

Report of J. McP.

Boise, Idaho, January 27th & 28th, 1906.

In Re Assassination of ex-Gov. Steunenberg.

Hon. Frank R. Gooding,

Boise, Idaho.

Dear Sir:-

Harry Orchard to-day appeared before me and confessed to the following:-

Q. What is your name?

A. Harry Orchard.

Q. Where were you born?

A. Ontario, Canada.

Q. What town?

A. It is in the country.

Q. How far?

A. About ten miles from the town of Trenton.

Q. How old are you?

A. I am thirty-eight (38) or thirty-nine (39), I am not sure.

Q. Are you married? Got a family?

A. Not one of my own.

Q. Your wife was a widow?

A. Yes.

Q. What was her name?

A. Tony.

Q. Where does she live now?

A. As far as I knew now in Cripple Creek, Col.

Q. When did you leave Canada?

A. Well, I left there in the fall of '95 or '96. I think it was
in November.

Q. When you left Canada in the Fall or Winter of '95, where did you go?

A. I came from there to Detroit, Mich.

Q. How long did you stop in Detroit?

A. About a month.

Q. Do you remember where you boarded or stopped there?

A. No. I do not.

Q. Were you employed at anything?

A. No sir.

Q. On leaving Detroit where did you go to?

A. I came to Nelson, B.C.

Q. How long did you remain there?

A. Well, I remained there about two months, as near as I can remember.

I was in Gaslo, B.C.

Q. Were you employed at anything while there?

A. No sir.

Q. Do you know where you stopped?

A. I do not remember the hotel, and then I had a room part of the time.

Q. That would be in 1906 then.

A. Yes sir.

Q. January '06?

A. Yes sir, about that as I was there Christmas.

Q. After leaving Nelson where did you go?

A. I came to Spokane.

Q. About what time did you arrive in Spokane in '06?

A. I think about in March.

Q. How long did you remain in Spokane?

A. About three weeks or a month. Three or four weeks.

Q. Were you engaged in any business in Spokane?

A. No sir.

Q. Do you remember where you resided there?

A. Well, I cannot remember the hotel.

Q. Were you acquainted with anybody while you were there?

A. I know the man who ran the hotel but do not remember his name.

Q. After leaving Spokane where did you go?

A. I came to Wallace, Idaho.

Q. Why was it that you went to Wallace?

A. I was looking for work and saw an advertisement for a milk-wagon driver on a bill-board of an employment agency office in Spokane. I talked with the employment agent and subsequently wrote to Markwell Bros. and got a reply that they would employ me if I went to Wallace.

Q. About what time did you arrive in Wallace, in May?

A. I think it was in May, but it was in the latter part of April or early part of May. The snow was a good deal off at that time.

Q. How long did you work for Markwell Bros?

A. I worked there the balance of that year until a little after Christmas, the balance of '96.

Q. Were you discharged?

A. No sir, I resigned and remained in Burke. During my employment with Markwell Bros. at Wallace my milk route was from below Wallace to Burke.

Q. How long did you remain in Burke?

A. I remained in Burke until sometime in May of 1899, from Christmas 1896 to the early part of May, 1899.

Q. What business did you first engage in after leaving Markwell Bros?

A. I bought a wood and coal yard and the things that went with a coal yard from a man by the name of Desonea.

Q. What did you pay for your teams and coal yard?

A. I think I paid One hundred fifty (\$150.00) dollars, but I am not sure.

Q. Did you have any other interests besides the wood and coal yard?

Did you purchase any other interest?

A. I purchased a sixteenth interest in the Hercules Mine.

Q. That has become valuable property?

A. I would a millionaire now if I had it.

Q. What did you pay for it?

A. I paid Five hundred (\$500.00) dollars, but only about Two hundred Fifty (\$250.00) or Three Hundred (\$300.00) of it was paid.

Q. How long did you hold this sixteenth interest?

A. I sold it sometime during that Spring or Winter of '97. I think I got Six Hundred Seventy-five (\$675.00) dollars or somewhere in that neighborhood for it.

Q. To whom did you sell it?

A. To Dan Curdonia.

Q. How long did you run that wood and coal yard?

A. Well, I ran that until March, '99, and had pack horses, and took the first car that was taken up to the Hercules mine in company with Gus Paulson, but it was my horses that was used.

Q. Who owned the Hercules mine at that time?

A. There was old man Reeves, the Day family, Markwell Bros, Al. Hutton and August Paulson. I think that is all except what I owned and afterwards sold at that time.

Q. Did you get acquainted with Ed. Boyce at that time?

A. No sir, I did not.

Q. Did you know that he was president of the Western Federation of Miners?

A. I did.

Did he marry one of the Day girls?

A. That is my understanding, I believe he did.

Q. You sold out your wood yard and packing interests in 1899?

A. Yes sir. I might say that I sold out a part of that to a partner that summer, but afterwards I sold all of it to him.

Q. What was his name?

A. James McCalpin.

Q. Afterward you sold out to James McCalpin what did you then engage in?

A. I went to work in the Tiger & Peerman Mine.

Q. About what date?

A. I went to work sometime about the first of April of 1899.

Q. While working how long did you work there?

A. I worked there until the first part of May the same year. A little over a month.

Q. During the time you were working in the Tiger & Poorman Mine did you join the Western Federation of Miners?

A. I did.

Q. About what time?

A. Well, I think it was soon after I went to work there. I was rather transferred from the Knights of Labor to the Western Federation.

Q. What lodge did you belong to?

A. It was in Burke.

Q. And you got transferred in the Western Federation of Miners?

A. Yes sir.

Q. Was the lodge numbered or was it simply the Burke Lodge?

A. I do not remember, but it was the Burke Union, and I think it might have been numbered Ten, but I am not sure.

Q. Do you remember the names of the officers of that lodge?

A. I remember the President and Secretary. The president was Mike Devey and the secretary was Paul Corcoran.

Q. Now, during the period between the time that you joined the union and the time that you left Burke, which was about the early part of May, had there been any trouble around the mines at that time?

A. Well, there had not been up there, but there had been at Wardner.

Q. What was that trouble?

A. Well, now there was a strike there at the Bunker Hill & Sullivan Mine, as I understood. On the morning of the 29th of April, 1899, we were stopped from going to work and were called to attend a meeting of the Union early in the morning of the 29th of April.

Q. Who notified you?

A. Paul Corcoran ^{and others} notified ^{us, I don't know who notified me,} me that there would be a meeting that day and that there would be no work that day. We attended the meeting and during the course of that meeting it was told us that we were all wanted to go to Wardner that day.

Q. Who told you that?

A. Paul Corcoran, ^{told us this at the meeting,} and that we were to seize the Northern Pacific train and take forcible possession of it when it came ^{up}; proceed to Wardner and that train and get all the cars that we could get there, and stop at Gem and get the Union people from there and go to Wardner, and we were to blow up the Bunker Hill & Sullivan mill. Now, I might say that I do not remember all of the details that were talked of at that meeting, but that was the sum and substance, as near as I can recall it.

Q. Were there any other speakers besides Paul Corcoran on that occasion?

A. Yes, there were. Mike Devey was one that I remember. Frank Short was one. There were some others who spoke on both sides of the question. Mike Devey came in after the meeting opened and stated he had not been notified of the meeting and spoke against the advisability of doing this work, which also several others did, but I do not remember all of the names of the others that spoke. It was brought out that all who did not want to agree to go there had to leave the camp, or it was words to that effect, and that it would be better for them to move some other way. ^{about ninety percent} ^{a great many} ^{and did not want to go} were against it but we were all ^{strictly induced} ~~compelled~~ to go.

Q. Did Devey go with the crowd then?

A. I think he did, but am not positive.

Q. Yes, we seized the train, but I cannot say who seized it.

Q. How many were there of you?

A. Well, the hall was jam full and I think there were three or four hundred. I am not sure but I think there was about that many.

Q. At Gem how many did you take in?

A. I should think about as many more.

Q. Was any dynamite or powder with you?

A. Yes sir, they stopped at the magazine of the Helena-Frisco Mine and got some powder, but do not remember how much, but think it was about forty boxes.

Q. You did not take any of it yourself?

A. No sir. But I was there.

Q. At Gem they took some more?

A. No sir. The train was stopped but as they did not think they had enough the train was backed up to the same magazine and took on some more.

Q. At what time did you get to Wardner?

A. I could not say positively but think it was between eleven and twelve o'clock. It might have been a little before or a little after.

Q. Was there anything said in the hall about killing the scabs that were working in the Bunker Hill & Sullivan Mine?

A. There was something said, but this mill was supposed to be fortified with scab militia.

Q. Did you folks have any rifles or arms with you.

A. Yes sir.

Q. Where did you get them?

A. I cannot say. Those who had them brought them and at Gem there was a lot of ~~them~~ left. *more stored.*

Q. Where were they in the Miners' Hall or depot?

A. They were in the Miners' Hall.

Q. Do you know who distributed them?

A. I do not.

Q. Did you know the president and officers of the Gem Union.

A. No sir, I did not.

Q. When you arrived at Wardner who took command?

A. A man by the name of Davis.

Q. Do you know where he resided?

A. He resided at Gem.

Q. Do you know what position he had in the Union?

A. No sir, I do not. I did not know Davis and did not know who he was, but he told me himself afterwards that it was him.

Q. Where is he now?

A. I think he is in Goldfields.

Q. What are his initials?

A. W.F. Davis.

Q. What did he instruct the crowd to do when you got to Wardner?

A. Well, I believe the Burke Union was called on first, every man who had rifles to form in line. I am not sure, but I think it was Gem or Mullen, but they were called on in rotation to do the same. First there was a skirmish line formed upon the hill above the mill by the men, and they were to fire on the mill while the rest of us were marched around in line below. Their signal for fire, if it drew any fire from the mill was to be the signal for the rest that were in line to fire on the mill. They did fire on the mill from the hill and as soon as they did a part of the ones below that were supposed to fire did not understand the signal men and they fired on the skirmishers.

Q. Were there any of the skirmishers killed?

A. There were.

Q. How many?

A. One.

Q. Do you know his name?

A. It was Smith.

Q. What was his first name?

A. I do not know.

Q. He belonged to the Burke Union?

A. He did.

Q. What did they do with his corpse?

A. They fetched it back to Burke.

Q. Did they claim that the scabs killed him.

A. They did not.

Q. Did they give out any statement as to how he came by his death?

A. I do not remember, except any more than we talked about, but I do not remember what statement was given out to the public.

Q. After that, what did you folks do there?

A. Well after this shooting they found there was no one in the mill so we marched right down to the mill and went through it. I was not in line myself but was up by the train, like a great many others, because I had no rifle. When they found there was no one in the mill they gave the

the word for us up at the train to bring the powder.

Q. Who gave the command?

A. I cannot tell that as I do not know.

Q. Did you carry any of the powder down?

A. I did.

Q. Who else carried powder do you remember any of their names?

A. I just remember one man that was with ~~xxxx~~ me. His name was Gus. He is running a saloon in Burke at the present time. He is a Swede. I think that Gus is a very good fellow but like many others he had to be there.

Q. When you got the powder down to the mill who exploded it.

A. There were different ones but I know I was one of them, but cannot say the names of the others, but the one with me was from Mullen. I might say right here that I told one party about this after this that this was the first powder I ever handled in my life. I told it to Pat Kennedy and have no doubt in my mind but he will remember it. I told him this as I had a number of others there. Pat Kennedy told me he did not go down to Wardner but stopped at Wallace, as he was one of those who talked against this outrage in the hall at Burke, and said it was a damn shame to send inexperienced men who practically knew nothing about this business instead of old men who knew about powder. He told me at this time not to tell this to anybody else as he thought it was best for me

Q. Where is Kennedy now?

A. Kennedy is in Burke, working at the Hercules Mine. I believe Kennedy is an honest man and think he will remember this conversation.

Q. Now, when you were in the mill at that time did you take any property out of it.

A. I did.

Q. What was it?

A. Well, they were instruments for taking the degrees of pitch in a mine, a kind of compass.

Q. What did you do with these instruments at that time?

A. I took them back to Burke with me afterwards when I left there and

there and went to the Hummingbird Mine in the afternoon and when the soldiers came up there that afternoon I took those things I had and threw them away in the brush. I met Carl ^{Amerson} ~~Anderson~~ in Salt Lake as he was up there at the Hummingbird Mine as he owned part of it. I met him in Salt Lake about two years afterwards and told him about those things and where I threw them. On going back there he found them. When I was in Wallace this last Fall he told me he found them and gave them to me. I have them in my possession in my trunk as they were there.

Q. During the time you were down at Wabkax Wardner when this thing took place did you see Simpkins or any of those men?

A. I may have but I did not know Simpkins at that time.

Q. Did you see Haywood there?

A. I did not.

Q. Who else besides Corcoran and Davis took a prominent part in that that you can remember now?

A. I do not remember anybody.

Q. Have you since talked with anybody that took a prominent part that you have gotten acquainted with?

A. Well, I cannot say that I have, but I have talked to people that said they took a part in it and remember Simpkins.

Q. Where did you say he was located at that time?

A. He lived in Wardner.

Q. Just go on and tell us what part Simpkins said as to the part he took in that matter?

A. Well, I cannot say that he said he took a part in it any more than that he told me he was against this strike but after it was started and was to be done he took a part in it.

Q. Did he ever say how long it was planned before its execution, or did anybody else say it?

A. No sir, the only thing that I think that I know there was a meeting in Central Union the night before and understand Charley ^{Olson} Snoddy told me about this meeting of the Central Union ^{the night before the mill was} ~~the night before~~, ^{blown fully a year afterwards, but I did not know of the meeting} ~~at that time.~~

Q. That was held at Burke?

A. I think it was at Gem, but I am not positive.

Q. What composed the Central Union?

A. Well, as near as I can tell, it was made up and appointed out of the different officers of the different unions, and that was my understanding but I am not positive, but my understanding since has been that it was called the District Union and has been changed to that, and that the Central Union at that time is now the District Union.

Q. In the talks that were made at Burke that morning did anybody say that Ed. Boyce directed that that be done, and if so, who used that expression?

A. Not anybody as I know of ~~as I did not know anybody.~~

Q. Has Simpkins subsequently told you anything about the part he took in trying to effect the escape of the men confined in the bullpen?

A. He has. Well, he told me that he had planned to dig a tunnel, and it was dug from under his bunk, and as this tunnel was dug, in order to get air holes through there they punched holes from the top of this to the top of the soil. They were measuring this, punching holes through it when the fellows who were in the cook camp were to watch some one down in the tunnel that was to stick a stick up through the soil and they would know about where they were about ~~xxx~~ by this stick. Well, I might say, to make this sure, the reason that that miscarried by sticking a stick up through there one day some soldiers were sitting there on the grass and they punched these holes and these fellows with the stick as they were coming up through there. When they punched these fellows they did not know exactly what it was at first, but the fellow down below when he stuck it up again the soldiers grabbed it and ~~punched~~ pulled it up through.

Q. Was Simpkins ever tried for this?

A. Not that I know of.

~~Q. Was Simpkins ever tried for this?~~

Q. Concoran was?

A. I believe he was, *tried for something.*

Q. Do you know who shot Smith?

A. I knew the one who told me he did.

Q. What is his name?

A. Alec Bertrand. And I might say that since that time Bertrand has died. He died in Billings. He told me that on the trip from Burke when I went away from there.

Q. Did you have any talk with any person on that subject, did you ever learn as to whether Haywood, Moyer, Boyce, or any other prominent so-called union leader or agitator took any part in this outrage there by being present or suggesting this thing?

A. I don't remember of anyone, only this that Simpkins told me that Boyce wanted this done. I did not know Haywood, Boyce or Moyer at that time.

Q. When and where did Simpkins first talk on this subject to you?

A. In Denver.

Q. At what time?

A. Sometime in 1905, but I could not say positively what month, but it was in the Spring at the time of the convention of the Western Federation of Miners.

Q. At what place did you stop in Denver?

A. It was in Simpkins' room in the Granite Block.

Q. Was anybody else present?

A. Kerwin was in and out of there, but I do not think he was present when we were talking.

Q. Who is Kerwin?

A. He is a member of the executive board of the Western Federation of Miners from Dakota.

Q. In that talk with Simpkins what did he say or how did the conversation come up?

A. Well, it came up talking about strikes and I said that I thought that it was bad management and that it was wrong to call them. I spoke about what destitution they caused, and how many families were broken up; men had to ^{live} ~~live~~ and their families had to live, and during this conversation he told me about this, that Ed Boyce wanted this, ^{and, that is to} ~~and, that is to~~ (12)

blow up the Bunker Hill & Sullivan mill.

Q. In that conversation did he say that he saw Ed Boyce just prior to the blowing up of the Bunker Hill & Sullivan mill?

A. No sir, he did not.

Q. He did not mention it, the fact that Boyce had been over there at Mullen or the other camps the day before?

A. Not to my knowledge.

Q. To your knowledge have you ever heard that there any leaders there from Butte at that blowing up?

A. Not that I know of.

Q. Did he tell you how he knew how Ed Boyce wanted that done?

A. No, I don't think he did.

Q. Did he ever say who was ever convicted for that Bunker Hill & Sullivan trouble?

A. Well, he may have, but I do not remember if he did. The only one I ever knew was Paul Corcoran.

Q. Did he ever speak of the murder of anybody else up in that district since the blowing up of the Bunker Hill & Sullivan?

A. Yes, he has. It was over about twenty-five (25) miles from the Head of Navigation on the St. Joe River. It was some claim jumpers jumped his claim and some others. They sent some fellows in to hold those claims up. He took a fellow in there by the name of Steve Adams and he has since told me that a man by the name of Mason. They went over there, he and Adams. They found a fellow there through the trail by the name of Tyler. They held him up and took him up to the cabin and made him tell who sent him up there and what he was doing there. After he told them everything they kept him there that night and took him out the next morning and led him off into the brush and shot him. There was another man ^{whom Simpson called} ~~by the name of~~ Walleyes, ^{I don't know his name,} a Missourian, with them at that time.

