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HAYWOOD MURDER TRIAL IS DRAWING TO A CLOSE

CASE WILL BE IN THE HANDS OF THE JURY IN A SHORT TIME—ACCOUNT OF LAST WEEKS PROCEEDINGS

The past week in the great trial has been one of unusual interest for two of the principle defendants have been on the stand and the state has brought in many of its witnesses in rebuttal.

Wednesday found Mr. Moyer on the stand and when court convened Thursday he took the stand again for cross examination. His manner was very self-possessed, but one could see that he was quite nervous for he constantly toyed with a lead pencil which he carried and at numerous times it became necessary to wet his lips with water in order that he could articulate plainly.

In the cross examination of Moyer the state directed its strongest attack against the circumstances under which the Federation and the officers of the Federation without inquiry as to the guilt or innocence of Orchard, gave \$500 from its treasury to provide a lawyer for his defense. It also developed that the Federation is providing for the defense of Steve Adams, though he ceased to be a member of the Western Federation of Miners in 1904.

Mr. Moyer denied knowing anything about the \$100 that Haywood sent to Jack Simpkins a few days before Steunenberg was assassinated, and that if a draft for that amount had been sent the check for the purchase of the draft would have to be countersigned by himself as president and that he had never signed such a check, the only money he knew of Simpkins getting at that time was

a check delivered directly to him for his per diem and expenses in Denver at that time. An interesting part of the cross examination was when Borah asked Moyer as to the transaction of a telegram from Jack Simpkins on the receipt of it he had translated it: "Can I get a lawyer to defend Hogan?"

But after comparing the telegram with the key, assisted by Mr. Borah, Mr. Moyer was satisfied that the exact translation was: "Can't get a lawyer to defend Hogan."

Moyer declared he had not heard of Simpkins since some time in January, 1906. He knew where to find all the rest of the executive board, but could not tell where Simpkins was. This ended the cross examination of Mr. Moyer and immediately after lunch William D. Haywood was called to the stand and his examination by Mr. Darrow was begun. The accused was perfectly at ease as he walked to the chair and took the oath as a witness in his own behalf. His voice was quite low at first but when his attention was called to this he elevated it so as to carry it to Judge Wood. He was first asked as to his family history. Was born at Salt Lake City, 1869; married at Pocatello, October 24, 1889; lost his left eye when 7 years old by sticking a knife into it. His father and stepfather were both miners and he went to work in the mines when but nine years old; joined the Western Federation

of Miners in 1896. It was the first labor union he had ever been connected with. When asked about Steunenberg he said he had never known him personally nor seen him, but was in Idaho when he was elected and knew he lived in Caldwell. Most examination was a reflection in detail of Haywood's testimony on direct of what Moyer had said. Haywood made no attempt to deny his knowledge of Orchard, except as they related to criminal matters. On cross examination Mr. Borah several times confused the witness with his rapid fire questions, especially when Mr. Borah asked him in what light he regarded ex-Governor Steunenberg and he was finally led to admit that he regarded Steunenberg as an enemy to organized labor and that the malignant articles in the Miners' magazine against Steunenberg reflected his own sentiments "as an official." He was asked as to the phrase "Here lies a hireling and a traitor," taken from the Miners' Magazine and asked if this reflected his sentiments. "As regarding him officially it does," was Haywood's reply.

The Simpkins draft Haywood explained by saying that when Jack had received the money from the Federation he came into his office and gave him \$100 to keep for him as Simpkins was afraid he might be held up, he wanted Haywood to keep it for him until about Christmas and then sent it to him, which Haywood said he did and this was how Haywood explained how he happened to get a draft just at the time he did. He testified that the Western Federation went on with Orchard's defense without making any investigations as to whether he was guilty or not, he also stated the Federation had always regarded Orchard as good, faithful member in good standing. After a few questions on re-direct examination Mr. Haywood's testimony was completed and the case of the defense practically closed though Mr. Darrow said they might have one witness to put on if he arrived. He was an expert on explosives. It developed, though on Saturday when court convened that the witness had not arrived and Attorney Richardson in a loud voice and as dramatically as possible, exclaimed, "The defense rests."

