

LAST EDITION.

FRIDAY EVENING.

TOPEKA, KANSAS, JULY 12, 1907.

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TWO CENTS

GENERAL DENIAL.

W. D. Haywood, Testifying in His Own Defense.

Positively Contradicts the Story Told by Harry Orchard.

TURNED OVER TO STATE

His Cross Examination Is Begun by Senator Borah.

He Expects to Finish His Questioning This Afternoon.

Boise, Idaho, July 12.—Testifying in his own behalf this morning William D. Haywood denied that he planned, conspired in or desired the murder of former Governor Steunenberg. The prisoner-witness emphasized his declaration of innocence when in well measured words and even tone he said: "I do not believe I ever thought of Steunenberg after I left Idaho."

The direct examination of the defendant took up the first hour and a half of the morning session. Clarence Darrow led his client carefully over the ground covered by Orchard and every charge that Haywood had any connection with Orchard other than what was of the most innocent character or with any criminal act was again and again by the witness in the most positive terms.

Senator Borah took Haywood in hand for cross-examination for the last hour of the session. The witness changed his position in the witness chair and faced the prosecution table. He gave no sign of nervousness, leaning back with one arm flung over the back of his chair, after the first question he looked up at Judge Wood and said: "Your honor, the glare is strong and I can not see the senator's eyes."

Haywood gave careful explanations of the workings of the Western Federation of Miners. His policy and attitude towards employers of labor.

At the conclusion of the morning session Senator Borah announced that he would conclude his cross-examination this afternoon.

Domnick Flynn Recalled.

Domnick Flynn, one of the witnesses in the Haywood trial, was recalled to the state when the case opened this morning. He was asked as to a conversation he had with Daniel Ganey at Mullen, Idaho, in 1899. The questions were evidently for the purpose of impeachment. After Flynn left the stand Haywood was recalled and the direct examination of the witness began.

Haywood said that Orchard had been at his house three or four times. Most of the members of the union when they were in Denver, he stated at his home, the witness declared.

"Did you ever call on Orchard?" asked Mr. Darrow.

"No, sir."

"Did you ever have anything to do with buying a horse and buggy for Orchard to go out on killing expeditions?"

"No, sir, never."

Haywood said Orchard came one day to headquarters in a buggy with a colored driver and asked him to take him to a place where he could trade the rig for a gray mare which the federation owned—one of the 19 horses which had been used in distributing relief in the Cripple Creek district.

Pettibone was anxious to get the mare for one of his delivery wagons. The witness denied several times that he had talked to Orchard or planned with him the killing of Sherman Bell, Governor Peabody, James Hearn, Elmer Morton, or anyone else named by the witness.

Haywood said that he had heard of Orchard's story on the witness stand was the first he had heard of the matter.

First Meeting With Adams.

Haywood said that he had met Steve Adams in 1902. He said the \$75 he sent to Adams at Ogden when the latter wired him in San Francisco, was his, Haywood's, own money. Adams said he was prospecting and had started on leaving Denver that if he struck anything he would locate Haywood on it.

During 1904 Adams was at headquarters several times. He said he had been to the "tall timber." Adams and his wife were both drawing strike relief at this time.

"Did you ever give or send him any money other than the \$75 you have testified to?"

"No, sir."

"Did you get your \$75 back?"

"No, sir. At Cripple Creek Adams and Minister who went with him said they would settle up as soon as the strike was over."

Adams and his wife left Colorado in the spring of 1905. Haywood said that some time later he received a letter from Mrs. Adams saying she and her husband had located a homestead in Oregon. They expected to do well, but needed a little temporary relief, promising to pay it back in butter and eggs. They did not write to him again. The next he heard of Steve Adams was when the latter was arrested. As to the letter he wrote to Harry Orchard's wife November 18, 1905, Haywood said his note was in reply to one from Mrs. Orchard inquiring as to her husband's whereabouts. He told her all he knew about Orchard. He had no way of knowing where Orchard was except as the latter had told him his plans for going to Alaska. Haywood said he did not care to tell Mrs. Orchard what her husband had said as to his determination not to return to her. Haywood declared he knew absolutely nothing of the plot against Governor Steunenberg.

He Forgot Steunenberg.

"I don't know that I have thought of him after I left the state of Idaho."

"Had Governor Steunenberg ever attempted to get back into politics?"

"No, sir."

"Had he shown any disposition to become active in mining matters?"

"No, sir."

NEW POST CARDS

Government Contractor Is Preparing Plates for One

Which Will Conform With Order Just Issued.

WRITE ON BOTH SIDES.

One-Third of Address Surface Given to Sender.

For Message Either Written or Printed.