Q. What did they do with the corpse?

A. They covered it up there between some logs and left it there.

Q. When did that occur?

A. In 1904.

This is only hearsay, but both Steve Adams and Simpkins, I believe, told me this. I believe Adams is some place in Oregon.

Q. Whereabouts in Oregon do you think Adams is?

A. I cannot say, but he left for Park City last Spring, and I had a letter from Simpkins that he was in Oregon, and I think he can be found if you go to Telluride or Ophir, as his wife ^{Mother} lives there. Her name is Diamond. She has a sister there that she writes to but he does not go by the name of Adams.

Q. What name does Adams go by?

A. He went by the name of Dixon ^{last time I knew him} when he married her and he takes the name of Steve Dixon.

Q. State his age, or about?

A. Between thirty-five ^{or} and forty.

Q. Height?

A. About my height, about 5 feet 7-1/2.

Q. Weight?

A. About 175 to 180.

Q. Complexion?

A. Very red complexion, and a little freckled.

Q. Eyes?

A. Light colored, blue or gray.

Q. Miner?

A. Yes, and farmer and timber man.

Q. Has Adams got any peculiarities?

A. I do not think so.

Q. Does he walk erect?

A. Yes. If you watched the mails you might get him, ^{his wife writes to her folks} ~~as her sister~~ often ~~was there, and he wrote to her and she went by the name of Dixon.~~

His wife might be with him and she has a little boy. His wife's mother ^{keeps} by one of her children, and she had the other and his wife's mother's name is Diamond.

Q. What is Mason's first name?

A. I think it is Elvey, but I am not positive.

Q. Where does Mason live?

A. He lives up on the St. Joe River. ^{on one of the forks} ~~Where the river~~ folks about ten or fifteen miles above the Head of Navigation, and has a claim near Simpkins' claim. Mason's claim is about twenty-five (25) miles above the Head of Navigation and his ~~xx~~ home is about ten or fifteen miles from the Head of Navigation.

Q. Give us his description?

A. I should think he was about forty years old.

Q. Height?

A. About 5 feet 6 or 7.

Q. Weight?

A. Weighs about one hundred fifty to one hundred sixty pounds.

Light complected, light heavy mustache.

Q. Anything particular about him, like scars.

A. I do not know.

Q. He was in the murder of Tyler too?

A. Yes sir.

Q. Now about the other murder?

A. Adams and Simpkins were in together, and Simpkins pointed out to me where ~~Tyler~~ ^{Quilly} was killed, and as near as I have got it Simpkins left subsequently and Adams, Mason and Walleyes met and murdered Tyler as above stated.

Q. Now as to the second murder?

A. They expected this would scare the rest of the layout out of there. They came out. Adams came out and was out about a week or something like that and when they heard nothing of Tyler being murdered the rest of them ~~thought~~ that were in there thought he had just left the country as he had talked of it before, so Adams, ~~Simpkins~~ ^{Simpkins} and Walleyes went back in there. They stopped over at the cabin on Simpkins claim. They hid themselves in the timber and when this man they call Soule came, and another man with him, they came out in the open near Simpkins claim and

and Adams and Simpkins shot Boule and ~~xxxxxxx~~ this other man Walleyes was to shoot the other man, and when they gave the signal to shoot they all fired and they killed Boule and they shot at the other fellow but he was missed and ran up the trail. He went on back over the same trail that he came over. The people that were there with him, claim-jumpers as they called them, had heard the shooting and started to follow them up on the trail in the direction they went and when he ~~xxxxxx~~ met them coming back they wanted to go on over where Boule was they told him no, Boule was killed and he was shot and that he would not go back in there as there were several men over there shooting. They told me that the rest of the claim-jumpers packed up everything and moved out of there. They came on out and came down to the left hand branch of the St. Joe and down to this man's place, Walleyes and Masons. I do not know which. They both lived close together and came on out of that country that way and took Johnny Van Dorn's boat and came down the river. That is about all I know of that.

Q. Both Adams and Simpkins told you this?

A. Yes sir.

Q. When?

A. Well, Adams told me in Denver during the next Winter, 1904.

Q. When did Simpkins tell you?

A. Simpkins told me the last time I saw him when I was up there near Wallace hunting.

Q. Was there a man named Whitney murdered up there and do you know anything about it?

A. I don't know anything about it.

Q. Now, there were no other murders that you talked about with these men?

A. No sir.

Q. Who furnished the rifles that were sent there for the blowing up of the Bunker Hill & Sullivan mill?

A. George Pettibone sent one hundred rifles from Denver.

Q. After the blowing up of the Bunker Hill & Sullivan mill you left

the Coeur D'Alenes?

A. I did.

Q. Just go on and state, as near as you can, about the date you left, and the different places you went to, and where you stopped, how long you stopped until you reached Cripple Creek?

A. I left Burke the next morning after the soldiers arrived there. It was May the 5th, or thereabouts, 1899. I left there in the morning from the Hummingbird Mine in company with a man by the name of ~~Jack~~ ^{Patrick} ~~McCarthy~~ ^{McCarthy}, walked to Thompson's Falls, Mont., went from there by train to Missoula the next day, staid in Missoula one or two days and went from there to the mouth of the Bitter Root Valley to a man's place by the name of Pat McCarthy. Staid there about a week, I think, and then went on up the valley to man's place by the name of Davis that I knew in the Coeur D'Alenes that used to work for Markwells. Ales Bertrand was with me and we staid there and got Davis to go over to the Coeur D'Alenes to Wallace and to Hullen, where Bertrand was from, and get our things and what money we had coming to us, and we worked in his place on the ranch while he was gone. We also paid him wages for going over there and his expenses. When he came back we came back down to McCarthy's place and came to Missoula and went from there to Butte. We staid in Butte, about as near as I can remember, a week or two?

Q. While in Butte did you meet or talk with any of the heads of the Western Federation of Miners?

A. I met Ed Boyce in his office and Jim Maher.

Q. Did you discuss with Boyce and Maher, or with either of them done, the blowing up of the Bunker Hill & Sullivan Mine, and also what conversation did you have?

A. I did not discuss that at all. I went up to the office to get my withdrawal card fixed up. That is all the conversation we had but I do not remember anything else that was discussed. He fixed up my card and signed it, signed it in the absence of the secretary of the Burke Union, so that if I presented it to any other union I could get in.

Q. Was Bertrand with you?

A. No, he was not. I am not positive but I think a man by the name of Charley Shoddy was with me.

Q. Where did you pick him up?

A. I met him in Missoula and a man by the name of Swan and one by the name of Wilson.

Q. Was Shoddy a miner?

A. Yes sir, he was.

Q. Had he been in the Coeur D'Alenes?

A. Yes sir.

Q. Had Wilson?

A. Yes sir.

Q. Had they been at the Bunker Hill & Sullivan affair?

A. Yes sir, they said they had. They worked at the Morning mine.

I had not known them only after I met them at Missoula and we went to Butte together. There were some others but I cannot remember their names, and when I got to Butte I was sick, I almost died.

Q. You left them or did they go from Butte with you?

A. Yes sir. I did not work in Butte. Swan and Wilson did some. We all went to Salt Lake together, four of us. From there we went to Bingham. We all went to work at Bingham soon after we got there. I worked there until the Fourth of July. They rest worked there sometime afterwards, but we split up there. I came to Salt Lake the night before the Fourth of July and went to work for a firm by the name of Lundeen & Christiansen at the mouth of Little Cottonwood Canyon. They had a contract there for Lawrence & Dinwoody of Salt Lake. I worked there a month or six weeks for them and then Christiansen and myself got a contract on the same property from the same people and worked there until about Christmas time, possibly a little before. This was in 1899. I came to Salt Lake and went out to Bingham to work for a man by the name of Snyder, W.P. Snyder, but do not remember the name of the mine. I worked there until the next Spring of 1900. We worked there for a few days and then Jerry Hawley, a man by the name of Garrison and myself had a contract to connect

To drive an upraise to connect
with an old shaft. I came into Salt Lake, staid there for some little time, a couple of weeks probably, and Jerry Hawley and I went out to work in Butterfield Canyon in the Bingham District for a man by the name of Charley Johnson. We worked there about a month and a half. The morning after the Scofield disaster we ~~came to~~ ^{went from} Salt Lake in the Spring of 1900. We went out to Tucker; Jerry Hawley and I, and worked for ~~Culler~~ ^{Culler} Bros of Salt Lake at Assyria Mine, located about six ~~eleven~~ miles from Tucker ~~mine~~. It is an asphalt mine. A man by the name of Arthur Doelian went with us. We worked out there at that mine about six weeks, I guess, or two months. Then we went to work doing some assessment work for the same people, that is, Hawley and I, Doelian had gone back to Salt Lake. We staid there about six weeks or longer after that. Then we went back to work in Butterfield Canyon for this same man Johnson and worked there until within a few days of the Presidential election in November, 1900, and then came to Salt Lake and went to San Francisco with a man by the name of Grant, and had started to go to the Phillipinee Islands with packers, for the Government, for which they had advertised. They abandoned that as when we got to San Francisco they did not send any more. Grant and I inquired into what the prospects would be to go prospecting over there and found out that we could not do it on account of the rebellion and that we could not get out into the country. I went from there up to Bartlett Springs, Calif., and had a contract there getting out five hundred cords of wood and finished that about in April or May sometime, 1901. I left there and went to Los Angeles. Stopped there three or four weeks but am not sure about the exact time. I returned from there to Salt Lake and went to work on the Keystone Dairy for Standish, and worked there until some time that Fall, September or October. ~~When I came back from there in~~
9 ~~from~~ Salt Lake, I went from there to Arizona with a man by the name of James Swan and went to Gallanta by rail and from there by stage to St. George, and from there out across by freight wagon to this mine, but cannot remember the name of the mine, about eighty miles Southwest of St. George. I worked there until sometime next Spring, the Spring of 1901.

sometime in March, and left there and came back to Salt Lake.

Q. Anybody with you?

A. I came back alone. These men that left Butte with me, Swan, Charley Shoddy, and when we left the Coeur D'Alenes we went by different names. Charley Shoddy took the name of Wyatt. I went by the name of Harry Dempsey. When I was in Arizona I went by the name of Orchard. At Salt Lake I only went by the name of Dempsey for only a short time and I told friends that this was because we supposed we were blackmailed because we had been in that country and could not get work.

Q. Does Shoddy still take the name of Wyatt?

A. No, I think he dropped back to his right name in Salt Lake last summer, but he still uses that name.

Q. Then you came back ~~from~~ to Salt Lake from Arizona?

A. Yes sir.

Q. Go on and tell what you did next?

A. I went to Bingham and worked again a while with this same Jerry Hawley on a contract. We worked for about two months. He had a contract and let me in on the contract with him. Then I came back to Salt Lake and worked on the milk wagon for Standish of the Keystone Dairy. Just at this point I recall that I worked at the Keystone Dairy before I went to Arizona in the summer of 1900. When I left the Keystone Dairy this man Swan came up as they had worked up there previous to this and while I was on this dairy I gave Olson money to go down to the same mine and afterwards quit there and went down with Swan to work there myself. I believe this man's name was Pickett from Salt Lake. When I came back from there that time I think it was in February or March, 1902, and then I went out to work at Bingham with Jerry Hawley. We worked there about six weeks and came to Salt Lake and stopped for some little time, I believe a week or ten days, and during this time Olson, Shoddy, alias Wyatt, and Swan had come up from the Arizona mine. Olson and I and Arthur Doolan went down to State Line, Nev., and worked at the Chpior Mine about a month, when the mine closed down. We came back to Salt Lake and Mr. Doolan,

Arthur Doolan's father, I don't know his initials, and myself went to Montpelier, Idaho, prospecting and locating mining claims. We located some claims there about twenty miles from there and came back to Salt Lake. Arthur Doolan and I then went from there to Cripple Creek.

Q. When was that that you went to Cripple Creek?

A. That was sometime after the Fourth of July or about the first of August, 1902.

Q. During the time that elapsed when you left Butte in 1899, until you arrived in Cripple Creek in 1902, did you still keep in good standing with the Western Federation of Miners?

A. No sir. I never was into a union and never paid no dues.

Q. Go on and state what you did after arriving in Cripple Creek?

A. I staid there for a couple of days at Victor, and in the meantime, Arthur Doolan, who had been there two or three years before, and we went from Victor over between Independence and Alton, and I got a job in a few days at the Trachite Mine. I worked there three or four months. I worked at the Hull City Placer and at the Vindicator #1, and was working at the Vindicator when the strike was called and we were called out. The strike took place somewhere about August or September, 1903, and my impression is that it was August the 20th.

Q. How long did you remain in Cripple Creek District after the men were called out in August, 1903?

A. I was there about six weeks when the strike was first started and then went hunting over in the Route country and was gone about a month with a man by the name of Johnny Neville, and came back again to Cripple Creek.

Q. Had you joined the Western Federation of Miners?

A. I did. About October, 1902, I joined the Western Federation of Miners.

Q. Will you please state to us, under what circumstances you joined the Western Federation of Miners at that point, and by what means, by invitation, or how?

A. It was at the invitation of the secretary. Easterly and Davis

came to me. I told Davis that I would come in a little later, a little before I joined. This was W.K. Davis who had been in the Coeur D'Alenes. I told him I would come in as soon as it was convenient as I did not have the money at that time.

Q. Did you join anew or just pay up.

A. I joined anew and paid my initiation fee as Davis knew that I had formerly been a member in the Coeur D'Alenes. ~~W.K. Davis, was there~~ and Frank Wilson, Joseph Schultz and Al. Schultz ^{Y myself} were gloaming, or as was known as highgrading. ^{in the vicinity} ~~we were~~ ^{was} talking about that powder that was in there with Davis, and afterwards with Sherman Parker. Davis said he would get a man to go with me to touch this powder off, to fix it in a way so that it would explode while the men were at work in there. I told Davis that I did not want to go in there with any stranger and that if I did it I would get a man that had been there himself. He said we were foolish to be working, highgrading in there, and that he would get us a good piece of money if we would do this. We went down in there, Joe Schultz and myself. We were going up in there and had to go by the station over across into a drift where this powder was supposed to be. We thought that the men had gone up to supper when we walked out onto the station and saw there was a man there, the cagetender, and he said, "Hurry up boys, the cage will soon be down". He supposed we were men working in the mine, some of the employes. We started to go back into the drift. He started after us and we took three or four shots at him but did not hit him and he went back. We went on out of the mine the way we came in and got out without anyone discovering us. Now, after that I don't know just how long it would be, Parker and Davis wanted to know if we could not put something in there or do something to blow up the mine, or the Findlay. Parker said to me sometime after that, "You go down in there and fix some thing in there, we have got to do something in there". "These scabs will drive us all out of here or kill us", or something to that effect. Well I said we will see and would figure out a way to place this down there by the shaft by putting a gun there. We tried to see if shooting a gun int caps would explode them. I mean a six-shooter. Billy Easterly was with me.

In the meantime I asked Joe Schultz the first time we were in there if he wanted to go with me to put this, but I don't think I told him just exactly the plan. He said, "No", he did not want any more to do with it as he got out of there. I told him then that I did not want any more to do with it either. When I told Parker that he would not go he told me that Billy Eckman would go. Now, Billy Gaffney and myself went and rustled some powder some little time after that. We got out a box of powder, probably forty pounds, from Joe Craig. Billy Gaffney got some more at his cabin that somebody had left there, I think it was Faddy Maliney and Floyd Miller. Joe Craig thawed this powder out in his cabin. We took the powder that same night, Billy Eckman, Billy Gaffney and myself and went over to Billy Eckman's house, the one he was stopping at, and staid there until the night-shift went ~~an~~ off the mine, and then went over to the shaft of the Vindicator #1 and left Billy Gaffney at the mouth of the shaft house to see that nobody came around there, and went down into the mine and across the drift over to the No. 1 Shaft of the Vindicator. We climbed down the main shaft to the sixth level. We were on the ~~first~~^{fourth} level when we got in there. Now, I might say for a little explanation, that when we put that powder on the sixth level we thought that we were putting it on the seventh, as they were not working there. We put this powder by the side of the shaft and nailed a gun alongside on the timber and attached a wire to the trigger and to the guardrail and placed a box of giant powder and then came out the same way we went in. Now then we saw that Billy Gaffney was gone when we came back. He said that he got to catching in the cold and was afraid some one would hear him. I have since wished a hundred times that it had gone off when we were in there. Now, then we heard nothing from that for a week or ten days. During this time while this was placed in there I am pretty positive that I am right that it was about the time of the wreck of the train. To the best of my knowledge it exploded about seven or eight days after we placed it there. ~~I was over to Fictor~~ and Davis came to my house the next morning after we had placed it there and asked me if we had put it in there. I told him we did. He said that there was no excitement over there and didn't see

anything wrong with the mine. I was in Victor two or three days after that and Sherman Parker said to me in Victor Hall there will be martial law here in the morning if things go off right. I asked him why and he said that they were going to wreck the Florence & Cripple Creek train that ~~was~~carried the scabs back to Cripple Creek. This was before dark and it was starting to snow, and that it was damn bad luck and that they would not be able to do it that night on account of the snow. Well, I thought they would not either, so the next day I asked a fellow named Jones, a conductor, who I would go to see there as there was some mischief going on and I might say in here that ~~at that time~~ I thought at that time that they had found out this business in the Vindicator because it had not gone off. I was going to notify the proper authorities, I suppose it would be the superintendent, of the railroad company about this attempted wreck which would take place probably that night or the next night. Jones told me the proper person to go and see would be Mr. Scott, the special agent for the Cripple Creek railroad. I went and seen Mr. Scott, the special agent, and told him what I knew. I told him that I thought there was going to be an attempt made to wreck the train on the railroad, but before this when I told Jones, Jones told me that they had tried to do something. I cannot state the exact words, but I stated to Scott that there was going to be an attempt to wreck the railroad. I did not know at this time that they had made this attempt. This was the second attempt that they had made and Parker had told me that they did not think the first attempt was discovered because he said ^{one of the flows} ~~McKinney~~ went along the railroad where the attempted the night before to see if they had discovered it and when he went along there Scott, the same special agent and some other man was there when he walked along by the place. While Scott did not tell me that they had made this attempt until after I had told him this circumstance, he said that he knew the man. I did not know this man's name, only that Parker had told me that the party that had done this went along the railroad where the attempt was made when Scott was there. He told me that McKinney was under arrest then and that they were looking for his partner

Foster.

