testified that one might be waited to shoot the governor, but ladies got out of the carriage.

E. F. Richardson cross-examined Miss Peabody closely. She was extremely nervous, but answered the questions without hesitation. Richardson's questions directed to an effort to show that the witness was endeavoring to bolster up Orchard's testimony.

Former Gov. Peabody was the last witness. He saw Orchard in Canyon City at the time Orchard said that he went there for the purpose of killing the governor.

PENDER RECALLED.

The seats outside the bar were not more than half filled when court opened, this morning at 9 o'clock. J. T. Pender, the detective from Ogden, was recalled, Senator Borah stated that he had in the statement made by Orchard and the testimony of Pender upon the stand yesterday that Steve Adams sent a telegram to Haywood, thus linking Steve Adams, as a co-conspirator, with Haywood, the state had the right to introduce Pender's testimony as to his knowledge of the contents of the telegram. Judge Wood said he had no doubt as to the admissibility of the evidence, but ruled that the state must lay a foundation to show that the original telegram had been destroyed. Senator Borah argued at some length and quoted authorities. Mr. Richardson argued that there was no possible rule of law under which the evidence could be introduced. For the sake of argument he admitted that Adams sent the telegram to Haywood when he was stranded and beating his way back to Denver from a mining camp in California, but maintained that this could not be strained to mean that a conspiracy existed between Steve Adams and Haywood.

ADAMS TO HAYWOOD.

The court admitted the testimony as a declaration from Steve Adams, when the state sets up as a conspirator. The telegram read: "W. D. Haywood, Denver, Col. I am in trouble, send me \$75 at once—Steve Adams."

Pender was briefly cross-examined, and left the stand.

A. C. Houston, assistant cashier of the First National bank of Denver, was called.

HAYWOOD'S SIGNATURE.

He said that the Western Federation of Miners did business with his bank and identified Haywood's signature on the drafts which were marked for identification. The drafts were in favor of S. L. Simpkins and were purchased on the Mechanics' National bank of New York, the Park National bank of New York, the National Bank of Commerce, and the First National bank of New York, all of the drafts except one were signed by Haywood as secretary and treasurer of the Western Federation of Miners. Another draft introduced was signed by James Klevan, assistant secretary and treasurer.

Richardson objected to the introduction of the draft because immaterial and had no connection with the murder of Steunenberg. He read from the face of the drafts.

THE DRAFTS.

The dates and amounts of the drafts follow:

Jan. 27, 1904, \$25.00, Mechanics' National Bank of New York; by William D. Haywood and endorsed by L. J. Simpkins, cashed by the Webber bank at Wardner.

Jan. 18, 1905, \$25.00, National Bank of Commerce, New York; by William D. Haywood and endorsed to L. J. Simpkins, cashed by the Webber bank at Wardner.

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Jan. 26, 1905, \$25.00, First National bank of New York; by James Klevan, and endorsed to L. J. Simpkins, and cashed by the Exchange National bank at Cour d'Alene.

Oct. 29, 1902, \$15.00, National Bank of Commerce of New York; by William D. Haywood and endorsed by L. J. Simpkins, cashed by the Exchange National bank with the additional endorsement of Frank Tibbatts.

Dec. 2—(second figure cut out), 1905, \$100, Mechanics' National bank of New York, by William D. Haywood and endorsed by L. J. Simpkins, cashed by the Spokane & Eastern Trust company with an additional endorsement.

Jan. 17, 1905, \$166.35, National Bank of Commerce, New York; by W. D. Haywood, and endorsed by L. J. Simpkins, cashed by "Marilda Simpkins (wife)" at Traders' National bank of Spokane.

After some argument Judge Wood ruled that on the state showing the connection between Simpkins and the defendant he would admit the drafts as evidence.

Twenty-one other drafts were introduced and the signatures were identified. They were not introduced in evidence and were only marked for identification.

The bundle of drafts was examined very closely by Haywood, who conferred with Clarence Barrow on each draft.

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

MAL. H. A. NAVLOR.

Mal. H. A. Naylor, of Victor, Colo., assistant secretary of the Mine Owners' association, was the next witness. At the time of the explosion in the Victor mine Naylor was an officer in the national guard of Colorado, and he went into the mine shortly after the explosion.

Fragments of a pistol were identified by the witness. They are believed to be the pistol with which Orchard said the mine in the sixth level was fired. Naylor found the fragments himself. They were found in evidence, objected to and admitted.

Naylor also identified a piece of wire found wrapped around the guard rail, and said that he saw Orchard pull the trigger that fired the powder in the Victor mine.

Under cross-examination Naylor said the national guard was called out in September, 1903, during the Cripple Creek strike. He was in charge of a camp about a mile from the Victor mine, and a detail was on duty near the shaft.

RICHARDSON INSINUATES.