Washington, July 12.—For years Americans and others have been sending to the United States from foreign countries postal cards and post cards, private mailing cards, with messages written on the front as well as on the back of the cards, although in this country this advantage has been denied the users of government postal cards. Some months ago the United States postal laws and regulations were amended so as to give that privilege to buyers of post cards, but such concession was not made applicable to postal cards.

In order to remedy this inconsistency and to prevent any further confusion and annoyance to the public the Postmaster General Meyer today promulgated an order effective August 1, 1907, providing that the face side of a postal card may be divided by a vertical line placed approximately one-third of the distance from the left end of the card, the space to the left of the line to be used for a message, etc., the portion to the right to be used for the address only. A very thin sheet of paper may be attached to the back of the card, and such a pasted paper may bear both writing and printing. Advertisements, illustrations, or writing may appear on the back of the card and on the left side of the front. Postal cards bearing particles of glass, metal, mica, sand, tinsel or other such substances, are declared to be unmailable, except when enclosed in envelopes with proper postage affixed, or when treated in such a manner as will prevent the objectionable materials from being rubbed off or injuring the hands of persons handling the mails.

The contractor at Rumford Falls, Me., is now putting in new machinery for the manufacture of postal cards, which will conform to the conditions of the amended regulations.

IT IS WARMER ONCE MORE.

Mercury Gets Above Eighty Degrees This Afternoon.

Topeka is receiving a warmer brand of weather than that dispensed at the local weather station yesterday, although it has not been too hot for comfort today. It has been a typical summer day with the temperature just about right for this time of year. A few rain clouds floating through the sky have sheltered the earth from the sun's heat at times which somewhat soothed those who find this kind of weather too hot.

The rain clouds have all vanished and there will be no rain for some time. The temperature for tomorrow will be about the same as today, with a slight change for warmer which will not be noticed. The following are today's temperatures:

7 o'clock.....	71	1 o'clock.....	81
8 o'clock.....	72	2 o'clock.....	80
9 o'clock.....	75	3 o'clock.....	82
10 o'clock.....	80	4 o'clock.....	83

HELD UP A TRAIN.

Four Negroes Signaled It to Stop and Got Aboard.

Engineer Threw Open the Throttle and Ran Into Town.

THEY FEARED TO JUMP

Until the Train Had Slowed Up in the Yards.

Policemen in an Auto Captured the Whole bunch.

New York, July 12.—A daring attempt to hold up and rob a freight train on the Pennsylvania railway at Rahway, N. J., was frustrated by Engineer William B. Lawrence. The robbers, four negroes, were captured after an automobile chase.

The freight train was approaching Rahway when the engineer saw a signal to stop. When he did so he was surprised to see four negroes jump from behind a clump of bushes and climb on board. One of the men boarded the engine while the other three got on the train. The negro on the engine ordered that one car be uncoupled from the train and left behind to be ransacked by them. He threatened that there would be trouble if the order was not complied with.

Realizing that a fast express train would be along in a few minutes, the engineer grasped the throttle and set the train going at full speed, while the negro looked on in amazement. Twice the men endeavored to jump from the train, but they were prevented by the fact that the train reached the freight yards of the company at Waverly, twelve miles away, before they could get down. They, however, were notified by police officers who were patrolling the road and the negroes were soon overtaken and arrested.

CLEARED IN FIVE MINUTES

"Unwritten Law" Scores Another Triumph in the Old South.

Laplata, Md., July 12.—In five minutes after retiring a verdict of acquittal was returned by the jury in the case of Mrs. Rowie and her son, who were tried for the murder of Hubert Possey.

The case was given to the jury at 12:25 p. m. and the court then took a recess.

States Attorney Wilmer's statement last evening that the prosecution would be satisfied with a verdict of manslaughter was a surprise and was met by the demand of former State Senator Possey, for the defense that the jury either acquit or find the accused guilty of murder. Congressman Sidney E. Mudd, of counsel for the defense in his address to the jury declared that he believed in the sanctity of the family ties, the chastity of women, the development and maintenance of a salutary respect for the honor of the mother, the sister and the daughter becomes, therefore a natural and essential feature of the law in this land. In nearly every state of the nation there will be found an exemplification and recognition of this act and an adoption of this doctrine. It is in this sense that I confidently believe that the jury will have called the 'unwritten law' as an adequate defense for these defendants.

ENGINE PULLS UP THE TREES.

Steam Grader Used to Uproot Large Cottonwoods in North Topeka.

The steam grader engine that was taken over to North Topeka the other day is at present being used for the purpose of pulling up the large trees that are in the way of the street grading. The shade trees that have lined Kansas avenue on the north side have to be taken up. Instead of chopping the trees down first and then pulling up the stumps, the men in charge are going to cut them in a more effective way, by pulling the whole tree up by the roots.