Q. Did Parker, when you first talked with him, designate the place where the wreck was to take place.

A. He told me that it was near Anaconda. I went over there with my mind thoroughly made up to stop this wreck, and during these times while we were talking I think that I saw Scott again in two or three days. He wanted me to try and find out what I could over there on Bull Hill. I was afraid to tell anything more than I did know, anything direct. I did not tell Scott how I knew this and who had told me and I don't know that I ever did afterwards. About this time, shortly afterwards, explosion occurred in the Vindicator and killed McCormack & Beck.

Q. How do you account for the fact that the explosion did not take place until six or seven days after the explosives had been placed?

A. They were not working on that level and this guard-rail had never been raised. When we placed it there I had made a mistake in the level and thought we had put it on the seventh level. I suppose that they were the first men who placed raised the guard-rail to go off the cage on that level.

Q. Where are Billy Gaffney and Billy Eckman now?

A. The last I knew of Eckman he was in Goldfields, Nev.

Q. How long ago since you heard from him?

A. Last summer.

Q. Where is Gaffney?

A. He is in Cripple Creek. Joe Schultz, Al Schmitz and Frank Wilson are also in Cripple Creek. The last I knew of Joe Craig he was in Silverton.

Q. Davis is in Goldfields?

A. Yes sir, I believe he was there last summer. He had been in Chicago at the convention. Parker was in Reno the last time I heard about him.

Q. Do you know in what way, about what month, they tried to wreck the Florence & Cripple Creek train?

A. Yes sir. Parker said after the trial was over he had hired McKinney and Foster to do this job.

Q. Do you know where McKimney and Foster are?

A. I don't know where McKimney is, and the last I heard of Foster he was at Bisbee, Ariz., but that is merely hearsay.

Q. To revert back to the Vindicator did Davis, Parker, or anybody else ever give you anything for what you had done in the matter?

A. Davis and Parker never did. Haywood gave me the money. I went to Easterly. Scott, the special agent, got me a pass to go to Denver.

Q. What did Scott want you to do?

A. He wanted me to find out from Easterly ^{what he found out from} ~~and to see~~ McKimney, one of the supposed train-wreckers, in jail in Pueblo, and therefore he got me a pass to Denver, and in company with him I went to Denver.

Q. When you arrived in Denver where did you go?

A. I went to the Markham Hotel. Scott stopped at the Adams.

Q. During your stay in Denver did you call at the headquarters of the Western Federation of Miners?

A. I did.

Q. Whom did you see there?

A. I saw Haywood and Meyer. Johnny O'Neil, the editor of the Miners' Magazine, and his stenographers, about four or five of them, were there.

Q. Did you have any talk with these gentlemen?

A. It was about the strike and how they were getting along up there about the stores at the time. *yes*

Q. Was there anything said with reference to the Vindicator?

A. Not then, but there might have been, but I did not say anything about it.

Q. Did you know Meyer, Haywood and O'Neil when you called upon them?

A. I did not know O'Neil, but I knew Haywood and Meyer when I saw them.

Q. When you introduced yourself did they seem to know you?

A. Yes sir.

Q. When did you next see them, or any of them?

A. I saw them two or three days later and learned from them where

Easterly was and they told me that he was at Pueblo and would be back in a day or two.

Q. Had Easterly returned from Pueblo before you called upon them the second time?

A. Well, I am not sure, but I think I was in their office again before that.

Q. At that time did you talk of going back to Cripple Creek again?

A. Not sir.

Q. When was the next time you saw them?

A. I saw them in two or three days afterwards. Easterly was up there, or rather we both went up together.

Q. Who was present at that meeting?

A. Haywood and Meyer alone.

Q. Now, what took place at that meeting?

A. Easterly had already told them before who did this work and he told them that they had to give us a piece of money. Haywood asked me how much we wanted and I told him if he had some money, two or three hundred dollars it would be all right, and to give to me as I had to give the other something. He got it and gave me three hundred (\$300.00) dollars. There was no one in the room at that time but Haywood, Easterly and I, when he gave me the money.

Q. Did you see him afterwards when you left? How long did you stay in Denver?

A. I left very soon after that, maybe a couple of days. I told Scott that Easterly was coming in to Denver from Pueblo and I had to wait until he came in.

Q. Did Haywood or Meyer, or both, at any time during these meetings, I don't care which of them, express themselves as though they were well satisfied with what you had done in the Vindicator?

A. They did.

Q. What did they say?

A. They said they were a couple of good ones and that they wanted to get the heads of them. They wanted us to cut loose up there and do anything we could, and that there was nothing too fierce for them, or words to that effect.

Q. When you went back to Cripple Creek did you give any money to Gaffney and Eckman?

A. I gave Eckman \$50.00, the first time, and afterwards gave him \$25.00 more, and I gave him money two or three times, \$10.00 or \$15.00 at a time, about \$100.00 altogether.

Q. Why did you not give Gaffney any?

A. We were afraid to give him any as he was drunk all of the time and he did not know that we got any. I gave him two or three dollars often, a dollar or so at a time. When Haywood gave me this he told me I could get more any time I wanted it.

Q. Was there anything else new from that until the Independence affair?

A. There was nothing else except I made a bomb once with Ole Barnes. Billy Eckman told me he was an exper at making a bomb.

Q. What did you do with the bomb?

A. We took and threw it into the Vindicator coal bunkers.

Q. What happened to the bunkers.

A. I never heard from it. I think that possibly it was found by some employe.

Q. How did you make it?

A. We took and wrapped giant powder, about a dozen sticks of it, together with twine, set it into a tin bucket, and got some of this roofing cement and poured it around the inside of the can and let it cool. We took this and broke off the bucket so it looked like a chunk of coal. He suggested taking glue and pasting chunks of coal onto it to make it look like coal and we found that would not work. He suggested getting some of this black cement. I went to Cripple Creek and got half a sack of it and we put that around and took an ax and knocked it off and made it look like a

chunk of coal. We made a black powder fuse out of paper and filled it full of giant caps, bored a hole down into this stick of cement into the powder and put that down into the hole for the fuse and sealed this over a little bit. Either Billy Eckman or I at this place gave this bomb to an old man by the name of Dempsey to throw into the Vindicator coal bunkers. He said he threw it in there but we never heard from it. He went to Goldfields that night and got drunk and telephoned to me that he had done that job. He told me afterwards that there was a fellow with him, a Swede, I don't remember his name, and they were going over there with him to his cabin and that he was too short to throw it in and reach it and that this other fellow threw it in and made the expression at the time that he thought it was nitro-glycerine.

Q. Did you say that Dempsey kept a saloon at that time?

A. No, Billy Eckman.

Q. What happened to Ole Barnes?

A. Nothing that I know of, I think he is taking care of the Victor Hall. He was the last I heard of him.

Q. What was the next thing?

A. I staid there until after these fellows had their trial and got out of jail and after they get out Moyer telephoned me to ~~come to~~ Davis or Parker, ^{waiting me to come to Denver} and during the time they were in jail a convention was called in Denver by the ~~Western Federation of Miners~~ State Federation of Labor. John Sullivan was president. I was appointed as a delegate to attend this from the union I belonged to from Aiton. It was called, as near as I can understand, to unite all the different labor organizations in Colorado under one head for political purposes. I attended that convention in Denver and was appointed one of the ways and means committee. Our duty was to organize the different branches of labor organizations in our districts and form them all under one head for a political move. I came back to Cripple Creek and went to work at that with a man named Kinney. We organized them and held meetings both in Cripple Creek and Victor. Shortly after this time Moyer telephoned from Denver to Parker or Davis, I am not

sure which. Davis told me that Meyer wanted me to come to Denver and wanted to see me. When I got there he wanted me to take a trip with him down in the San Juan country. I asked him what he wanted to do down there and he said he was afraid to go down there alone as the deputies, thugs as he called them, down there had been taking the officers for the coal miners and beating them up. I told him I would go with him. We each took a sawed-off shot gun that would go in our grips and went down there to Oruay. We were in Oruay three days, I think. Meyer was arrested there and taken to Telluride. The charge was desecration of the American flag.

Q. What occurred there?

A. His business there was to get an injunction against the officers and citizens of Telluride to keep them from driving the union miners out of Telluride and not allowing them to return to their homes. I believe they got that injunction and during this time a military man, I think Sherman Bell, and officers there ignored this injunction. These men, or a majority of them, that had been out there were ~~xxx~~ at Oruay. Meyer had sent a telegram to the Governor of Colorado asking him if these miners that were law-abiding citizens would be protected if he sent them back to their homes. I can't possibly remember the reply but it was not satisfactory. He therefore was going to make arrangements to send these men all up to Red Mountain where there were some vacant buildings, get a lease on some mines there, arm them all with guns, send his other men throughout the country that he wanted there when the snow had got out enough and send them all back to Telluride, by force if necessary. That was about the sum and substance of the business there.

Q. Did he carry out the plans of sending the men to Red Mountain?

A. No sir.

Q. You remained at Oruay?

A. I went away after he was arrested.

Q. Where did you go?

A. I went to Silverton.

Q. How long did you remain there?

A. Three or four days.

Q. Did anything transpire there?

A. Moyer telephoned to me once that he was out and for me to fetch his things and he would meet me at Durango, but he did not.

Q. Why?

A. He was re-arrested immediately after again.

Q. Where did you go from Durango?

A. I never stopped there as I heard he was re-arrested, and from there I went to Denver.

Q. Who did you meet there?

A. The first one I met was Mrs. Moyer.

Q. Did you meet Haywood?

A. I did after that, yes.

Q. What talk did you have with him?

A. I told him what had transpired down there.

Q. Did he suggest any of these as property destroyed or somebody killed?

A. Well, he said we would have to get busy and go down there, if necessary, and get them men in line and run that whole layout out at Telluride.

Q. Did he suggest the killing of the Governor?

A. Yes sir.

Q. What did he say about that?

A. He said he wished we could get that son-of-a-bitch, keeping the Governor, out of the way.

Q. Did he suggest any plan by which you could get him?

A. Yes, he said he thought it would be no trouble to go up there and shoot.

Q. Did he ask you, or anybody else that you knew of, to execute that plan at any time?

A. Yes he did.

Q. What did he say?

A. He asked ^{me} ~~him~~ if I could not ^{come} go down there and stay there and work on that.

Q. What did ~~he~~ ^{you} say?

A. ~~He said~~ I told him I would ^{go} ~~back~~ home and see what Billy Eckman said about it, if he wanted to go in with me.

Q. Did you talk it over with Eckman?

A. I did. He finally told me Steve Adams was the best man for that as they know him too well up there. I talked with Steve Adams about it when I went back up there.

Q. What did Adams say?

A. He said he was ready for it.

Q. Did Haywood say how much cash there was in it.

A. No. There was never anything said or any amount fixed for us for anything, but that there was \$500.00 in it for us to pull that thing off in the Vindicator. I also got money whenever I asked him for it.

Q. Well, was it at any other time that plans were laid for the assassination of the Governor.

A. Not at that time but after that several times, and I came back to Denver and Steve Adams came back two or three days after that. I went around up around the Capitol and used to sit around in the Capitol yard and read the paper and I would not let Steve Adams sit around there because I was afraid that they knew him. I used to sit around there and learn his habits in the Capitol yard in the mornings. I found out who he was to know him. I did not know him before that. I also watched him at nights to see his habits and when he went home.

Q. Did he have a body-guard?

A. Yes, all of the time.

Q. Do you think the body-guard would do business if he got a chance?

A. Yes. The first attempt that was ever made, he used to come home at night in his carriage and we used to stay across the lot from his house, a big long lot where there were trees. The trees were in bloom. We watched him come home a couple of nights. We did not make any attempt to bother him then. The night we did make the attempt, when we saw the same

carriage coming down the road, we followed it along this fence so they could not see us because it was dark, and went out across the street behind the carriage about twenty-five feet, supposing that the Governor was in there the same as usual, but he was not in there. Three women were in the carriage.

Q. Did they see you?

A. Yes they did when we stood there. We expected the Governor to get out but he was not in there. We thought when the three women got out that he had seen us through the glass behind the carriage and was still in there. We just stepped off into the street. We were not over ten or fifteen feet from the sidewalk and walked back down the street the same as the carriage was headed and turned around and came back. The women started into the house, stood on the walk and stood there and looked at us after they got onto the porch until we got to the corner. The hackman also walked his horses about the same as we walked and we were on the sidewalk. We went on home up the street, went to our rooms.

Q. Did you make any other attempt?

A. Not at that time.

Q. What happened after that?

A. Adams and I staid in Denver for several days and during that time the ~~Executive~~ Executive Board of the Western Federation of Miners was in session, in 1904, Gregory came into Denver in the morning. I have been told that he was some kind of a deputy-sheriff under Billy Reno, a detective, and had been guarding the Colorado Fuel & Iron Company's mines during the strike. It was reported there in Denver that he was the chief of those fellows that was beating up the officers of the United Mine Workers of America. This came up in the Executive Board. I think the name is Melvin from Georgetown or Idaho Springs, knew Gregory, who was a witness in the trial at Georgetown for the blowing up of the Sun & Moon Electric Light plant. Gregory was a state's witness. This was reported to the executive board of the Western Federation of Miners and was told to me by Jack Simpkins. They had proposed to take him out that night and castrate him or kill him.

George Pettibone came to ~~Adams~~ ^{Adams} first in town, and told ~~me~~ ^{him} that they were going out to do this and asked me if I would go along. I told him as I was in the business I might as well go along and I did go along. Melvin was with Gregory that afternoon. We staid out across the street opposite a saloon where he was in and when he came out to take the car there was another man came with him and also this man Melvin. Pettibone was to come back but he did not. Just Adams and I were there. They got onto a car, this man that was with Gregory and himself. Melvin did not get on the car as he had found out and knew where they were going. Adams and I got on the same car and followed him to where he went. It was on ~~the tenth~~ ^{Curly Street} ~~South Street~~ car. He went down and went into a saloon. Melvin came out on the next car. He was sitting in the saloon playing cards up in front of the bar and we thought if we had a shot gun we would shoot him through the window. I went back to my room out on thirty-eighth street and Downey Ave. and got a saw-off shot-gun and fetched it out there and came back and waited there until he came out of the saloon, and in the meantime he had gone into a little closed room and we waited outside until he came out, and we then followed him up the street and when we got opposite the alley he stopped ahead of us a little piece, turned around and backed up as though he was reaching for a gun. Thereupon we shot him three times. I did the shooting.

Q. Who was the other man that accompanied him on the car?

A. I do not remember his name.

Q. Was Melvin there when you shot him?

A. He was. Adams was with me.

Q. Where did you go to after that?

A. We went back up into the back part of Pettibone's yard and buried the shot-gun there in a place that had already been fixed and went back to the room on Downey Ave. That is, Adams & I. The other man separated from us.

Q. What was paid for that?

A. Nothing, except money from time to time whenever we wanted it.

Q. What did Haywood say about that job?

A. Haywood said it was a damn good smooth job.

Q. Relative to the blowing up of the Independence Depot in June, 1904, wherein fourteen or fifteen employes of the Finlay mine were killed, I want you to go on and state in your own way how this matter originated and how it was carried out?

A. A few days after Gregory was killed there the Western Federation of Miners was holding their convention in Denver. During the latter part of that convention it was thought that they would have a splitup, that some of the unions would withdraw from the Western Federation. That being the case, in order to prevent the disruption of the Western Federation it was determined by Haywood, Sherman Parker, W.F. Davis, Simpkins, and others, that something must be done to show their power. In the middle of that week, about Wednesday, W.F. Davis, Sherman Parker, Haywood and Simpkins, talked to me and asked me if we could not do something up at Cripple Creek, to pull off something. I told them that we might go up and blow up that depot. I left there alone that afternoon and went up there and got Steve Adams and told him what we wanted to do and he said he would help. I went over where Floyd Miller was working on Beacon Hill and asked him if he could get me one hundred pounds of powder. He said he could. I gave him the money to get the hundred pounds of powder with and two boxes of caps. Miller had a partner whom he did not want to know that he got this powder, so he had it delivered there and put in an outbuilding. I went over there that night but it was not there. I went over and saw him again the next day and he said they did not deliver it but would have it that day. Steve Adams was with me in this case, but did not talk to Miller about this powder. That night we went over, Steve Adams and myself, found the powder there and got it and took it back and put it in a cabin at Independence. We were going to use it on Saturday evening for the same purpose, to blow up that depot, but during this time the Western Federation of Miners in convention at Denver had appointed a committee to come up to Cripple Creek District to investigate and out what ought to be done there during the strike.

and see if they could not make some settlement of it. Sherman Parker, Malcolm McGillis and, I think it was a man by the name of McDonald, but am not positive, and another fellow that was from Wyoming, I don't know his name, were there. When Sherman Parker arrived at Independence he sent me word that he wanted to see me. He told me about this and thought that we had not better do that until they got out of there, so we waited until Sunday night. On Sunday night we went and got the powder, placed it under the platform of that depot.