Richardson asked the witness if he knew anything of the delinquent men to shoot up the toolshed of the Victor mine. In the course of his examination, Richardson insinuated that the defense sought to show that the Victor mine owners were behind in the payment of their assessment to the Mine Owners' association and that the soldiers were employed to create disturbances and destroy property which the Mine Owners' association laid to the door of the Western Federation of Miners.

Naylor said he knew nothing of any arrears due from the Victor mine. He is now assistant secretary of the Mine Owners' association, but is not connected with that organization during the strike. The witness was asked if he did not have a decided opinion as to whether or not the mine owners were behind in the payment of their assessments.

"I don't know that I have," replied Naylor.

"What you say with Mad Tom McClellan when he said 'To hell with the Constitution'?"

"No, sir."

"No, sir," said Naylor when he said: "To hell with the Constitution. We'll give 'em post mortems!"

"No, sir."

"Did you hear of these statements?"

"Yes, sir."

Naylor declared he had nothing to do with the actual deportation of union miners from Cripple Creek, although he made many arrests, some of the miners so arrested being men of family.

Naylor said he succeeded Michael Connors as marshal of Victor, Colo. "And you were appointed because of your well known father and animosity toward the Western Federation of Miners," declared Richardson. "I don't know that I was."

Naylor was asked as to the character of various men who served under him as marshal, among them "Kid" Waters, Jim Warford, Jack Brennan and others—questions as to whether or not these men were known as professional "gun men," were ruled out by Judge Wood. Atty. Richardson denied ever having known Tom Hogan or Harry Orchard.

MINE OWNERS ASSOCIATION.

Mr. Richardson here indicated the purpose of the defense to attempt further evidence of the Mine Owners' association with the outbreak in Cripple Creek, this time with the independence depot explosion to show that the state had no right to implicate Steve Adams. The attorney wanted to know if Naylor had not attended a meeting with Orchard and others at Victor the evening of

## Three Sugar Companies Will Consolidate.

The Terms Are Agreed On by Which The Utah Sugar Company, The Idaho Sugar Company and The Western Idaho Sugar Company Will Merge Their Interests.

General Manager Thomas R. Cutler of The Utah Sugar company, The Idaho Sugar company and the Western Idaho Sugar company, returned last night from the east bringing intelligence which will be welcome to the 1,500 to 2,000 stockholders of these companies scattered over the west.

This intelligence, briefly stated, is that the several stockholders of the several sugar companies have submitted the basis of consolidation approved by the local stockholders, and meetings to carry the plans into effect will be called in the near future.

As has before been recorded by the "News," Manager Cutler went to New York for the purpose of laying before the eastern stockholders of the several companies the plan agreed on by the boards of directors here. The annual meetings of the stockholders of all the companies empowered the boards of directors to agree on a basis for consolidation of the three institutions, and after several conferences the three boards agreed on a basis which was considered fair to all the interests concerned.

The gentlemen comprising the boards, all of whom are heavily interested in each of the stocks concerned, are the following: Joseph P. Smith, John R. Winder, W. S. Moen, Cornick, Thomas R. Cutler, John C. Cutler, Heber J. Grant, John Henry Smith, George Romney, C. W. Nibley and George C. Parkinson, H. G. Whitney, being the secretary and treasurer and R. W. Young attorney for the several companies.

Manager Cutler authorized the following general statement of the proposed basis of amalgamation, stating that there are several minor details yet to be passed on which will not affect the main result, one of which was the limitation of dividends on the common stock, and the division of any surplus over a certain amount with the preferred stock.

The properties of the three companies are to be taken over by a new concern which will probably bear the name of "The Utah-Idaho Sugar Co." having an authorized capital of \$10,000,000 preferred stock and \$3,000,000 common stock, a total of \$13,000,000, which is the same as the present authorized total capital of the three companies.

The outstanding stock of the three companies will be called in and stock in the new company issued on the following basis: Utah Sugar Co., preferred stock \$1,000,000, which is the par value of the

present issue, or \$10 per share. Utah Sugar Co., common stock \$3,000,000, the same as at present existing. The Idaho Sugar Co., \$3,850,000, preferred stock, which is at the rate of \$11 per share for the stock now outstanding.

Western Idaho Sugar Co., \$1,250,000, which is at the rate of \$12.50 per share for the stock now outstanding. This makes an entire stock issue of \$5,100,000 preferred, and \$3,000,000 common stock in the new company, and the preferred stock will call for 7 per cent cumulative dividends.

The remaining \$1,900,000 preferred stock will be held in the treasury for future needs. A part of it will be issued to stockholders in order to build the new factory at Payette, Ida., during the year 1908.

The outstanding rights to the unissued stock of the Western Idaho Sugar company will be transferred by the present holders to the amalgamated company which will pay 50 cents per share for the same, in cash or stock, at the option of the holders.

Mr. Cutler feels that the proposed arrangement is a fair and equitable one to all interests, and that the amalgamation will be of decided benefit to the enterprise as a whole.

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## THE RUSSIAN PARLIAMENT

Will be Dissolved as Soon as Lower House Acts on Premier Stolypin's Ultimatum.