This statement came as a surprise to Mr. Hawley and caused some inconvenience, but he called the first witness that he could see, which happened to be John C. Rice of Caldwell, who testified that when he saw Orchard in November 1905, that the man had no mustache. This was to rebut the story told by J. E. Elliot for the defense that when he conversed with Orchard on the train between Weiser and Nampa, November 28 and 29, that Orchard did have a mustache. From this on the day was a very busy and interesting one.

E. M. Helgoh was next called and proved by the time card of his trains on November 28 and 29 that they did not arrive on time for anyone to come from Council to Weiser to catch a train on the O. S. L. R. R., thus refuting the testimony of J. E. Elliot for the defense, who said he had gotten off the P. I. & N. and taken a train on the O. S. L. R. R. the same day.

The most sensational testimony of the day was that of William Dewey, who now resides in Goldfield, Nev. He testified that in 1899 he lived at Gem, Idaho, and that he was one of the mob that went to Gardner to blow up the Bunker Hill and Sullivan mill, that before leaving Gem in the morning a large number of men met at the Miners' union hall in Gem, where revolvers and rifles were distributed to those present. Dewey swore that "Big Bill" Davis gave him a rifle. When they disembarked at Gardner Davis gave orders that all men having long guns should be in the front ranks and those with revolvers take up the rear. Davis had sworn for the defense that he was in Gem the whole of that day.

Richardson on cross examination inquired why it was that Dewey had come to put his neck in the noose, as it were, and what promise of immunity he had been given and what reward he expected to get and what induced him to make this statement. To the first two questions he answered, "none"; to the last, "I read Orchard's confession."

A complaint was sworn to on Saturday charging witness, Dr. I. L. McGee of Wallace, Idaho with perjury and it is hinted that two and perhaps three other complaints of similar nature will follow soon. His testimony was contradicted by Mr. Mosier of Denver, A. G. Boggswell of Wallace and Har-

ry Orchard. He was arrested on Sunday evening. About eleven witnesses in rebuttal were examined Monday, among them Orchard was brought upon stand to inquire into the charge of there being insanity in his family. He said his uncle Peter McKinney committed suicide by hanging 13 or 14 years after becoming demented over family troubles, but he had no recollection of his grandfather and thought probably he died before he was born.

J. J. Cogan and James Middaugh were the last witnesses called on Monday. J. J. Cogan in 1904 was chief clerk for the Cripple Creek R. R. and he testified that D. C. Scott quit work in March before the Independence depot explosion and resumed work again the following August, corroborating Scott's testimony on that point. James Middaugh was train master at Cripple Creek in 1904 and he also corroborated Scott's testimony.

Late on Monday afternoon as was early in the week another witness for the defense, C. W. Aller was arrested for perjury on complaint of D. C. Scott.

Yesterday the third day of the state's rebuttal six witnesses were placed on the stand to rebut the evidence of the defense. Three testified to the conditions in the Coeur d'Alenes in 1899 and three to the situation in Colorado during the strike period of 1903 and 1904.

The defense had sought to prove that the explosion in the Vindicator mine was purely accidental and not the result of a death trap set in the mine, as confessed to by Orchard. The state put on L. G. Ramsey, for years a worker at the mine, formerly "powder monkey," and stepson to Superintendent McCormick. He made some very strong statements disproving the defense's theory. Altogether yesterday was a very strong showing for the side of the prosecution.

Today's witnesses consisted of two; O. M. Sackett of Telluride, in the morning, who gave his testimony as to the conditions in Telluride from 1901 to 1904 and Thomas M. Stewart in the afternoon, who testified to being beaten up and shot at Independence by "Slim" Campbell, Ed. Minister, Steve Adams and Sherman Parker, members of the Western Federation of Miners. With this witness the state closed its case and court adjourned at 2:30.

Tomorrow will be taken up by a consideration of the instructions to the jury. The court indicated that he would withdraw a large portion of the testimony relating to the Cripple Creek and Telluride labor trouble. It is possible the arguments before the jury will not begin until Friday morning.

Eastern Star Chapter Organized.

Wednesday night members of the Grand Chapter of the Eastern Star from Boise, Nampa and Weiser met in the Masonic lodge room in this city and organized a Hermodia Chapter. Those of the visitors who arrived on trains Nos. 5 and 6 were met at the depot and were escorted to the Saratoga where dinner was provided in the evening, after which all adjourned to the hall where the work of organization began.