Q. State by what means the depot was blown up; what instruments of death were used, and all about it?

A. There was a sort of windlass made and wire attached. The following is a description of the windlass. Two bottles were attached to the windlass by strips of leather, and the bottles were filled with sulphuric acid, two fifty pound boxes of giant powder and a box of one hundred giant caps. The wire ran under the platform away around the corner of the depot. We were stationed on a little spur of the track below the depot at the end of the wire, and when we would pull the wire, the bottles being uncorked, would tip over and spread over the sugar and chloride of potash that was in the caps, and when this came in contact with the sulphuric acid it started a fire, which caused the explosion. When the train came in there at 2:30 A.M., I might say here, that we did not want to hurt any of the railroad men, and just before the train got about two hundred feet from the platform we pulled this wire and caused the explosion.

Q. Were there many people on the platform?

A. We could not tell how many there were, but there was some, as it was the custom of the men working at the Finlay and other mines to be there at that time of the night, coming off night-shift.

Q. State how many, if you know, were killed?

A. I do not know except from hearsay.

Q. How many were you told?

A. As near as I can remember it was fourteen.

Q. What did you and Adams do then?

A. I went around the hill and up on the railroad track on the Florence & Cripple Creek track in the direction of the old Victor Mine. We parted before getting to the mine before getting around the bend. I had a horse there in the brush. I took the horse there and went back down the road towards Colorado Springs where we were camped there.

Q. What preparations, if any, did you make in advance for your escape, and who assisted you in that?

Q. I left there at noon on Sunday previous to the explosion ~~on Monday morning at 8:30 A.~~ ^{with} A team, wagon and camping outfit in company with Johnny Neville and his boy. We went about ten or twelve miles towards Colorado Springs. We camped there and after dark I took one of the horses and rode back nearly to ~~Sukxaxax~~ Independence, left my horse tied about a quarter of a mile from the black scowler, and walked over and met Steve Adams in this cabin where the powder was.

Q. Did Johnny Neville know anything about this?

A. No sir, he did not. I told him, I said I was going to get some guns. I told him this as an excuse so that he would not know about the matter.

Q. Now, go on.

A. I got on and rode back to the camp as fast as I could after the explosion. It was getting daylight when I got back there.

Q. Did you fetch any guns back with you?

A. No sir, only what I had with me.

Q. What excuse did you give to Neville for being out all night?

A. I am not positive what I did tell him as he was asleep when I got there.

Q. Did you camp some place off the railroad?

A. No sir, outside of the road, about a hundred yards from the railroad.

Q. At what time did you break camp in the morning?

A. About ten o'clock.

Q. Up to that time had you heard anything about the explosion that morning?

A. Not until that afternoon.

Q. Where did you go to after you broke camp?

A. We proceeded on the road to Colorado Springs.

Q. When did you first hear of the explosion?

A. When we got about within four or five miles of Colorado Springs.

Q. How did you come to hear it?

A. There was a man lived alongside the road. He had a Colorado Springs daily paper and wanted to know if we came from Cripple Creek. We told him we had. He asked us when we had and we told him we had left the day before at noon, and he then told us about the explosion and that there was about sixty men killed. Neville wanted to know about it and was uneasy about his family. I told him that his family was not hurt and that I knew because I was a good deal closer to it than his house was. We did not talk much about it but it was something to that effect and that was all that was said right there.

Q. How near to the Springs did you pitch your camp that night?

A. About four miles the other side of Colorado Springs, we had passed through Colorado Springs.

Q. How did you come to have Neville leave with you the day before the explosion?

A. Well, I thought that if I got caught I could prove an alibi by him.

Q. Without telling Neville what your true object was in leaving Cripple Creek, what inducements did you throw out to him to leave his family and come with you?

A. We had planned this trip long before that to go up to Cody, Wyoming.

Q. Did you plan this long before there was any thought about blowing up the depot?

A. Yes, we did.

Q. Did you see any persons and talk with any persons while passing through Colorado Springs that you know?

A. None that I know of.

Q. Did you stop there any length of time?

A. We stopped and bought a sack of oats and some cooking utensils, a bake oven and some camp kettles.

Q. The third night where did you camp?

A. We camped beyond Palmer Lake a little ways. The fourth night we camped near Castle Rock. The next night we got to Denver.

Q. Where did you put up your team at Denver?

A. It was the other side of Petersburg at a stable that a woman had. We put our horse up there and took the street car into Denver. Was Neville's boy still with you?

A. Yes sir.

Q. How old was he?

A. About fourteen years old I think. Neville told his boy if anyone asked him if I was away from there that night he was to tell them "No".

Q. Did the boy accompany you all the way through to Thermopolis?

A. Yes sir.

Q. You left him with his father at that point?

A. Yes sir.

Q. On reaching Denver you will state whether you called upon Moyer and Haywood, and if so, what transpired, and who did you see there?

A. I met Jack Simpkins first up in his room in the Granite Block. Kerwin was there with him. He is a member of the Executive Board from Dakota.

Q. What talk did you have with them?

A. We talked over the blowing up of the depot and before we talked very much about that, Haywood and Pettibone came in there and in a little while Steve Adams came in.

Q. Had it been pre-arranged with Adams and yourself that you would meet in Denver in Simpkins' room?

A. No, it had not. He thought it was not well to stay at Gripple Creek where he lived at Midway.

Q. How did Adams get to Denver, if you know?

A. He started on Monday and walked to near South Park and came there to Denver by train.

Q. You discussed before Kerwin, Haywood, Pettibone, Simpkins and Adams how the job was done, did you?

A. With the exception of Kerwin, as he was left out.

Q. What did Pettibone, Haywood and Simpkins think of it?

A. I do not remember exactly what they said but they were well pleased and thought it was a good job and that the officers were all elected and nobody had any kick coming.

Q. During this time Meyer was in jail at Telluride?

A. Yes sir.

Q. State whether or not you got any money in Denver at that time, and how much?

A. I got three hundred (\$300.00) dollars. Pettibone gave it to me and I will tell you how it came about. The night before when Haywood asked me how much money I wanted I told him about three hundred (\$300.00) dollars anyway. He said not to take any more than we wanted at that time but that we could get money again at any time. I told him I wanted three hundred (\$300.00) anyway and he said he would send it over with George Pettibone the next day.

Q. Was Pettibone present?

A. Yes sir. He did send it.

Q. How long did you remain in Denver?

A. About four or five days.

Q. Then where did you go?

A. We started down on the road toward Cheyenne. We were three days going to Cheyenne. We stopped at Cheyenne and there I saw the Denver Post where it said that it was thought that I was implicated in that explosion. It stated also that it was supposed we went either to New Mexico or Wyoming. I thought that I would go to California and leave Wyoming. I wrote a letter to George Pettibone to send me five hundred (\$500.00) dollars and told him that I was going to San Diego. I sent this letter by
(40)

Pat Moran.

Q. Who was Pat Moran?

A. He runs a saloon in Cheyenne who was a friend of Pettibone's.

Q. Did he know anything about your character?

A. No sir. I never saw him until that time but knew who he was through Pettibone.

Q. Did Moran carry the letter to Denver?

A. He did. I gave him ten dollars and asked him if he would go to Denver and he said he would as he wanted to go to Denver anyway, and he did go the next day and returned that same night. He brought me a package with the money in it, five hundred (\$500.00) dollars. W.F. Davis came into Cheyenne the next morning and Davis wished me to go to the coast with him. Neville said that the newspaper talk was all bosh and said if we were arrested we could prove an alibi as we had nothing to do with it. I went on with Neville to Laramie and camped the first night on Crow Creek right above the big dam on which they were working at that time. Pat Moran and Davis came up the next night and we fished a couple of days. We went on ^{to} the Laramie and ~~then~~ ^{then} went back to Cheyenne. We did not stay in Laramie more than a couple of hours. From there we proceeded to Thermopolis. Neville took sick there so he wanted to stay there and take the baths and I proceeded to Cody.

Q. How long did you remain in Cody?

A. Three or four days.

Q. Where did you go then?

A. I went to Denver.

Q. What did you do after that?

A. I saw Haywood and Pettibone there.

Q. Was there any other outrage talked of then?

A. They wanted me to get out of the country and go to California and if possible assassinate Fred Bradley of the Bunker Hill & Sullivan Mine, whose office was in the Crocker building, San Francisco. I got a hundred and fifty dollars from George Pettibone and went to San Francisco and when I

got down there and found out I wrote Pettibone that Bradley was in Alaska and he wrote me that I had better stay down there. I did stay there four or five months.

Q. State if, during that time while you were in San Francisco if you received any money and from whom?

A. I got a hundred dollars at different times, and while I knew the money came from Pettibone it did not come in his name, and I had trouble the first time to get this money. I got a hundred dollars several times, about four hundred fifty in all. The first came by registered letter in paper money, that is the first hundred dollars. In order to get this I went to Peter L. Hoff, whose office was at No. 311 Taylor St., as he was secretary of the Bartenders Union. I told him I was a miner from Colorado and that conditions were such there that I had to leave and did not want them to know where I was. I had the registered letter in the Post Office. I was stopping at the Golden West Hotel and my mail came there and when I saw in the paper that Johnny Neville was arrested I left there and took a room in a private house, but I cannot remember the building now and did not want to go back myself to this hotel to get my mail and that was why I went to Peter L. Hoff as I stated before and he said he would help me out and go down to the hotel and inquire for my mail. He went down and asked for the mail. The mail carrier asked him where I was. He told him that I was a traveling man and thought that I had gone to Stockton. He had to think quick, he did not know what to say. He said he was going to send the letter to Stockton to general delivery. He wrote to Stockton then and asked him to send this letter back to his address, No. 311 Taylor St. They sent the card back to him and he went to the Post Office with me on Mission St. and we had no difficulty in getting the letter then as he identified me. The money I got after that was wired to me by postal telegraph under the name of Harry Green and was ~~was~~ signed "Pat Bone". I am not positive but I think all of the rest of the money was sent in that way. I stopped there and at Caliente Springs until the Fall of 1904,

about November. In San Francisco I placed a bomb in front of the residence of Fred Bradley so that when he opened the door the bomb would explode.

Q. How was the bomb constructed and how was it done, and tell me if you had any help with you?

A. I had no help. I took a five inch lead pipe about a foot long and cut a hole in the pipe in the top and bent a piece back to the slot and tied a bottle of sulphuric acid on a piece with a rubber cork in the bottle and attached this to the door with a little screw-eye and a string so that when the door opened it would pull the cork out and cause the explosion.

Q. What did you put in the lead pipe?

A. Giant powder.

Q. How did you know that Bradley would be the first to open the door?

A. I had watched his habits and knew at what time he would go to his breakfast and knew about what time he would go out.

Q. How long had you watched him?

A. A week or ten days.

Q. At what time of the night did you place it?

A. I placed it in the morning about eight o'clock.

Q. Was there anybody saw you go to the door?

A. I do not think so.

Q. Will you explain how the bottle was placed, was it placed so that the cork came out it would spill?

A. Yes sir.

Q. Did you stay in the neighborhood until the explosion took place?

A. I staid about a block from there.

Q. How long after the instrument was placed did he open the door?

A. About five minutes.

Q. What was the result of the explosion, the damage, etc?

A. It blew the whole front of the house to pieces.

Q. Was he hurt?

A. Yes, he was.

I think he got over it all right but it was reported that his eyes were put out.

Q. Was that before Christmas?

A. Yes, it was.

Q. Then where did you go?

A. I staid in San Francisco, until two or three days after Thanksgiving. I believe the explosion took place in October. *or November*

Q. Then where did you go?

A. I came to Denver.

Q. Whom did you meet there?

A. I met George Pettibone and Steve Adams, the first ones.

Q. At what place?

A. I think it was a rooming-house that I went to on California Street between Eighteenth and Nineteenth.

Q. Did you discuss this matter?

A. We did.

Q. What did they say of it?

A. They expressed themselves as they frequently did over such work and that they were pleased and that if a man did a job like that and was lucky enough to get away he was doing good.

Q. When did you next meet them and if you met them in company with Haywood or Meyer?

A. Steve Adams was living there and I went and stopped with him.

Q. Where did Steve Adams live?

A. I cannot remember the number, but it was away out on Walton street. He lived there under the name of Steve Dixon.

Q. Was this matter ever discussed with Haywood and Meyer?

A. I did not see either of them for two months as I hardly ever came down town except at night. I heard from them through Pettibone.

Q. What was said, if you remember, when you did meet them or when you were together?

A. The first time I met them I went to Haywood's house at night. In different conversations that I had with Haywood, some of which took place in the presence of Steve Adams and Pettibone, and also Moyer. I do not think they were all present together at any of the conversations, but some of these parties were present at different times. We discussed the feasibility of assassinating Governor Peabody, Judge Goddard, Judge Gabbit, David H. Moffett and Mr. Hearn, president of the Colorado Fuel & Iron Co.

Q. Did you locate any of the above parties for the purpose of subsequently assassinating them?

A. I did.

Q. Just go on and tell what you did towards locating them.

A. Well, we found out where all of them lived and were around there at nights carrying saw-off shot-guns.

Q. Did anybody assist you while locating these parties?

A. Steve Adams and Billy Eckman were with me sometimes, but it was mostly Steve Adams and I. Eckman stopped at Adams' two or three months about that time.

Q. To whom did you report your progress in locating these men?

A. To Pettibone.

Q. Did you ever report to Haywood on the subject?

A. We did once but tried to keep away from Haywood and Moyer, but did everything through Pettibone.

Q. Why was it that you did not carry out or execute this work, or any of it?

A. Because the opportunity never presented itself. During this winter when we made an attempt on Gov. Peabody again as Haywood and those men were very anxious to get away with Peabody before he was seated again after this election. We made a bomb with twenty-five pounds of powder and put it in a lead pipe about as big as a stove-pipe and about fourteen inches long and filled it with giant powder No. 1. There was some snow on the ground and we strung a wire the night before from the corner of Thirteenth Ave and Grant back to Logan Street and placed this bomb between the regular curb and the curbing of the street crossing and placed it there and covered

It up with snow and attached this wire to with a rubber cork in the bottle of sulphuric acid. The bottle was so placed that it had a pitch so that when the cork was removed the acid poured out onto the giant caps and caused the explosion?

Q. Did you do this?

A. No sir.

Q. Why not?

A. Just the time the Governor came along a wagon of coal came out of the alley onto this wire and we could not pull it.

Q. What did you do with this instrument after that?

A. I went down and took the bomb out and took it over and put it in a buggy that we had waiting for us on Pennsylvania and Twelfth Street, about there.

Q. Then where did you take it?

A. We drove around back there and got the wire. We drove back to Steve Adams' house and put the bomb away in the house.

Q. Did you ever use it again?

A. No sir.

Q. How was it that the wagon passing over the wire did not explode it?

A. It could not be exploded unless it got caught in the wagon and pulled the cork out of the bottle and it would take a jerk to pull the cork out of the bottle.

Q. On yesterday you speaks to me something about a spade. Will you kindly explain what that referred to.

A. We were going to dig a hole under the edge of the sidewalk in the same block that the Governor's house was in, string this wire across a vacant lot and over as far as Logan Ave. and place this bomb under there and attach the wire to it and pull it off the same as we intended before when the Governor came along.

Q. Did you dig the hole?

A. No sir.

Q. Why not?

A. We always found some one around there that we thought were guards of the place.

Q. You fetched the spade there?

A. Yes sir. I walked up along there with the spade wrapped up in a paper and there were some men followed me and kept following me so that I laid the spade down up by a greenhouse on Logan Ave and started in the direction of home. Some men followed me still. They did not go away *Some body fired two shots about that time* and ~~I took two or three shots at them.~~

Q. Where did that take place?

A. On Thirteenth Avenue between Logan and Pennsylvania in the middle of the block. ~~I did not try to shoot them at that time but merely wanted to~~ ~~back.~~

Q. At what time of the night was this?

About nine thirty or ten o'clock.

Q. That must have raised a commotion?

A. I never saw anything the paper about it. I am not sure that they men that ~~I~~ fired at were the men that followed me at first, but there was a man came up the street on a bicycle and got off the bicycle and started to follow me and he was the man ^{I told them I shot at} shot at but did not shoot to hit him. I thought that he was a policeman and he went back so I don't know if he was. I went down through the alley down over to Colfax Avenue and ~~got on a~~ ^{went home} ~~street car and went down town.~~

Q. Did you discuss this matter with anyone besides Adams and Holman?

A. I told Pettibone about it.

Q. Did you tell Haywood about it?

A. I don't remember.

Q. Was that the last attempt?

A. Yes sir, that was the last attempt made there. I did not make any more attempts. I was at Canyon City after that and never made another attempt on his life but was fixed to. Haywood, Pettibone and Moyer always left me to my own judgment to do those things.

Q. How were you going to remove him at Canyon City?

A. I was going to set a big bomb opposite the window where he was

sitting on the outside. I had one with about thirty-five pounds in it made the same as the others in a lead casing with twelve dozen inch and half bolts in it, and attached it to the side of the house next to the inside of the house. I was going to set it there with a clock so that when the alarm went off it would pull the string would pull the cork out of the bottle, let the acid flow onto the caps the same as it had done before.

Q. You had the clock?

A. I did.

Q. On what pretext did you go to Canyon City?

A. On life insurance.

Q. How was that brought about?

A. I wanted some business and excuse in the place that I was doing some business there.

Q. Q. When you first discussed this with Haywood and others who suggested the life insurance business?

A. I think I did myself.

Q. In pursuance of this did you get a contract?

A. I did, from John L. Stearns of the Mutual Life, and I used the name of Thomas Hogan.

Q. In order to get this contract you had to have references?

A. I did.

Q. Who were your references?

A. George Pettibone was one, Jim Sullivan was one, Henry Cohen, his partner, Horace Hawkins, John Sullivan of the State Federation of Labor.