St. Petersburg Assumes Appearance of Armed Camp—Social Democrats Dissolve Fighting Organizations.

St. Petersburg, June 15.—The second Russian parliament, the Associated Press is informed on ministerial authority, will be dissolved tonight by imperial edict which will be promulgated as soon as the lower house acts on Premier Stolypin's ultimatum.

The possibility of the house granting the government's demand for suspension of the Social Democratic members of parliament, who are charged with conspiring against the present regime, is not being considered by either side.

The city has again assumed the appearance of an armed camp, the guard regiment last night left summer camp and returned to the city, and throughout the night detachments of infantry and cavalry have been arriving here.

The garrison of St. Petersburg is now estimated at 100,000 men, and the guard regiments having been replaced by regiments of the line when the former went into camp. Long lines of troops are stationed at the main streets all morning, interspersed with occasional detachments of cavalry and infantry marching to the headquarters. Otherwise the center of the city bore its usual appearance, but the industrial centers literally bristled with troops.

Before the decision of the government to demand the suspension of 55 Social Democratic members of the house was made known, the central committee of the Social Democratic party had issued a proclamation prohibiting members of the party from taking part in any way in the election of the new parliament. A similar treaty has been signed by Great Britain and Spain. The two treaties are equivalent to a defensive alliance between Spain, Great Britain and France.

ROME, June 15.—It is stated that France has informed Italy that a treaty has been signed by France and Spain mutually guaranteeing the Mediterranean against any attack from the east. A similar treaty has been signed by Great Britain and Spain. The two treaties are equivalent to a defensive alliance between Spain, Great Britain and France.

St. Petersburg, June 15.—The parliament committee which has been examining the indictment of the 55 Social Democratic members charged with conspiring against the government, has decided that it is impossible to review all the evidence today and will ask the house to give it until Monday to report.

Premier Stolypin's attitude upon the postponement is not yet manifest, but it may result in deferring the crisis until next week.

St. Petersburg, June 15.—The prosecutor of the St. Petersburg courts, is now before the committee furnishing explanations. RECOMMENDATION ACCEPTED.

St. Petersburg, June 15.—The parliament committee which has been examining the indictment against the Social Democratic members, that it be given until Monday to report, as it was impossible to review all the evidence today, was accepted by the house against the energetic opposition of the right, and parliament adjourns until Monday.

CHAMBERS LAKE, DAM, COLORADO, HAS BROKEN.

Fort Collins, Colo., June 15.—Great alarm is felt here over a report from up the river that the big dam at Chambers Lake, which has been holding back 70,000,000 cubic feet of water, has gone out and that a wall of water five feet high is now rushing down the Cache La Poudre river.

It is believed that all the people living in the lowlands and on the river bank have escaped, but it is feared that many fishermen may have been caught in the flood.

St. Petersburg, June 15.—A dispatch from Tula again reports Count Tolstoy as being seriously ill.

MINERS' CONVENTION.

Denver, June 15.—The convention of the Western Federation of Miners spent the entire morning listening to communications. Among the communications was one from the Globe, Arizona, miners' union suggesting that a new ritual be adopted, doing away with all signs and passwords.

Another communication was received from a member of the federation in Las Animas county, Colorado, asking the federation to investigate the killing of Alexander Obrenski, an organization of the federation, by Juan Eekunas at Hurby, Las Animas, about

## WM. McCABE'S DEATH.

Defective Coupler Responsible, Says Coroner's Jury.

(Special to the "News.")

Cheyenne, Wyo., June 15.—The coroner's jury find that William McCabe of Salt Lake City and Denver, who was killed while coupling cars in the Union Pacific yards last week, came to his death because of a defective coupler. McCabe was killed when the engine was being coupled to the car, and while attempting to adjust the difficulty McCabe was killed. The coupler had been working properly, the engine would have been coupled the first time and McCabe's life saved.

GERBER CONCERT A SUCCESS.

Nearly \$100 Cleared for Benefit of Unfortunate Teacher.

Sympathetic citizens responded generously last evening, in crowding the Salt Lake Theater on the occasion of the testimonial concert in aid of Miss Neta Gerber, the school teacher who was so terribly burned in a fire in saving her life. Nearly \$100 was cleared which will be used in defraying the expense attending the proposed skin grafting operation made necessary on account of her burns. Owing to illness of two of the participants, their numbers on the program had to be omitted. But as every one of the other numbers was enjoyed, the audience was given a good, long entertainment. The program as presented included: Soprano, solo, "Air de Salome" from "Hérodiade" (Massenet), Mrs. Marie Gerrens; piano duo, Liszt's concerto, Mrs. Marcus Robinson Keen and Dr. J. H. King; McCallan, tenor solo, "Come to Me" (Denza), Thomas S. Ashworth; sextet from "Lucia di Lammermoor" (Donizetti), Miss Mary H. King, Mrs. D. 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