Those who were here from Nampa, Mrs. Miller, matron; Mrs. Ingraham, assistant matron, and the Mesdames Love, Gowen, Shellabarger, Davis, Fuller, Hoe, Yant, Gillispie, Bloomfield, Bray, McCabe, Forch, Bennett, and Messrs. Ingraham, Shellabarger, Gillispie and Davis.

The grand officer present were Paul A. Cowgill of Boise; Grand Patron Professor Lem; Mrs. Randall of Boise, grand matron; Miss Harriet Smith of Weiser, grand conductress; Mrs. E. W. Waters of Weiser, past grand matron; Mrs. E. L. Liggett of Boise, associate grand conductress.

The officers elected are Mrs. Prescott, matron; Mr. J. F. Herr, patron; Mrs. N. S. Dils, treasurer; Mrs. A. V. Adam, conductress; Mrs. Chamberlain, associate conductress; Mrs. J. F. Herr, captain; Mrs. Leslie, organist; Mrs. Askey, warden; Mr. J. Semones, sentinel. The five points of the star are: Ada, Mrs. Mosby; Ruth, Mrs. Dr. Young; Esther, Mrs. George Froman; Martha, Mrs. Harding; Electra, Mrs. Cleaver.

The members of the Nampa team exemplified the floor work and elicited much praise for the splendid manner in which it was performed. The local members provided an elegant banquet which was partaken of in the lodge room.

The new Chapter starts out with a strong membership, although working under a dispensation until the grand chapter meets, when a charter will be granted. It was after two o'clock in the morning before the work was finished and the members departed to their homes.

Caldwell's Gain.

Mr. and Mrs. I. S. Binford of Brookings, South Dakota, have come

BUSINESS MEN RAISING MONEY FOR GOLDEN GATE

STILL A LITTLE SHORT BUT IT IS COMING IN EVERY DAY—FINE PROGRESS ON THE CONSTRUCTION WORK AT THIS POINT

The business men have taken up the matter of raising \$45,000 in dead earnest. They are determined that the San Francisco, Idaho & Montana railroad start at this point. Mr. E. R. Place, general superintendent has informed Caldwell that the road will be built from here, provided that the people of Caldwell unless the bonus is forth coming that the route of the road will be changed to miss Caldwell. It seems that there is little difference in the cost of construction and in the distance, if the road is built from some point west of Caldwell. The Caldwell end has a little the best of it. Mr. Place wants to build from here and has placed the matter squarely up to the people of the city. It seems that some of our people are showing a disposition to get out of renewing their notes. The Tribune cannot understand such a policy. If the road was desirable a year ago it is today. The building of a through road to Winnemucca, Nevada, will be the means of making Caldwell the metropolis of this part of the country. It will make this city the wholesale, manufacturing and financial center of southwestern Idaho and eastern Oregon. When the road is completed to Butte, Caldwell will have become a large city. The advantages are so obvious that elucidation is unnecessary and almost an insult to ordinary intelligence. The Tribune will not dwell on this. He would urge the people of Caldwell to hasten in the work of raising the \$45,000.00. There can be no doubt that it will be done. There are enough broad-minded, public-spirited men in Caldwell to raise the money. We did it once, and we can and will do it again. Indifference seems to have taken pos-

session of the people. But they will be awakened.

Progress of Work.

The actual construction of the work on the first three miles is progressing rapidly. Contractor J. W. Smith who has the contract for one mile has completed one half of the rough work. Contractor W. P. Carter has about done about the same amount. Mr. S. E. Hyde of Nampa, was given the contract for 7 miles of the work conditional upon Caldwell raising the bonus. At present Mr. Smith has 19 men at work and Mr. Carter 11. A great many more men and teams will be placed on the work as soon as the people of Caldwell do their part. Work will not be pushed energetically until the bonus question is settled.

Officials Interviewed.

Thursday a representative of The Tribune called at the offices of the San Francisco, Idaho and Montana railroad. We found that Mr. Place was at Parma, but could not learn his business there. It is conjectured that he was there for the purpose of seeing what Parma would do in the event that Caldwell failed.