Q. Did any of the above mentioned men, with the exception of Pettibone know your real character or business?

A. No sir, they did not.

Q. Prior to the time were you personally acquainted with any of the above men?

A. I was acquainted with John Sullivan of the State Federation of Labor.

I was also slightly acquainted with Hawkins, and I think that Hawkins knew that I was mixed up in the strike but did not know that I had ever committed any crime.

Q. Had you known Jim Sullivan before that?

A. I was introduced to him as Hogan, but he did not know who I was.

Q. Did John Sullivan know that you had been implicated in any crime?

A. No sir, not to my knowledge.

Q. Who was John Sullivan?

A. He was president of the State Federation of Labor.

Q. How did you become acquainted with John Sullivan?

A. Through the convention that was called that has been previously mentioned to consolidate all labor unions under one head for political purposes.

Q. Did you solicit life insurance policies at Canyon City?

A. I did, I called upon ^{a great many} ~~hundreds~~ of people.

Q. Where did you stop at Canyon City?

A. I stopped with a lady that kept roomers, a Mrs. Adams.

Q. Did she know anything about you?

A. No sir.

Q. Now, why didn't you remove Gov. Peabody as you had everything ready, as you stated before?

A. Well, I was there alone and the opportunity never presented itself.

Q. How long were you there?

A. About three or four weeks. I was not there alone all of the time. I went to Denver once. A man by the name of Wm. J. Vaughan, whom I met in Denver ~~husband~~ knew before wanted to go down with me after I had told him what I had been doing. I could not very well say "NO", but I thought perhaps I might get away from him long enough when I went there to go and set this bomb in the window, which I did not. I had the bomb in a suit case and Vaughan heard the clock tick in this case and wanted to know what it was. I did not tell him at that time and do not believe I told him anything, but I know he was suspicious of it, and I told him in an offhand way that it was a bomb, but I did not mean that he

that he should think it was and I told him what I was going to do with it. He took it serious and talked against it as he thought it was a bomb. I do not remember just what he said but he said he thought we had better get away from there and not do anything like that, so I left the bomb in the suit case and asked Mrs. Adams if I might leave that grip there and in the month, I had wrapped it all up close in paper and tied it up. She says to me, "This is heavy, is it not". I told her it was and that it was full of books and advertisements. She told me I might leave it out under the table that was in a small room as she would have no occasion to remove it. I did leave it there and from there Vaughan and I went to Rocky Ford.

Q. When you met Vaughan did you tell him that you were down there for the purpose of removing Gov. Peabody.

A. No sir, I did not. I told him I was writing life insurance. We solicited life insurance there for several days but did not succeed in getting any policies.

Q. What did you subsequently do with that grip?

A. I left it there about two and half months and then went and got it.

Q. Now then, you and Vaughan went down to Arkansas Valley and there you met Peterson?

A. Yes sir.

Q. You solicited hail insurance after being there three or four days?

A. Yes sir.

Q. Where does Vaughan now reside?

A. I think he is at Brainerd, Minn., and I think he is a railroad man, I think a conductor.

Q. How did you first get acquainted with Vaughan?

A. I got acquainted with him on Stout Street opposite the Albany Hotel. *at the Peabody*

Q. At what time of the year was it when you went back to get this suit case?

A. It was in August, 1905.

Q. Did Haywood, Pettibone, Moyer and Steve Adams know you were going down after the suit case with the bomb and clock in it?

A. Haywood, Moyer and Pettibone did.

Q. Where did you put that when you fetched it back?

A. I took it and buried it by a stable over between Evans and South Fourteenth Street, near Thirteenth Street.

Q. About what number?

About thirteen or fourteen hundred.

Q. Who rented the stable?

A. I did.

Q. Under what name?

A. Hogan.

Q. From whom did you rent the stable?

A. I cannot remember the man's name, but he lives close to the fire department and lives near Cheyenne Avenue.

Q. How long had you had this stable rented?

A. Not very long. Two or three weeks.

Q. Did you have a horse and buggy there?

A. Yes sir.

Q. What did you want with a horse and buggy?

A. We had it there to work on some of these men that we were trying to assassinate.

Q. Is the bomb buried at that place to-day?

A. No sir.

Q. That was in August, 1905?

A. Yes sir.

Witness my hand this day of, 1906.

.....

Witness:-

.....

.....

28th and

REPORT OF J. McP. Boise, Idaho, Jan. 29th, 1906.

In Re ex-Gov. Steunenberg's Assassination.

Hon. Frank R. Gooding,
Boise, Idaho.

Dear Sir:-

Before me to-day appeared Harry Orchard and confessed as follows:-

Meyer, Haywood, George Pettibone and I had a conference some time in August, 1905, in Denver, Col., in Meyer's office, and it was decided by us that I come down to Idaho and try to assassinate ex-Gov. Steunenberg. I told them that I would have to have some money to start with. Haywood gave me three hundred (\$300.00) dollars. I started in a couple of days and came to Nampa. I bought a return ticket from Denver to Portland and return via Seattle, and came to Nampa and staid there two or three days and stopped at the Commercial Hotel. There was no one with me at that time. I went to Caldwell from there and stopped at the Pacific Hotel and learned where ex-Governor Steunenberg lived.

Q. - Was there anybody with you at the Pacific Hotel?

A. No sir, there was not.

Q. How long did you stop at the Pacific Hotel?

A. I am not quite sure, but I think it was two or three days.

Q. You say you learned where Gov. Steunenberg lived? How did you learn it?

A. I learned it through Mrs. Dempsey talking about it. I learned through her what part of town he lived in.

Q. Did you ask her?

A. Not directly. In an offhand way I said, "Gov. Steunenberg used to live here". She said, "Yes, he had about the finest house there was in town, and lived away over on the boulevard. I took a walk up that way to about where I thought that he might live from the description I had of the house, and near there I asked a boy that was there who lived up there and he told me it was Mr. Steunenberg. I did not see anything of Mr. Steunenberg around there but found out later through talking with Mr. Dempsey about sheep and I said to him, "Who are the sheep-men around

and when we talked about it further I told Jack I would not like to have any thing to do with it after Coates knowing it, because he would that we did it. He proposed that we go and get Vincent St. John. He did go up and see St. John but I was not with him at the time. St. John said said he would come down and let us know. He did come down the next day and we went up out town a little ways towards the cemetery and talked it over and St. John said he could not have anything to do with it on account of his wife, but he knew a fellow that was all right and would. In the meantime we saw that fellow, who was going by the name of Cunningham, as he was introduced to me. We asked him about it and he said he was ready at any time. When I saw him the next time he was drunk and I found out he was a drunken good-for-nothing fellow and I told him I was just joshing about it and that I would not have anything to do with anything of the kind. We then gave up that idea.

Q. How often did you see St. John while you were in Wallace?

A. I only saw him two or three times. He lived in Burke.

Q. At any time while talking with him were there any outrages or murders discussed?

A. Well, I cannot say that murders were discussed but the talk was ~~the murders were discussed~~ about taking up a man that had been murdered and changing him to some other place. It was Barney or Smith.

Q. What was said about that?

A. St. John was telling about sending somebody from Telluride and wanted to change him for fear somebody would find him, and so that he would be more secure. He could not get anyone that he could depend on to go so he had to go himself with a man that knew where he was, who knew where the ~~corpse was, and said he could not get this fellow to go near that place~~ until it was near: y day-light, as he was afraid or something, and would not go until it was day-light. That was about all he knew, and knew that it was day-light when he got back to telluride.

Q. When did St. John say that this took place?

A. He did not say. That was in Telluride. That was about all the

I got to thinking about it on my way to Nampa I thought it was so big that it would possibly kill half the people in the hotel I abandoned the idea, intending to come back again at some later period. I left Nampa then and went to Portland and took my trunk with me. I staid in Portland about one week and staid at a private house, and as I have never been in Portland before I do not remember the streets. On leaving there I went to Seattle and staid there about two weeks, stopping on Pikes Peak Ave., near No. 110, in a rooming house. I met some people there who would remember that I was there. One of them was Al. Barton, who kept a saloon at No. 110 Pikes Peak Ave., Seattle, and met a fellow by the name of Billy Barrett, who was a friend of Pettibone's in Montana, and who went back East to either St. Paul or Chicago. I met some others but I do not remember their names. I went from there to Spokane and staid in Spokane one night and stopped at the Grand Hotel. During this time I was under the name of Hogan. From there I went to Wardner the next day, and from Kellogg to Wardner and met Jack Simpkins there. That afternoon Simpkins and I went to Wallace. I had talked over with him what I was going to do down here when we were in Wallace, and I may have mentioned it to him before this. He said he was glad he came up there as he had always wanted that done. Previous to this, I would say, that while in Denver I met David Coates, ex-Lieut. Gov. of Colorado, at one time, I think, a member of the executive board of the Western Federation of Miners, and in the course of a conversation one night he stated there was a good way to make a piece of money by going up and kidnapping one or both of August Paulson's children. I told Simpkins about this and he said that would be all right and that it would be easy. When we got to Wallace we went up to Dave Coates' house. Simpkins went into the house. I did not go in but Simpkins told him that I wanted to see him. He asked Simpkins if that was what I came up there for. He said he did not know but he guessed it was. Coates said that when he was talking to me about it he was only joshing and later he came down to the office and we all three talked about it and he told us he was only joshing and would not have anything to do with it. Afterwards Simpkins said to me that we would do it anyway, but did not say this when Coates was around, and that we would get some one else, and

around here who have the most sheep?" He told me several. I do not remember their names at this time. I asked him if Steunenberg did not keep sheep. He said that he thought he did but was the most of the time himself in Boise or Mountain Home. I concluded I would come back and come over to Boise, which I did. I come the first night and stopped at the Capital Hotel but found that Gov. Steunenberg was not at the Capitol so I went over to the Idanha and saw his name on the register and got a room there myself, but did not stay there that night. I did not have anything with me to use as I had left my trunk in Nampa, only my grip-sack but nothing in it.

Q. Did you see Gov. Steunenberg at the Idanha and what occurred?

A. I saw him on the street. He was pointed out to me by, I think, a Mr. Johnson, a commission man across the street from the Idanha, upstairs.

Q. How did Mr. Johnson come to point the Governor out to you?

A. I knew all about feeding sheep through being through the Arkansas Valley, and knowing the names of several farmers there I made it appear that I wanted to buy sheep for the farmers there. I secured the names of the farmers in Arkansas Valley when canvassing for hail insurance, and used their names in connection with talking sheep, representing myself as a purchaser for them. In talking with a man from Wyoming in the Idanha Hotel that was buying sheep, - I have forgotten his name, - he took me across the street and introduced me to Mr. Johnson in his office. In the course of this conversation about sheep I asked him in an offhand way if Mr. Steunenberg did not handle sheep. He said, "Yes, I think he does". Mr. Steunenberg happened to be across the street at that time and Mr. Johnson said, "There is Gov. Steunenberg across the street now." I saw him. On being satisfied who he was, that being the first time I ever saw him to know him, I intended to go back to Nampa, get this bomb out of my trunk and come back to the hotel. Previous to that I had been in Gov. Steunenberg's room at the Idanha Hotel.

Q. How did you get into his room?

A. I had a skeleton key or pass key, whatever you might call it. I intended to take the bomb and put it under his bed in a grip fixed with a clock so that when the alarm went off it would cause it to explode. When

conversation I had with him on that, and Simpkins was present. I staid in Wallace, I think, about four or five weeks under the name of Orchard. I wrote to Meyer from there once to Rutte and told him to send me one hundred (\$100.00) dollars and told him to send it Jack Simpkins. He sent the letter to Haywood and Haywood sent the money. Simpkins, I believe, got a draft on the Bank at Wallace and got the money and gave it to me. He did not write a letter and I do not know just how he sent it but I think probably he wired it.

There was a fellow by the name of George E. Scott came up there peddling jewelry. We got acquainted with him in the Ryan Hotel. He informed us that he had a trunk at the O.R. & N. depot containing about ten thousand (\$10,000.00) dollars worth of jewelry. We went up to Burke, Simpkins, Cunningham and myself and concluded to get that trunk of jewelry. I would say that Cunningham did not know anything about this matter until we got to Burke. Simpkins and Scott went back to Wallace and Simpkins telephoned me to get Cunningham to come down to Wallace as he had this matter all fixed. We got a screw-driver and got into the depot by un-screwing the fastenings of the lock of the depot. It was very easy. We took the trunk out of the depot, at least what we thought was the trunk, and carried it across the track on the opposit side of the depot behind a pile of ties and broke it open and found that it was a trunk of shoes.

Q. At what time would this be?

A. I think it was in October.

Q. Where did you go from there?

A. I was with Scott for several days and went to Burke with him and to Wallace and he wanted some mining stock in the Moonlight Mine, and I knew a man by the name of Strow, a brother of Louis Strow, who had some stock and I told Scott that I could get him some stock, which I did, 5000 shares and transferred it over to him. I made twenty-five (\$25.00) dollars on the transaction. Later on Simpkins and I left Wallace and came to Spokane. We staid there a couple of days.

Q. Where did you stop at Spokane?

A. I staid at the Spokane Hotel a couple of nights with Scott, and then Simpkins and I went hunting about twenty-five (25) miles above the head of navigation on the St. Joe River. We came back to Spokane and I stepped at Simpkins' house. We remained there just a couple of days. We concluded to come down and assassinate Gov. Steunenberg. Simpkins went and got ten (10) pounds of giant powder, I think at Holly, Mason & Marks store in Spokane. This was two or three days before we registered at the Pacific Hotel in Caldwell. After we bought the powder we went up to the office of Robertson, Miller & Rosenhaupt and when we went up in the elevator Miller, I think, went up with us in the elevator, and some up there said to Simpkins, "What have you got in that box". He said, "By God, its dynamite." I had a trunk when I came from Wallace checked to Harrison on the O.R. & N. and was going to re-check it through to come across the lake and up the Electric Line. I gave this check to the purser on the steamboat of the Red Collar Line, and the trunk did not come through ~~from~~ in Spokane and I kept telephoning for it for four or five days and finally I went to Harrison and saw my trunk in the depot and discovered that they had not given me the proper duplicate of the one that was on the trunk. I explained this to the baggage-man there and he told me that if I would tell him something that was in the trunk to identify it and open it so that he would know it was my trunk. I put in a claim for damages, through Robertson, Miller & Rosenhaupt and they subsequently got twenty-five (\$25.00) dollars. I paid them one-half of it. Miller claims he sent this to me at Denver. He claims he sent a check for it to #1634 Court Place. This number is the place of the store of George Pettibone. The next morning Simpkins and I started for Caldwell. We staid in Caldwell a few days, I do not remember how long, but the register would possibly show at the Pacific Hotel.

Q. Now, what did you and Simpkins do in Caldwell at this time? How did you spend your time?

A. We were trying to locate Gov. Steunenberg and devise some means to kill him.

Q. In doing that did you go around his residence on any occasions?

A. We did. We did not go very close to there in the day-time. We went past the front of his house at night. We located him one afternoon in the Saratoga Hotel. He staid there until dark. We went up after dark and placed this bomb alongside of the sidewalk leading to his house with a wire across the sidewalk so that when he walked along this he would hit this and explode the bomb.

Q. How would he explode it?

A. This wire being attached to a little windlass, which, as I have described before, the wire being attached to a stick across the sidewalk about four inches or so above the sidewalk, and that when he walked into this wire it would turn the windlass and the bottle, but this time our plans miscarried.

Q. Did you remain somewhere in the neighborhood so that you could see?

A. I did. Before attaching this wire across there and had it all fixed I went back to the hotel to see if he was still there and found he was. When I saw him get up to come home I went ahead of him and fastened this wire across the sidewalk. Simpkins was back at the Hotel. And then I went back to the hotel as fast as I could after attaching this wire. After half an hour we went back to see what happened to this and found the wire had been broken and found that the bottle was back upright and had not spilled any acid on the caps. I took the bomb up again and took it away with me and took it across the railroad and buried it in some manure in the stock-yards. We had it in a box.

Q. When did you make this windlass and machine for starting this off?

A. We made it on the afternoon that we saw Gov. Steunenberg. We made it in my room. We went out and got a piece of board where they were putting up a building back of the Pacific Hotel. I had the wire in my grip. I bought the caps in Salt Lake on my first trip up here. Simpkins then became scared and concluded to get out of there as he thought if this thing happened we would get caught and it would go hard with both of us, and he concluded to go over to Silver City and then went to Haily. He was a member of the executive board and was supposed to be organizing unions and visit them. He was gone about a week in all and when he came back he stopped at Nampa.

Q. After Simpkins left Nampa did you change your room?

A. Yes I did.

Q. Where did you go to?

A. I went over to Mr. Skanks house.

Q. Why did you go over there?

A. So that I would be in a better position to see Mr. Steunenberg as he went back and forth to his house. I might say here that I did not do anything further except to watch and locate him and found that he was home very little.

Q. During the time you were at Skanks did Simpkins return to Nampa.

A. Yes sir.

Q. Did you meet Simpkins.

A. Not in Nampa. I expected Simpkins to come back to Nampa as I had two or three letters from him from Silver and two from Nampa. He came to Nampa on the midnight train. I was at the same hotel, the Grand, that he stopped at. He left in the morning before I got up and went to Caldwell. I did not see him in Nampa. I went to Caldwell on the four o'clock train and met Simpkins at the depot. He was going to Spokane on that train. I told him to wait until the midnight train as I wanted to see him. We went to my room at Skanks and talked about this thing, about the prospects of doing it in various ways. He wanted me to stay here and see if I could not pull it off, or something to that effect. I said I would try to. He concluded to go on that midnight train to Spokane as he had to go to Denver to attend a meeting of the executive board of the Western Federation of Miners. The reason why Simpkins wanted to leave on the midnight train was that he had to go to Spokane and visit his family and then attend the meeting of the executive board at Denver. As stated before, I had purchased on leaving Denver in August a round trip ticket from Denver to Portland and return via Seattle, and the return portion of this ticket was still unused and would expire about the 24th of November, and he wished to use that ticket as I had to remain to carry out the assassination of Gov. Steunenberg. That evening Simpkins said he had located a saddle which he

which he wished to take to Spokane with him.