The roots of the tree are chopped off around the outside of the tree so as to cut it from securing up to the top of the ground. Then a man climbs it with a small rope and by means of it he draws up a large chain. The chain is attached to the trunk of the tree about 20 feet from the ground, and after the climber is out of the way the work begins. The engine pulls the tree over and after the remaining roots have been put off it hauls it off to some vacant lot where it can be cured for fire wood. Some of the trees pulled up this state, nor shall any such person lose his residence in the state when absent on military or naval business from this state.

The action prohibiting firms, corporations, etc., from selling commodities at a lower rate in one portion of the state than in another was modified by permitting the legislature to enact a different law and further conditions were imposed making more difficult the proof that the difference in prices was for the purpose of destroying competition in trade. The section originally was aimed at the Standard Oil company.

Justice of the peace courts were deprived of concurrent jurisdiction with district courts. As the section stood it was believed that the justice of the peace could grant divorces.

Section 8 of article 23 was changed to read, "Any provisions of a contract, express or implied, made in violation of which any of the benefits of this constitution is sought to be waived shall be null and void."

The words, "or of any law made in accordance therewith," were stricken out after the word "Constitution."

Section 6 of the schedule was amended to make woman eligible for election to the office of county auditor, clerk of courts, and justice of the peace.

The terms of all officers of the state government elected at the time of the adoption of this constitution shall begin upon the admission of the state into the union.

WHAT A CHANGE.

Few State Officers Take Long Trips Now.

Of Course Anti Pass Law Isn't Responsible.

HAVEN'T TIME TO GO.

Press of State Affairs Keeps Them Near Home.

Excelsior Springs Has Become Favorite Resort.

Excelsior Springs is going to be a wonderfully popular place this year as a summer resort for state officers. Nearly all state officers who feel the need of rest from their arduous duties will go to Excelsior Springs to get it.

As a corollary to this proposition, it may be announced with equal certainty that there will not be as many long vacation trips made this year as usual by state officers. The abolition of the interstate free railroad pass is responsible.

Heretofore, it has been the regular thing for every state officer, to take a summer jaunt to California, Florida, or New York. Some of them have put in a few months fishing in Canadian waters, and others have fished in the gulf off Galveston, or struggled with the massive tuna in southern California waters. In the olden days, to take a regular trip, it was as cheap to travel as it was to stay at home.

This year some of the state officers took trip to League Island and other eastern points to witness the presentation of the silver service to the battleship Kansas. The state paid \$1,000 toward the expense of the party, and the excursionists to witness the purpose of a summer vacation.

State Superintendent E. T. Fairchild, who did not go on this excursion, was now in Los Angeles to attend the meeting of the National Educational association. This is a trip of which the expense is paid by the state.

Governor Hoch will be so busy traveling about filling Chautauqua lecture dates that he will not find time for any pure and unadorned recreation. He will get plenty of traveling, but it will all be on business.

Secretary of State Denton says he can not afford to take any more vacation than he has had already, except for an occasional trip to his home in Attica, which will be largely of a business nature.

Auditor General Jackson, State Auditor Nation, and State Treasurer Tuttle will all stay pretty closely in Topeka, aside from short trips to various points in the state. It is still possible for state officers to get transportation inside of Kansas.

Charles Barnes, superintendent of insurance, incident to his vacation in the battleship excursion, says he hasn't time to take a vacation trip. His newspaper and his official duties keep him busy.

John Q. Royce, state bank commissioner, goes up to his home in Phillipsburg at frequent intervals, but he has no plans for any vacation expeditions.

Mr. D. Coburn, secretary of agriculture, who has some original ideas about vacations, and who takes very few of them except when his health absolutely demands it, is now absent from town, and is supposed to be at Excelsior Springs. That is where he usually goes. Mr. Coburn never tells much about where he is going when he starts off to take a rest.

The supreme court justices, too, have very modest tastes about summer vacations. This year, however, the absence of Justice Smith is the only one who has thus far announced any extended trip. He has gone to Wisconsin. Justice Clark Smith will spend the summer at Cawker City, and Justice Porter and Burch will "recreate" at Excelsior Springs, and Chief Justice Johnson at Emporia. Justices Johnson and Burch will "recreate" at Excelsior Springs, and Chief Justice Johnson at Emporia. Justices Johnson and Burch will "recreate" at Excelsior Springs, and Chief Justice Johnson at Emporia.

All and because of the passing of the pass!

HIGHEST COURTESY.

Admiral Yamamoto Accepts President's Invitation to Luncheon.

Oyster Bay, L. I., July 12.—The highest official courtesy that could be extended Admiral Baron Yamamoto during his visit to the United States by President Roosevelt, was the invitation to a luncheon served at 1 o'clock at Sagamore Hill.