We found Engineer Richardson who stated that the matter was up to Caldwell. We have shown that we mean business, he said in substance, and are waiting on Caldwell. The road will be built from some point on the Oregon Short Line to Winnemucca, Nevada, and afterwards from that point to Butte, Montana. Work will be pushed as rapidly as men and money can do it. Caldwell has the long end and we want to build from here if treated right. Contracts are now being made on the road to Homedale, conditional upon Caldwell raising the \$45,000 bonus. Mr. Richardson expressed himself as confident that Caldwell would do her part.

to Caldwell and intend making their future home in this city. Mr. Binford is a most estimable gentleman. He has made arrangements to engage in business in Caldwell. It affords The Tribune great pleasure to quote the following from the Brookings County Press, which will tell the people of Caldwell who and what the gentleman is:

"Mr. and Mrs. I. S. Binford left the first of the week for their new home at Caldwell, Idaho. While Mr. and Mrs. Binford spent a larger part of the year in Colorado and the west for several years, on account of Mrs. Binford's health they have all the time counted Brookings as their home, being loath to give up permanently their residence here, hoping that Mrs. Binford's health would be able to endure our winters after getting stronger. That she has not been able to do so accounts largely for their decision to take up their residence in a climate where they might be settled the year around, and Mr. Binford has arranged to engage in business in Caldwell, having recently acquired interests there and identified himself with the townsite department of a new railroad now building through that section. Caldwell is a new and hustling town about the size of Brookings, with a most promising future, and has been selected by Mr. Binford as a home after having opportunity to investigate thoroughly the inducements and advantages throughout the new west.

The regret that Mr. and Mrs. Binford feel on leaving Brookings is shared by our people almost without exception, for the Binfords have been desirable citizens to a marked degree both in social and business way. Mr. Binford has been identified with the development of Brookings and leaves many monuments of his enterprise and faith in the city's future. He has contributed two beautiful homes to the city, and in a business way leaves several enterprises which he was instrumental in organizing. The Brookings Cement Co. which he organized several years ago, has grown to be one of the valuable enterprises of the city, giving work to several people. Mr. Binford put the Farmers' Lumber Yard and managed the business very successfully for several years, until he was compelled to sell on account of his forced absence from the city during the winter months. Mr. Binford has been a successful man and a loyal citizen, and the people of Caldwell have secured

in Mr. and Mrs. Binford a most valuable acquisition toward the home building and the commerce development of their little city."

A Great Water Wheel.

Saturday a representative of the Tribune, accompanied by Mr. J. A. James, former superintendent of the Phyllis canal, went down to Mr. Ode's place to examine a water elevator recently installed by Mr. Jake Mussell. Mr. Ode was using horse power to raise the water at the time. However, he intends putting in a gasoline engine in the near future. While there we witnessed the water elevator in operation. Mr. Mussell demonstrated beyond a doubt that he had solved the problem of lifting water. His scheme is practical in that it does the work, and the cost of installation of such a plant is nominal. Mr. James who has had a great deal of experience with water wheels, elevators, etc., expressed himself as well pleased with Mr. Mussell's plant. The mechanism is perfect and the idea original. Mr. Mussell has patented his elevator. A description of the elevator follows:

The water elevator consists of two sprocket chains which pass over two sprocket wheels 28 inches in diameter bolted to a 2 inch gas pipe 30 inches apart. The sprocket wheel axle rests on the well curbing, or above the ground. The chains pass down to the water and pass under a wooden drum in the water which holds them tight and in place.

The buckets are made of galvanized iron and are 30 inches long, 4 1/2 inches wide, and 10 inches deep, holding 5 gallons each. Each end of the buckets is fastened to the sprocket chains, the chains being 30 inches apart and the buckets about 8 inches apart, each bucket has 2 valves in the bottom which lets the air out as they go down into the water; makes a water valve as they turn to come up and then at the top as they turn to dump over the sprocket wheels lets the air in at the bottom which allows the water to be emptied instantly. The shallow bucket so constructed with these valves fills and empties at the rate of 80 to 100 per minute. The buckets are now being made to hold 5 and 10 gallons each. The elevator can be attached to horse power or gasoline engine and all rigged will cost from \$200 up.