Q. Did he get the saddle?

A. He did. The saddle was hanging up on the outside of a little building up behind the Boulevard from the city, a block this way from the Saratoga hotel and one and half blocks toward the boulevard. In order to have a cover for the powder, during the time we were up and down the boulevard we found a lap-robe on the sidewalk in front of Mr. Rice's house. We used this for wrapping around this powder while it was hid in the manure, and went and got the lap-robe. Simpkins went to the hardware store and got a big needle and some twine for sewing sacks and made a big sack out of this lap-robe to put the saddle in. We went and got the saddle about half an hour before train time, and Simpkins took it with him on the train. That is the last time I saw Simpkins but I had several letters from him from Spokane and Denver.

Q. Do you remember the substance of any of those letters?

A. I do.

On the first one he mentioned that the junk we got was a good one and he had oiled it and put it away for future use, and to not get discouraged or lonesome but get through with that as quick as I could and come back to Spokane.

Q. The junk he referred to was the saddle?

A. I suppose it was. He wrote me a letter after that once from Denver saying that an appropriation had been made and put into the emergency fund for that purpose, and to do my best to pull it off. Before leaving Denver to go on the Steunenberg job Moyer wished me to go to Goldfields as soon as possible and assassinate Johnny Neville, as he knew too much. I agreed to do this at some future time. Getting a little discouraged at Caldwell, and seeing something in the paper relative to Governor Gooding having appointed ex-Gov. Steunenberg on some committee I came to Boise and remained ~~xxxxxxx~~ a couple of days, I think, but did not see Gov. Steunenberg. As an excuse for leaving Caldwell and going to Salt Lake, which I subsequently did, I wrote to Simpkins at Denver informing him that I had learned that Gov. Steunenberg was going to

to California, and I had decided to go down to Salt Lake for a while, but you will understand that I had no knowledge whatever that he was going to California. The facts were, I wanted to get out of the job altogether. I might say that an old friend of mine by the name of Lewis Cutler had promised to give me a sixteenth interest in some mining claims that he had in Goldfields. He promised to give me them when I was in Salt Lake in August or the first of September on my way down here. I thought I would go down and get that interest as I believed I could sell it to Dan Cordonea, the man whom I had sold the other interest in the Hercules mine to. This was my true object in going to Salt Lake but I did not find Cutler in Salt Lake and found out that he was at Deep Creek. I went to his house several times and had mail come there for me from different places. His address is No. 265 - Fourth South. I got several letters from Simpkins while in Salt Lake addressed to the above address. I also got some letters from Pettibone there. Simpkins told me in one those letters to come back to Caldwell as quick as I could and finish up that job before he left Denver and he would bring the money to buy that ranch. He thought Charley Wyatt was with me. He said he would get five hundred (\$500.00) more to give him.

Q. What was the substance of Pettibone's letter?

A. They had referred to wanting me to get some depositions there in regard to a rooming house in Denver that we had got a buyer for, the Virginia Hotel, selling out the furniture. We were to get a commission on this after we got the buyer as agreed upon by them, but they would not sell it ~~when~~ and turn it over and we were suing them for this commission. I did not get the depositions at that time but did subsequently.

Q. Now, in the matter of Shoddy, alias Wyatt, did you write from Caldwell or any point?

A. I think I wrote him to Salt Lake two or three times and wrote him through a woman, Mrs. Lizzie Briley, at Park City. I got a reply from her. She said she had a letter from him a week before that and that he was in Marville, Calif.

Q. Where were you when you received the letter from Mrs. Briley?

A. I was in Salt Lake and it was addressed to No. 265 Fourth South.

Q/ You arrived in Salt Lake about Nov. 24th or 25th?

A. Yes, it was just about that time.

Q. After receiving the letter from Mrs. Briley did you again write Shoddy?

A. Yes, ~~it was just about that time~~ I did.

Q. What was the substance of that letter?

A. In order to explain this I would say that on the first trip to Caldwell, while in Salt Lake I met Shoddy. He asked me what I was doing as I looked pretty prosperous. I replied that I was just going around and taking chances once in a while, and he said he would not mind taking a chance too if I could put him onto some job. I asked him where he was going and how he was fixed, and he said he had a job and was going down to Seigal, Nev. I gave him ten (\$10.00) and told him I would write to him. I wrote to him and received an answer to that letter that was sent to Denver, to No. 1634 Court Place, and forwarded from there to me. I am not sure whether I got it at Caldwell or Salt Lake. He said in that letter he would come if I sent him money and I wrote for him. I wrote to him from Salt Lake and asked him to come there and if he did not have the money to wire me and I would send it to him. I never received any reply from him, but had told him that I had something good for him and that I had something in sight that would beat working for wages, but did not tell him what it was.

Q. Do you know where Seigal is?

A. I do not know exactly. He went down on the Clark railroad and by stage I think towards Cherry Creek. Seigal is named after the Seigal Clothing Store of Salt Lake, and it was for this company that Shoddy was working. I sent mail, as stated above, and had written him to that point and I think he got it as he wrote me to No. 1634 Court Place, Denver. I don't know who Mrs. Briley is. I had written Shoddy to Manville, Calif. but got no reply from that. I don't know whether I wrote him as Shoddy, or his alias, Wyatt.

Q. During the time before leaving Salt Lake, did you get any money?

A. Yes sir.

Q. Did you return back to Salt Lake?

A. Yes sir.

Q. Did you see any of the executive board or did you have a talk with anybody in Salt Lake?

A. No sir.

Q. Now state, on leaving Salt Lake, where did you check your trunk to, and what did you do?

A. On leaving Salt Lake I think I checked my trunk to Nampa. I stopped off at Nampa, I think.

Q. Where did you stay there and how long?

A. I don't think I staid there over night.

Q. Did you meet anybody in Nampa that you knew?

A. No sir.

Q. During your trips to Nampa at any time did you meet any person that went by the name of Foran or Foreman?

A. Not to my knowledge.

Q. Did you meet anybody at Nampa with whom you discussed the Steunen-berg matter except Simpkins?

A. Not at this time.

Q. You arrived in Caldwell about Dec. 15th?

A. I think so, but am not positive about the date.

Q. What did you do in Caldwell?

A. I stopped at the Saratoga Hotel for the purpose of trying to see Gov. Steunenber and locate him.

Q. What did you do towards locating him and learning his habits from the time you arrived the last time up to the time of the explosion?

A. I used to watch the train when it came in as I knew he was away most of the time. He usually came home the last of the week. I did not know whether I would use this bomb or use a gun. On Christmas night I took a shot-gun and several shells loaded with buck-shot and went up to his house, as I knew he was home, and when I got there my gun was stuck so

that I could not get it to go off properly. I then came back to the hotel and brought the gun back and put several of the shells, as there were more than I needed, under the sidewalk on the boulevard. The next day I went to the hardware store and bought a pair of pliers and fixed my gun. I am not positive but I think it was the next day after Christmas. I bought the pliers at the hardware store a block from the Saratoga Hotel on the opposite side of the street. I did not see Gov. Steunenberg again until a week after, and then I saw him in the Saratoga Hotel about six o'clock. I took this bomb and went up to his house as I had watched his place and noticed his habits and the habits of the folks for two or three days, and placed this by his gate, attached with a string so that when he opened the gate and started to walk in this string would pull the cork out of the bottle of sulphuric acid and cause the explosion.

Q. About what time of the evening did you set the bomb?

A. It was as soon after I left the hotel as I could get up there.

~~A. How did you know that some innocent person might not go through that gate?~~

A. I saw the man who I supposed had worked there pass out and go to his house. I also saw his folks in the house through the window and I thought they were all there. I had never known Gov. Steunenberg to stay down town very long after dark, and supposed that he would go home.

Q. Did you remain in the neighborhood until the explosion took place?

A. I did not.

Q. Did you see the Governor?

A. I met him as I was coming back.

Q. How near was he to his house?

A. A little over two blocks?

~~Q. You heard the explosion when it took place?~~

A. I did.

Q. Whereabouts were you then?

A. I was about a block and a half from the Saratoga Hotel.

Q. Where did you go?

A. I went to the hotel.

Q. Did you have any talk with anybody?

A. No sir. There were two boys I met on the foot-bridge that goes across the creek to the hotel but I did not speak to them.

Q. What did you do with the big bomb that you carried from Denver?

A. I took it out of my trunk at Wallace and was going to throw it in the river or bury it in those tailings. This same Cunningham wanted to know what I had there and I told him in a joking way that it was a bomb. He wanted me to give it to him and I said, "You do not want it as you would get killed with it. He prevailed upon me to give it to him and told me that he would take it away and bury it, but I told him to be careful when he buried it as it might go off.

Q. Do you know what he did with it?

A. Simpkins told me that he took it up in a room in the Bimetallic Hotel, Bob Bradley runs the place, and told him this and that they had a bomb up there with enough to blow up the town; iron and bolts, into his place. His wife came down stairs, Bradley's wife, and wanted to know what those men upstairs were doing with all that iron and stuff up there. He said he told her that they were shoeing themselves to walk over the hill. But he told Simpkins that they were going to blow up the town. Bradley took it all out of there, or made Cunningham, or McCluskey and another man, take it out of there and to get out of town as quick as they could. He said he gave them a bottle of whiskey and started them out.

Q. Now I will revert back to the Steunenberg matter for a minute. Did you have any assistance, or was any man in Caldwell in your confidence in this matter?

A. No sir.

Q. Did you ask young Steunenberg when his father would be home?

A. I did not. I asked him if his name was Steunenberg and he said it was, and I asked him if they had any sheep to sell. He said he did not know whether they did or not. He said his father looked after that and that he was up at Bliss on the ranch and would be home the next day or two.

Q. During the visits around the Steunenberg house, whether with Simpkins or not, did you or Simpkins at any time use field glasses?

A. Yes, we did.

Q. When you hid the bomb in the weeds, was that over near the railroad tracks?

A. Yes sir.

Q. Did you see that young Gee passing there?

A. I do not know.

Q. Were you ever around that grist-mill down there near the track?

A. No sir.

Q. How many grips did you have at the Saratoga?

A. Two.

Q. Were they there when you were arrested?

A. Yes sir, they were there as far as I knew as I never took them out.

Q. How did you take the bomb out?

A. I wrapped it up in paper and carried it under my arm.

Q. Never had any heavy grip-sack there?

A. No sir, only what they found there.

Q. How many pounds of powder were in that bomb?

A. Ten (10 pounds).

Q. When did you remove that bomb from the manure pile?

Q. I went and got it before I went to Boise and Salt Lake and fetched it back.

Q. When did you fetch your trunk up to Caldwell from Hampa.

A. Just about two or three days after I came down.

Q. Did you carry the bomb in the trunk or grip?

A. In the grips. I had removed removed it out of the wooden box and put it in a tin box that I had in my trunk that I had had some papers in.

Q. Where did you get the sulphuric acid?

A. That that I used here I bought in Caldwell in the drug store.

Q. There was some in your grips for a while?

A. I do not know, but I do not think so.

Q. What did you have the Plaster of Paris for.

A. ~~It~~ I had that to make a little thing, a slot in between the box to hold the bottle for the acid. There was no acid in my grip, but a solution that I had for a private disease to be used with a syringe might have had acid in it.

Q. What kind of a piece of string did you use, a fish line?

A. Yes sir.

Q. How long was it?

A. About two and half to three feet long.

Q. How did you fix it on the gate?

A. I tied it to the slot.

Q. The powder was in the tin box?

A. Yes sir.

Q. How many caps were in there?

A. There were ninety-nine, a box of one hundred with one out.

Q. And what did you have the sugar in?

A. I had this to mix with the chloride of potash to put on the caps.

Q. The little bit of stick that was found under the bed in your room, had you been using that to make this mold?

A. I do not remember, but I had a little piece of wood up there to mix this plaster of paris with.

Q. Why did you not make an effort to leave Caldwell?

A. I thought it would look suspicious.

Q. You were arrested on New Year's day.

A. Yes sir.

Q. Did you try to hire a team on New Year's day?

A. No sir.

Q. While you were in the jail a letter came from Denver. Who did that come from?

A. It was written by George Pettibone.

Q. Had you agreed upon any cipher?

A. No sir. But I understood what it meant. He said he wanted to hear from me when I got to my new field and that he had sent my letter to Jack. The Jack referred to was Jack Simpkins.

Q. What was in that letter you sent to Jack?

A. I told him that I was getting short of money and to send me down One hundred (\$100.00) dollars, and that I thought I would get through here before long. I wish to state here that I had misled Simpkins, Pettibone,

Haywood and Moyer by representing that Charley Shoddy was with me, or rather stopping at Nampa. As previously stated, Moyer wished me to remove Johnny Neville, and I had written him that I had sent a man down to Goldfields to do this.

A. When did you learn that Neville was dead in Salt Lake?

A. Pettibone wrote me that he was dead, and as quick as I could I wrote back that the man that I had sent down there had done the work. Neville died very suddenly but I have no knowledge that he was killed, therefore I represented that the man that had done ~~xxx~~ away with him, which was Charley Shoddy, was with me up here, as above stated, which was not true. I did not get the hundred dollars from Simpkins.

Q. After your arrest James J. Sullivan of the firm of Sullivan & Cohen of Denver visited Nampa, and while not admitting to be your counsel, seemed to be very much interested in you, and I would like to know all you know about this matter?

A. I might say that it had been the understanding between Pettibone, Moyer, Haywood and myself, and all of these parties, that if I ever got arrested, not to write or wire them, or any of them, and that they would send an attorney to look after me. That is all I know about Sullivan.

Q. Did you get to talk with Sullivan?

A. Not by myself.

Q. What did Sullivan say to you?

A. When he first saw me he said he was on his way to Baker City on some business down there, and that he stopped off to see if it was me that was arrested there. That is all he said to me about it.

Q. What did you say to him?

A. I said I had a telegram written out and was thinking of wiring him. He shook his head and stated as though he was surprised at what I said, and I looked around and asked if I could see him anyway. He said "Yes", and I believed then that he did come up to see me, and I went into the Sheriff's office.

Q. What took place there?

A. I asked him if I could employ him to defend me. He said it was a

long ways from home and advised me to get some local counsel, or that he would look around and get me one. I told him about getting this telegram from Miller in Spokane, which stated that he would be down here, but had not come yet. He said he would wire him, or I could, and ask him if he was coming, which he did. I got an answer to the telegram that he would start on the next train. I do not remember the date, but he came afterwards.

Q. Did Sullivan say anything about his fees if he took the case?

A. No sir. He told me that I should not consider him as employed in the case, but that he would help me out in the preliminary examination or get some one to.

Q. How long after your arrest did you get this telegram from Miller?

A. I think two or three days. I do not remember that I got this telegram from Miller. There was no name signed to it.

Q. What did it say?

A. It said Attorney Fred Miller would start from Spokane to Caldwell on the next train. He did not come then at that time.

Q. How long was it after that until Sullivan called upon you again?

A. I cannot remember but it was not over two days.

Q. When Miller did call did he refer to the first telegram in his conversation with you?

A. He did.

Q. Did he say that he sent it?

A. No sir.

Q. What did he say about it?

A. He said Simpkins sent it.

Q. Did Miller say what arrangements he had made with Simpkins about his fees.

A. No, he did not exactly say. He said that he started down here when he said he would and that the papers came out charging the Western Federation of Miners with being behind this and that they called him back and that they wanted to charge it to the Western Federation of Miners as being responsible for it and that they wanted to bust up the organization, and that

the Western Federation of Miners had to be kept out of this, and that we had to make it appear that I was putting up my own defense. He said Simpkins gave him one hundred (\$100.00) dollars when he started down here and told him he would get some more money and to do the best he could.

Q. Did he outline to you what the defense would be?

A. No sir, he did not.

Q. What instructions did he give you, if any, as to how you should conduct yourself?

A. He told me not to have anything to say to any of these fellows, and that they had some detectives in there with me already, and I told him I knew that.

Q. Did he say anything about Sullivan?

A. Yes, he did. He told me that Sullivan had told him to tell me that I would probably be taken back to Colorado, Cripple Creek, after I was acquitted of this, and my friends there would look out after that. He said he did not say much to Sullivan or go very far with him as he did not know how far he could trust him. He talked a good deal to the newspaper men. I think that is about all.

Q. Did Simpkins send any message to you through him that he delivered?

A. No, I cannot say that he did. He never said that he had seen Simpkins and that he was not there now as Simpkins was afraid that I would wire him.

Q. Where do you think Simpkins could be found?

A. I think in Spokane.

Q. Who would be he found with there?

A. Miller told me Simpkins was in Spokane, and he expected to see him when he got back. . He had written to his wife to tell Simpkins to not come to his place, but to telephone him at some place where he suggested, and he would meet him there.

Q. Have you any knowledge outside of Spokane that you think Simpkins would go into hiding?

A. Not unless he would go up on his claim about twenty-five miles above the Head of navigation on the St. Joe River.

Q. Do you think he could hide in Denver just as good as any place?

A. Yes, if he could get there.

Q. Do you know anything about attempts that were made to assassinate Chief Justice Gabbett of the Supreme Court of Colorado?