Viscount Aoki, the Japanese ambassador and personal representative of the emperor, shared in the cordiality extended to the Japanese nation, as did Captain Mato Kondo, inspector of construction of the Japanese navy and a member of Admiral Yamamoto's suite.

Assisting the President and Mrs. Roosevelt in the entertaining of the distinguished visitors were Assistant Secretary of State Bacon, Representative Herbert Parsons of New York and Mr. and Mrs. E. D. Morgan, also of New York.

The guests arrived at Oyster Bay shortly after noon and were conveyed to the Sagamore Hill home in the Roosevelt automobile.

The Japanese members of the president's luncheon party occupied a special car on their trip from New York to Oyster Bay. Captain Kondo was the bearer of a package which he said was a present for President Roosevelt.

DODGE STATE COURTS.

Nebraska Railroads Seek to Get Case Before Federal Judges.

Lincoln, Neb., July 12.—Before Judges W. H. Munger and T. C. Munger of the federal court, attorneys for the railroads this morning sought to have the cases filed by the state of Nebraska to compel observance of anti-railway legislation removed from the state to the federal courts. Whether or not the state is a real party to the suit when attempting to enforce its own laws in its own courts was debated. Judge W. D. McHugh, of Lincoln, representing the Union Pacific, and Attorney General Thompson appearing for the state.

The case is similar to the Missouri suit in the Nebraska case the state acted first, the railroads asking for removal of the suit. The state sought injunctions to prevent the Union Pacific, the Burlington, Missouri Pacific and the Rock Island from disregarding the two cent fare law, the maximum freight rate law, the antipass and railway combination acts passed by the last legislature. The railroad attorneys insisted that the state was not a real party to the suit as it had no pecuniary interest in the matter.

The attorney general, following Justice Brewer's opinion in the Debs case seeking to show that "to prevent the wrong doing of one resulting in injuring the general welfare is often sufficient to give it a standing in court."

FOURTEEN CHANGES.

Oklahoma Constitution Is Made Over at Adjourned Session.

Guthrie, Okla., July 12.—Fourteen important changes in the constitution for the proposed state of Oklahoma have been made by the convention. The most important modifies the initiative and referendum provision by eliminating the section allowing the governor to take means to put into effect any law in the event of the legislature's refusal to act upon it. Another vital change eliminates the plank forbidding foreign corporations to appeal from the decision of state courts. Another amendment gives home railroads the right to merge but denies the prerogative to foreign corporations. Other alterations affect the appropriation, habeas corpus provision, court power of contempt, religious tolerance, suffrage rights and election of the state board of agriculture.

present that it was such influences as they represented that corrupted legislatures and courts.

"And you referred to the court of which Judges Gabbert and Goddard were members?"

"I referred to the supreme court."

"And you regarded Judges Gabbert and Goddard as representatives of the corrupt corporation influences?"

"I wouldn't like to say that personally."

Senator Borah complained at one point during the examination that the witness was endeavoring to evade a direct answer.

Haywood disclaimed this and declared that he was ready to answer any and all questions to the best of his ability.

At 11:30 the luncheon recess until 2 p. m. was ordered.

Weather Indications.

Chicago, July 12.—Forecast for Kansas: Fair tonight and Saturday.

DEWEY IS TURNED DOWN

Application for Change of Venue in Murder Cases Denied.

Goddard, Kan., July 12.—Judge Charles Smith of Stockton, presiding in the district court here, Thursday ruled that Chauncey Dewey could secure a fair trial in Sherman county.

In other words, he denied the application for a change of venue.

Dewey's petition alleged that a feeling of prejudice still existed against him so strongly among the old settlers that in the forthcoming trial a fair jury could not be secured. Thursday ruled that enough new settlers had moved in since the flight of four years ago to try the case.

Dewey's attorneys say they will secure affidavits to show their contention is right.

The suit is one of \$40,000 damages brought by relatives of the murdered men in the big Dewey ranch fight.

SIX STORIES HIGH.

Bank of Topeka Building Will Be Taller Than Planned.

The plans for the remodeling of the Bank of Topeka building, corner of Sixth and Kansas avenues, have been changed and the building when completed will be six stories in height instead of five as was originally contemplated. It was the intention to utilize the south wall of the present building but this has been found to be impractical and it will be torn out and a wall built to conform with the architectural design of the remainder of the building.

When it was found that the south wall could not be used it was decided to build another story to each of the buildings that are now being remodelled. The top story will be used for offices, when completed as will all of the building excepting the first floor which will be utilized by the bank.



How the Japanese War Situation Is Made to Look So Serious.