A. I do.

Q. Go on and tell us from the beginning?

A. We had watched him and knew his habits and knew when he came down to the Capitol building; that he walked over from his residence to Colfax Avenue, and in so doing he would cross a vacant lot just coming across Colfax Ave. George Pettibone and I placed a bomb there; buried in the sand right in the path, in the edge of the path and fixed it so that we could hook a ladies hand-satchel onto a little windlass arranged as in the others, so that he would pick up the satchel it would turn the windlass and turn the bottle and cause the explosion. When we went to place this satchel the bomb was already placed the night before so that we could attach this with a little hook into the eye of another wire that had been fixed, that connected on this windlass. We did not get this opportunity, as in watching him, as there was always somebody come between, that come across this lot ahead of him. While this first one that was put in there was put in there it had been there so long that we were afraid to touch it. I afterwards went alone and put another one alongside of it, right close to it, similar to the first one. I did next morning attach this hand-satchel. I watched Judge Gabbett when there was no one between him and this, and hooked this on and rode off on a ~~myx~~ bicycle about three blocks. I saw that he went across it and never noticed it, so I went back and took this pocket book off about an hour afterwards. Afterwards I heard of this explosion and suppose that somebody had kicked against it and caused it to explode.

Q. It simply blew him to pieces.

A. That is what I understand. I believe he was a mining engineer by the name of Walley.

Q. Was there anything else?

A. There was an attempt made on Judge Goddard.

Q. How was that made?

A. That was another bomb placed at his gate, buried in the sod. I placed that. A fellow by the name of Big Nick was with me in a rig.

Q. Where did he come from?

A. He came from Max Malich, at Globeville.

Q. Who sent him?

A. Max Malich.

Q. Where did you meet?

A. We went from Max Malich's place.

Q. How did you come to go to Max Malich?

A. I had been acquainted with him there through going there with Haywood, Pettibone and others, as I had been there with them.

Q. How did you place the bomb?

A. I took a spade and removed the sod about the size of the bomb and dug a hole down into the dirt and placed this bomb with a string attached to a bottle and cork and left the string loose on one end with a loop on it of it buried in the grass, and had a little screw-eye screwed into the gate and went back there about eight o'clock, knowing Judge Goddard's habits, about the time he went to the car, and walked along there about fifteen minutes before the time he usually went, with a paper in my hand. I accidentally dropped the paper, or made it appear accidentally, as though it would be accidentally, and when I did I put the loop over the screw-eye, which had already been placed in the gate, and went on down town. I never heard anything of it. I went back subsequently and I walked along, and I think it is there yet and could be found if you look for it.

Q. Will you please inform me where you placed the shells under the sidewalk near the Steunenberg residence on Christmas night?

A. It would be a block toward the railroad from Steunenberg's house when you come down to the Boulevard and had turned to the left to come down town, and it would be between the middle of the street and the sidewalk.

Q. What arrangements did you make with Miller as to his fees?

Q. I gave him a power of attorney to collect all moneys owing to me

or might be due me from any persons.

Q. What was he to do with this order?

A. I told him that I had some due from George Pettibone, No. 1634*
Court Place, Denver.

Q. Did you have any money in the hands of George Pettibone?

A. Not that I know of.

Q. Then why did you give this order?

A. Because I thought that he would get the money as he had done before
from Haywood. We never mentioned any of the members of the Board but
we talked to others members of the Board about this killing and work that
had been done. I think it was Marion Moore and Schmeltzer about the
killings in Colorado.

Q. Did you see Schmeltzer before you went to Cripple Creek on the
Independence matter?

A. I did.

Q. Did you see Moore?

A. I did. I do not know that I talked to them at that time, but it
was talked over, but I do not remember talking with them about that matter,
but did talk about it afterwards, and talked about the Peabody, Goddard
and Gabbett affairs.

Q. They knew that you were trying to do this?

A. They did.

Q. In making the above statements, which commenced on Saturday
the 27th, , continued Sunday the 28th and Monday the 29th, of January,
1906, to James McFarland, and George C. Huebener, the stenographer, had
there been any promises made to you relative to immunity, providing you
made these statements?

A. There had not.

Q. Did Mr. McFarland, or any other person, use any force or coercion
to get you to make these statements, and if not, then why did you make
this statement, being that it not only incriminates a number of your
associates but also yourself?

A. Because on meeting Mr. McFarland and talking with him on three

occasions, I awake, as it were, from a dream, and realized that I had been made a tool of, aided and assisted by members of the Executive Board of the Western Federation of Miners, and once they had led me to commit the first crime I had to continue to do their bidding or otherwise be assassinated myself, and therefore, not caring what would become of me, knowing that I did not deserve any consideration, but on account of the crimes that I assisted in, I resolved, as far as in my power, to break up this murderous organization and to protect the community from further assassinations and outrages from this gang. That is all I have got to say on this matter.

Witness my hand this day of January, A.D., 1906.

Witnesses:-

James W. Spauld

Magdane-Criminal.
State of Idaho.
Ex-Governor Steunenberg, Murder.

Ch. N.Y. Den. S.P. Lok. Port.

Hon. Frank R. Gooding,
Governor State of Idaho,
Boise,

FEB 7 1906
NEW YORK

Sir:

Manager James McParland reports:

Boise, Wednesday Jan. 31, 1906.

This morning, after attending to my correspondence, I went to the Penitentiary at about 10:00 A.M. and further interviewed Harry Orchard as follows:

Q. (In re murder of Martin Gleason)

"If you know anything about the murder of Martin Gleason, superintendent of the Wild Horse Mine near Midway in the Cripple Creek District, please go on and state what you know about the matter, commencing when you first heard of it and stating who talked to you on the subject, either before or after the murder, as nearly as you can remember."

A. "No one ever talked to me about it and I heard nothing about it before the murder. I may have heard of this at the time by reading of it. The first I knew of this, Steve Adams told me that it was Ed. Minster that killed Gleason. Easterly had talked to me about this, but never told me anything in particular, any more than he knew who did it. Arthur Baston also talked to me about this but did not tell me who did it or that he knew who did it. He talked about getting some money for a job that I supposed was something of that kind; afterwards told me that he was introduced to Ed. Boyce and that he either got or got somebody else to see if he could not get some more money, I think a thousand dollars, which I think he told me they did get."

Q. "Do you remember about what time you had this conversation with Arthur Baston?"

A. "Yes sir, very nearly, in Denver in 1904, the summer before I went to California."

Q. "You discussed this matter with Steve Adams?"

A. "Yes sir; we talked it over in a general way; do not remember exactly what was said, but the sum of it was that he told me it was Ed. Minster who did it."

Q. "Did Adams or any other person tell you how much Minster got for doing it, or if he got any money at all?"

A. "No; I cannot say that they did."

Q. "Did Arthur Baston say anything relative to why he got this thousand dollars from Boyce or from the Western Federation of Miners?"

A. "He asked me how much money I had ever got for any job like that."

Q. "What did you tell him?"

A. "I told him five hundred dollars was the most I ever got at once; that I got money whenever I asked for it. He said that they had got a thousand dollars once, and he thought it was a very small amount, and he either got or asked somebody else to see if they could

not get some more money, and once, I cannot remember when, He told me they got a thousand dollars more."

Q. "Did he tell you for what job he got the thousand dollars?"

A. "No sir; he did not."

Q. "Did he tell you from whom he got the thousand dollars?"

A. "No sir; he did not." "But he led me to believe he was introduced to Ed. Boyce once up there, and it may be that he got it from him."

Q. "Did you ever talk with Ed. Minster on this subject?"

A. "No sir; I am just slightly acquainted with him."

Q. "What did Easterly say about the murder of Gleason?"

A. "Easterly did not tell me much of anything in particular, but did tell me about a little conversation that once happened at Altman to the effect that Doc. Leavenworth came to him (Easterly) and pointed out a man who I think he told me was Mr. McParland. He said that Easterly- he (Easterly) went over to where Mr. McParland was and asked him if he was looking for him. I am not sure what answer Mr. McParland made, but it was to the effect that he was not looking for Easterly." Doc. Leavenworth had told Easterly that Mr. McParland was looking for him.

Q. "Were you acquainted with Doc. Leavenworth?"

A. "I was."

Q. "Did you ever have any conversation with him on the Gleason murder?"

A. "No sir; never."

Q. "Did you ever have any conversation with him on the blowing up of McCormack and Beck in the Vindicator?"

A. "No sir."

Q. "Did you ever have any conversation with him on any of the outrages committed there?"

A. "No sir."

Q. "Did Easterly ever say anything about Mr. McParland other than that?"

A. "No sir; do not think he ever did." "He may have said that you were the man that ran down the Molly McQuires; would not say that he did or did not."

Q. "Referring back to Steve Adams and your talk with him on this matter: Did Adams tell you how he knew that Kid Minster did this?"

A. "No, sir; he did not. Kid Minster and Adams were chums, and had talked with Haywood and Meyer, so Adams told me, and had been out on jobs of this kind; so Adams told me had been working together to kill Collins at Telluride. Adams said they had been sent to California together to do away with a man at Jackson or Amadore named Elijah ----- (Orchard could not remember this man's surname), a superintendent for Fred Bradley on some mine in Amadore County; it may have been in the town of Jackson."

Q. "What did Adams say about going out there with Minster?"

A. "He said they were down there to do this job, that Minster got stuck on some girl at a hotel there and blew in what money they had and the opportunity did not present itself to do this job. They started back for Denver, beating their way, got sealed up in a box car at Ogden and got arrested. They each had two guns, six shooters. He said they telephoned or telegraphed to Denver, I think to Haywood but am not sure, to somebody there at headquarters, to send them some money. I think he said they sent him seventy-five dollars. They got out of this and came back to Denver I think."

Q. "When was that?"

A. "I think it was in 1903."

Q. "Do you know what time of year?"

A. "No, I do not, I am not positive it was 1903 but I think it was."

Q. "Did you have any other conversations with Steve Adams?"

A. "Yes, lots of them."

Q. "Upon this subject?"

A. "I do not know that I have on this subject, but on something similar to that."

Q. "Where is Minster now?"

A. "The last I knew of Minster he was in California."

Q. "Whereabouts?"

A. "He used to be in Amador County, up in that country somewhere, Jackson or Amador."

Q. "Where do Minster's folks live?"

A. "They live in the Cripple Creek District near Altman."

Q. "What does the family consist of?"

A. "Just his father and mother and two sisters, who are both married."

(Description of Minster)

Q. "Age?"

A. "I should think he was twenty-four to twenty-five."

Q. "Height?"

A. "I should think he was about five feet seven or somewhere about there."

Q. "Weight?"

A. "About a hundred and fifty pounds." "Perhaps a hundred and sixty."

Q. "Complexion?"

A. "Very light, reddish."

Q. "Have any beard or mustache?"

A. "He was smooth shaven when I saw him."

Q. "Could he raise a beard or mustache?"

A. "Well, I cannot say that he would raise a very big beard."

Q. "What color were his eyes?"

A. "Well, I don't believe I could tell you that."

Q. "Any peculiarities about him, marks, scars or anything of that kind?"

A. "Not that I know of."

(Description of Steve Adams)

Q. "What was Steve Adams' Age?"

A. "I should think he was thirty-five to thirty-eight."

Q. "Height?"

A. "I think he was about five feet eight or eight and a half; about my height I think."

Q. "Weight?"

A. "A hundred and seventy-five to a hundred and eighty."

Q. "Complexion?"

A. "Very light, a little freckled, reddish."

Q. "Color of eyes?"

A. "His eyes were light in color, blue or something of that kind."

Q. "Shape of nose?"

A. "His nose would be straight and rather thin, and it came to a sharp point."

Q. "Any other peculiarities or marks on him?"

A. "A little bit bow legged. I forgot to mention this when I described him to you before. Otherwise he would walk straight and erect."

Q. "Where did Adams claim to hail from?"

A. "Missouri."

Q. "Do you know what part?"

A. "No, I do not. He has two brothers also."

Q. "Where do they reside and what are their names?"

A. "One is William Adams and the other is Joseph Adams."

Q. "Where does William reside?"

A. "The last I knew of him he was in Crede. Last I heard of Joe he was in Leadville, Colo. That was last summer some time. I do not believe they (the brothers) know where Steve is as he never wrote to them that I heard."

Q. "Steve is married?"

- A. "Yes sir."
- Q. "Where did he get married?"
- A. "He got married in Telluride."
- Q. "Whom did he marry?"
- A. "He married a widow woman named Mrs. Dickson. Her maiden name was Annie Diamond."
- Q. "Did she have any family?"
- A. "Yes, two boys."
- Q. "By her first husband?"
- A. "Yes sir."
- Q. "How old are they at the present time do you know?"
- A. "Yes sir, I think the oldest one is about five years old, or was at that time. I never saw the other one but he was possibly two or three years old."
- Q. "Do you know the names of the two children?"
- A. "Yes sir, or at least one of them. The oldest one's name was Adolphus. I do not know the other one's name. Mrs. Adams knows a great deal about these outrages."
- Q. "Age?" (Description of Mrs. Adams)
- A. "I think she is about twenty-seven or twenty-eight years old."
- Q. "Height?"
- A. "She is a little over medium height for a woman, say five feet four or five inches, possibly a little more."
- Q. "Complexion?"
- A. "Well, she is not real dark and not real light; she is just medium."
- Q. "Color of hair?"
- A. "Her hair is dark brown or something like that."
- Q. "Weight?"
- A. "I think she would weigh a hundred and fifty or sixty pounds."
- Q. "Color of eyes?"
- A. "I do not remember; her eyes may be brown."
- Q. "Where do Mrs. Adams' folks live?"
- A. "They lived at Ophir the last I know of them." "That is, her mother and sisters lived there."
- Q. "How long ago was it that they were living there?"
- A. "About ten months ago."
- Q. "Is her father alive?"

A. "He was then."

A. "Where did he live?"

A. "He was up in this country somewhere, up in the Thunder Mountain country; I think, driving a pack train. That was his business in Telluride, packing."

Q. "Do you know his first name?"

A. "No, I do not. All I know of him is what Mrs. Adams told me. I would not know him if I saw him."

Q. "Are her two sisters married?"

A. "One of them was married. I think she has three sisters."

Q. "Whom did she marry?"

A. "I do not know."

Q. "Did the married sister live at Ophir?"

A. "Yes sir, or went there. Her mother ran a boarding house there I believe."

Q. "Are Mrs. Adams' father and mother parted?"

A. "I believe so."

Q. "Did Mrs. Adams or any of her sisters correspond with their father do you know?"

A. "I do not know. I do not think Mrs. Adams did. She corresponded with her mother and sisters though."

Q. "Do you know where Steve Adams is now?"

A. "No, I do not."

Q. "Have you any idea?"

A. "I have been told that he was in Oregon some place."

Q. "Who told you this?"

A. "Jack Simpkins told me in a letter that he understood that Steve Adams was in Oregon somewhere, that he was going to find out where, but never told me anything further about it."

Q. "Did Simpkins tell you why he thought he was in Oregon?"

A. "No he did not. He wrote me that he heard it in Denver while attending the meeting of the Executive Board and that he would try and find out where he was."

Q. "When did you receive that letter from Simpkins on this matter?"

A. "It would be some time in November 1905."

Q. "At what point?"

A. "At Caldwell."

(Description of Simpkins)

Q. "We will now have you describe Simpkins again. Age?"

A. "Well, around forty or forty-five somewhere I should think. It is pretty hard to tell."

Q. "Height?"

A. "I think he was about five feet eight and a half inches, probably nine."

Q. "Taller than you are?"

A. "I do not know whether he was taller or not. He was heavier set than I am and quite tall."

Q. "Weight?"

A. "A hundred and eighty-five to ninety."

Q. "Complexion?"

A. "Dark."

Q. "Color of eyes?"

A. "Dark eyes I think."

Q. "Beard or mustache?"

A. "Mustache."

Q. "Color?"

A. "Dark and very heavy."

Q. "What appearance has his face?"

A. "His face would be long with a pretty long nose; that is, his nose would come down pretty well. He is a little bit cross eyed in both eyes."

Q. "Does he walk erect or with his head down?"

A. "Well, pretty erect."

Q. "Has he got any peculiar marks or scars on his face that you know of?"

A. "Not that I know of. He wears his hair pretty long."

Q. "Is he in the habit of grasping the lapel of his coat?"

A. "Well I can't say; I never noticed that he was."

Q. "What nationality is he?"

A. "~~I would take him to be~~"

A. "I would take him to be Irish, but do not know."

Q. "Does he speak with an Irish accent?"

A. "Well, I can't say as he does."

Q. "Where was he born?"

A. "I cannot tell you; I do not know; never heard him speak of his having any folks or where he was born."

Q. "Does he speak loud or softly in talking?"

A. "Well, just medium." "If he is speaking to an audience he speaks pretty loud."

Q. "Does he belong to any fraternal organization except the Western Federation?"

A. "Not that I know of."

(Description of Mrs. Simpkins)

Q. "Age?"

A. "About thirty years old I should think."

Q. "Height?"

A. "Well, she is pretty tall for a woman; I do not just exactly know what height she would be; about five feet eight I think."

Q. "Weight?"

A. "Slim build."

Q. "Color of Hair?"

A. "Lightish color."

Q. "Color of eyes?"

A. "Well I cannot remember. I think they were light though."

Q. "Nationality?"

A. "She is Scandinavian, either Swede or Danish, perhaps Norwegian for that matter."

Q. "Do you know whether or not she has got any relatives, and if so, where do they reside?"

A. "She has got some relatives living in Spokane that I heard her speak of; do not know who they are or how they are related to her; do not think it was her father or mother."

Q. "Do you know their names?"

A. "No, I do not."

Q. "Who would know?"

A. "I think Mrs. Villainoff would know; they lived in her house, or part of it, when I was there, but do not live there now I do not think."

Q. "Where did Mrs. Villainoff live?"

A. "I think it was 303 Lincoln, Spokane. It was on Lincoln I know. Do not know whether that was east or west. I could tell you so you could go right to it. Mrs. Villainoff used to be in Burke."

Q. "Well, tell us how to find her house?"

A. "You go up two blocks, or possibly three or four blocks from the Spokane Hotel and then cross the Northern Pacific railroad tracks on Lincoln; then two blocks after you cross the track is where they live. I am pretty nearly positive that 303 was the number."

Q. "Has Simpkins got any children?"

A. "No, sir. The address that I used to write to him was 117 Howard street, care of Frank Tibbles."

- Q. "When was the last time you saw Steve Adams?"
- A. "I think it was in April 1905."
- Q. "That was when he lived in Denver?"
- A. "Yes sir."
- Q. "Do you know when he left Denver?"
- A. "Yes sir, or very nearly. It was in April I think; it was in the spring of the year 1905."
- Q. "Do you know where he went from Denver?"
- A. "Yes sir; he went to Park City, Utah."
- Q. "Do you know where he went to from Park City?"
- A. "No sir, I do not."
- Q. "Do you know how long he remained in Park City?"
- A. "Not exactly; he stayed there some months though. Some time in the summer of 1905 I understood it was when he left there."
- Q. "Do you know if he has got any friends in Park City?"
- A. "He left Denver with a man named Joe Mahelich."
- Q. "Do you know where he is now?"
- A. "I think he is in Park City but am not sure. He was there after Adams left there." (This refers to Mahelich)
- Q. "Where did Mahelich come from in Colorado? That is, where did he work?"
- A. "He worked at the Globe Smelter and around that vicinity. He lived in Globeville." (Globeville is a suburb of Denver)
- Q. "Referring to the Globe Smelter: was there ever any talk of assassinating Dennis Sheedy?"
- A. "Well, not that I know of. We might have been spoken of just as some others, that he ought to be killed."
- Q. "Did Max Malich ever say anything about that?"
- A. "No, not that I remember of; not about that."
- Q. "Did Big Mick ever say anything about it?"
- A. "No sir."
- Q. "Did you ever hear Mr. Sheedy's name mentioned by any person in connection with a number of Denver citizens that ought to be killed or removed?"
- A. "I heard Sheedy spoken of; do not think there was any attempt made to assassinate him."
- Q. "You heard him spoken of in what way?"
- A. "Well, as one that ought to be put out of the way as a bad one in opposition to labor."
- Q. "Now, can you remember who talked of this, or how many talked of it?"

A. "No, I cannot say that I do. I have heard Haywood talk about him but do not remember exactly what he said about it; but it was to the effect that he was an oppressor and ought to be removed."

Q. "To your knowledge there was no attempt made on Mr. Sheedy's life?"

A. "Not that I know of. Would say right here that Steve Adams and I were not the only ones employed by Meyer, Haywood and others to do these jobs, but they always told me that in talking with others they would not mention either Adams or me in connection with assassinations or outrages, and they would not give us the names of others that they had to do the same kind of work. In other words, they would not tell me what the others did or who they were."

Q. "Would like to know whether or not you suspected some other parties of doing work of this kind outside of Adams and yourself, and if so, whom did you suspect?"

Q. "Ed. Minster and Art. Baston."

Q. "Where is Baston now, do you know?"

A. "The last I knew of Baston he moved from Denver to some place out a little distance from Chicago - a few miles. He was in with some company that was trying to get a patent on manufacturing some kind of chemicals."

Q. "Do you think you could remember the name of the place near Chicago where he was?"

A. "No sir, I do not think I could."

Q. "Do you know anybody that he was acquainted with in Colorado that might know where he is?"

A. "Well, he got married, and his wife was from this country somewheres. He was away three or four years, I think in the Seven Devils country somewheres. I think I heard a man talking about him the other night out in the cell, one of the guards to another man, but am not sure whether it was he they were talking about or not. I think it would not be hard to find him by inquiring in this country."

Q. "Did you ever see his wife?"

A. "Yes sir, I just saw her but cannot give a description of her."

Q. " (Description of Arthur Baston)
What was Baston's age?"

A. "He was about thirty or thirty-five."

Q. "Height?"

A. "I should think he was six feet tall."

Q. "Weight?"

A. "A hundred and ninety I should think."

Q. "Complexion?"

A. "Light complexion." "When I say light I mean sandy."

Q. "Whiskers or mustache?"

A. "He wore a mustache part of the time and part of the time was smooth shaven."

Q. "Color of moustache?"

A. "Sandy."

Q. "Color of eyes?"

A. "Do not remember; light I should think."

Q. "Any peculiarities about his face?"

A. "No, except that his face would be pretty long instead of broad and his nose would be pretty long; pretty good looking man."

Q. "Nationality?"

A. "I cannot say. He would be American I should think but do not know what decent he might be; has a foreign accent. Haywood had told me that he had sent him down in this country once to get rid of Governor Steunenberg, and that he expected him to do this job when he was down here. He was two or three years in this country. Baston did not tell me this; Haywood told me."

Q. "Did Haywood say why Baston did not do the work?"

A. "No, he did not."

Q. "Did Baston ever tell you that he had done any job, and if so, what was it?"

A. "He told me that he was working on that job at the time Collins was killed. He was up there working with Steve Adams at that time. Steve Adams had told me that Baston was the man that gave him the money for killing Collins."

Q. "Relative to the killing of Arthur Collins at Telluride, just go on and tell me what Adams told you about that matter and how it was done."

A. "He told me that he and Ed. Minster went to Telluride for that purpose with Art. Baston, or that Art Baston was there; That Ed. Minster had to go back to Cripple Creek for something, and that he (Steve Adams) had watched for several days anyway to shoot Collins through a window, but the opportunity never presented itself until the night that he did it. He said he shot him through the window; after which he started towards Telluride, hid his gun behind some logs or a log and got to Telluride."

Q. "Did he tell you whom he met at Telluride, either before or after the killing of Collins, with whom he talked on this subject?"

A. "He said he talked to St. John right away afterwards and they gave him the glad hand when he came in and they saw him."

Q. "Did he say that he talked to St. John before he did it or had known St. John before this?"

Q. "Yes sir."

A. "What did he say on that point?"

A. "Well, I can't remember anything that he did say."

Q. "From your conversation with Adams did you conclude that he had conferred with St. John before this murder?"

A. "I did."

Q. "Was he acquainted with St. John before he went to Telluride?"

A. "I could not say whether he was or not"

- Q. Did he meet Baston after the murder?
- A. Yes sir he did.
- Q. Did Minster go back there before he (Adams) left Telluride?
- A. I cannot say but do not think he did. He might have.
- Q. Did he and Baston leave Telluride together then?
- A. I am not sure whether they left together, but they left. I think he told me they went to Denver, whether together or not I do not know.
- Q. How long after the murder?
- A. Well, he did not say how long.
- Q. Did he give you the names of anybody else that he had talked with before this murder while in Telluride?
- A. Well, I think he spoke about Carpenter, secretary of the Telluride Union.
- Q. Did he ever mention a man named Three-fingered Smith that kept a store up near the Smuggler Union?
- A. "No sir, not that I know of."
- Q. He did not say with whom he stopped in Telluride?
- A. He boarded with a woman named Mrs. Mary Mahoney, I think he told me.
- Q. Where was Adams' family at that time, or was he married?
- A. He was not married then.
- Q. How much money did he get for that?
- A. He said he got seven hundred dollars I think.
- Q. Do you know what Baston got?
- A. He said that Baston got fifteen hundred, and gave him seven hundred out of it.
- Q. He got the money from Baston?
- A. I think so, yes sir.
- Q. Was Ed. Boyce in Denver at that time.
- A. I cannot say. I hardly think so for he was not president then; Meyer was president.
- Q. Who was president of the Western Federation when Martin Gleason was killed?
- A. Ed. Boyce I think. Now this is only a supposition.
- Q. How much money did Minster and Adams get for that job?
- A. I do not know that Adams knew anything about it.
- Q. Did anybody tell you who killed Martin Gleason?
- A. Yes sir.
- Q. Who told you?

A. Steve Adams told me it was Minster.

Q. Did he give the reason why Martin Gleason was killed?

A. He did not.

Q. Did he tell you how he knew that Minster killed him?

A. No sir, he did not, or I don't think he did.

Q. Did Baston intimate that the money he had got was for the Gleason job?

A. Well, I took it that way, but do not know. That was just my suspicion.

(In re killing of Barney and Smith)

Q. In the matter of the killing of Barney and Smith at Telluride, what do you know about that. In advance, I know that you were not there, but what have you heard in connection with these murders, and from whom, if anything?

A. Well I heard a conversation of St. John, told before me and Simpkins up at Wallace while sitting on the flume in the canon. He told about the removing of the body of the body of Barney or Smith, I do not know which. He tried to get someone to remove this body but did not succeed and finally had to go himself. The man that went with him, when they got close to where it was, became superstitious and would not go up to where the body was until about daylight. He said that they removed the body and got back to Telluride about quite a while after daylight.

Q. Did he say where they removed the body to?

A. No he did not. They were afraid it would be found where it was and wanted it removed to a safer place. Steve Adams also told me that he helped to remove one of these bodies. He gave me a beer check that he said came off of one of their bodies. The beer check was taken out of a pocket when they were removed.

Q. Did either St. John, Adams or anybody else tell you how these men were killed, or either of them?

A. Adams told me something about it once.

Q. What did he say?

Q. He said that two fellows were to go out, or that St. John was to take this fellow out. They were supposed to kill this fellow, whether it was Smith or Barney I do not know. He became suspicious and drew his gun on St. John. St. John grabbed the gun and kept it from going off by the hammer coming down on his hand, and they, or some of them, killed the fellow. I don't know who did it; don't know as he told me.

Q. Did Adams say he was present and was into that?

A. He did not say he was there but he said he helped to remove one of the bodies afterwards, and told me how badly decomposed it was and smelled bad. Also he gave me a beer check that was on some saloon in Telluride, & I have forgotten where. It may be in some of my clothes yet, I do not know.

Q. Was it a brass or paper check?

A. It was metal of some kind. Sherman Parker also told me about helping to remove one of these bodies. I showed him this beer check, and he said he had some of the same ones himself that he got off of this fellow.

Q. Was Parker at Telluride at the time of these two murders?

A. I do not know whether he was or not.

(Description of Sherman Parker.)

Q. What was Parker's age?

A. I think he would be a man about thirty-five or forty.

Q. Height?

A. He was short. I am a very poor judge, but he was a great deal shorter than I am.

Q. Weight?

A. I should think about a hundred and fifty pounds.

Q. Complexion?

A. It would be called a dark complexion I suppose, not very dark though.

Q. Color of beard or mustache?

A. Beard was pretty dark, nearly black.

Q. Face round or long?

A. Well, pretty round and pretty square.

Q. Any peculiar marks about his nose, mouth or elsewhere?

A. Well, I do not think so. His forehead slopes back and he is a little bald, and his hair is light, or was.

Q. Is he married?

A. Yes sir.

Q. Got a family?

A. He did not have one when I knew him.

Q. Do you know his wife?

A. Yes sir.

Q. What was her name? Before she was married?

A. I think her name was Delfy. Her mother was married again to another man. I think her sister's name was Lena Delfy (or Delphia)

Q. Where did they live?

A. They lived at Independence, Cripple Creek District.

Q. Who is her mother married to now if you remember?

A. I cannot recollect his name. I would know it if I heard it but cannot recollect it. Her mother ran a restaurant at Independence.

(Description of Mrs. Parker)

Q. What is her age?

A. About twenty-five to twenty-eight years, medium tall, heavy build, red hair, light complexion.

Q. Going back to Simpkins, what kind of teeth had he; were they good teeth? Was there any gold filling?

A. Well sir, I cannot remember whether he had any gold filling or not. I know he used to be very particular with his teeth, always washed them every morning with a brush.

(W.F.Davis' description)

What was W.F.Davis' age?

A. About forty years old I would think.

Q. Height?

A. I should think he would be fully six feet.

Q. Weight?

A. Two hundred or upwards.

Q. Complexion?

A. Dark.

Q. Did he wear a mustache or beard?

A. Most of the time he wore a mustache.

Q. What color was it.

A. Black or dark brown.

Q. Is he married?

A. He was married but his wife is dead. I do not know that he has been married again.

Q. Do you know where he hails from?

A. No sir. From the East somewhere though; I have heard him speak of his brother in the East.

Q. Where?

A. I do not remember.

Q. (Description of Bill Eekman)

What is Bill Eekman's age?

A. I should think about thirty-five to thirty-eight.

Q. Height?

A. He is very small and short.

Q. Build?

A. He is very slim.

Q. Complexion?

A. Well, it is medium, not very dark and not very light.

Q. Does he wear whiskers or mustache?

A. No, he was smooth shaven when I knew him.

Q. Round face or long face?

A. No, his face is thin and pretty square, not very long.

Q. What color are his eyes?

A. Well, I would think his eyes are dark, but am not sure.

Q. Notice anything about his teeth?

A. Yes; his teeth were bad. He was getting them fixed in Denver when I last saw him. Do not know whether he got finished with them or not.

Q. Knew who his dentist was there?

A. It was a big dental college there w somewhere. I do not know where it was.

Q. Is Eckman married?

A. No, he was not then.

Q. He was in the saloon business was he not?

A. Yes sir.

Q. Where did he keep his saloon?

A. Independence; the Silver Bell Saloon.

Q. Where is he now?

A. He was in Goldfield last I knew of him.

Q. Saloon business?

A. I do not know what business he was in.

(Description of Bill Gaffney)

Q. What is Bill Gaffney's age?

A. About thirty.

Q. Height?

A. Very short and very slim.

Q. Weight?

A. About a hundred and thirty-five or forty.

Q. Complexion?

A. Dark.

Q. Did he wear whiskers or mustache?

A. Dark Mustache.

Q. How were his teeth?

A. Well, I don't remember.

Q. Where is he now?

A. He is at Independence I think, or was there the last I knew of him. He went to Independence at Altman and lived with his mother there.

(Description of Pat Maliney)

Q. What was Maliney's age?

A. Between thirty and thirty-five.

Q. Height ?

A. Five feet eight or nine I should think.

Q. Complexion?

A. Sandy complexion.

Q. Beard or mustache?

A. Heavy sandy mustache.

Q. Where is he living?

A. He was in Tonopah the last I knew of him, or was going there. I saw him last in Denver in August 1905.

Q. (Description of Al Scholtz)

What was Al Scholtz's age?

A. About twenty-five I should think.

Q. Height?

A. About five feet eight or nine.

Q. Weight?

A. I should think a hundred and sixty or sixty-five.

Q. Complexion?

A. About medium.

Q. Whiskers or mustache?

A. Smooth shaven.

Q. Any peculiarities about his make-up?

A. No sir, not that I know of.

Q. Where is he now?

A. I do not know; in Independence the last I knew of him.

Q. In any of the conversations you had with anybody did any of them mention the name of Ed. Boyce as directing or paying for any of the outrages that were committed. If so, who was it that you talked with on this subject?

A. No one only as I have stated before, what I said about Baston, and in that I only drew my conclusions.

(In re Steunenberg Murder)

Q. At the time you were detailed on the Steunenberg murder how much cash did you get?

A. I got three hundred dollars.

Q. From that time to the present did you get any other money save the hundred dollars that you got through Simpkins after having written to Meyer in Butte for that money?

A. No sir, not through that.

Q. If you get any money from anybody else state when and the amount received and where.

A. I borrowed three hundred dollars from August Paulson at Wallace.

Q. About what time?

A. It was probably two weeks before I came down here the last time. If I had some of my books I could tell the exact time.

Q. When you borrowed this money of Paulson did you tell him for what purpose you wanted it?

A. Yes sir.

Q. What did you tell him?

A. I told him I wanted to go to California to open up a broker's office to try to sell some mining stock.

Q. Did you give Paulson your notes?

A. I did.

Q. When was it payable?

A. In three months.

Q. What was the interest?

A. I do not remember.

Q. Did Simpkins know that you borrowed this money?

A. Yes sir.

Q. Did anybody advise you to ask Paulson for this money?

A. Well I do not know that they did.

Q. Did you mean to pay him, and if so how?

A. I expected to get some money from Haywood.

Q. Why did you not write Haywood for this money instead of borrowing it from Paulson?

A. Well, I was undecided whether I would come down here and do this job or whether I would go to California and go into this mining brokerage business. Dave Coats had talked me into going down there. He told me that he could get all kinds of mining stock that he thought we could sell without any trouble and he was organizing a company which Ex-Senator Heitfeldt was interested in, and he thought that by Ex-U.S. Senator Heitfeldt and himself recommending this stock I would have no trouble in selling it.

Q. Why was it that you did not go to Los Angeles and start the brokerage business?

A. Well, Simpkins wanted me to come down here and do this first.

Q. From the time you left Denver in August on this job did you receive many letters from Moyer, Haywood, Pettibone, Simpkins or others?

A. I did not receive any from Moyer or Haywood except but did receive letters from Pettibone and Simpkins.

Q. Where did you receive these letters? Give the different points.

A. I received some at Wallace from Pettibone, some at Caldwell and some at Salt Lake City.

Q. How many did you receive at Caldwell, if you can remember, at different times?

A. I received five, six or seven letters anyway, may be more.

Q. What was the purport of these letters? Was there something in them relating to the matter on which you were detailed?

A. Yes sir?

Q. What?

A. They were always letters that gave me some encouragement not to get discouraged with this but to stay and finish it, and hoping I would soon be through with it.

Q. Who was the letter from that you received while in jail while at Caldwell?

A. George Pettibens.

Q. Why did he not sign his name?

A. He hardly ever signed his name to any letters he wrote me; and I suppose he knew, as he had written me before, that I might get pinched some time and did not want any letters found on me from him with his name on them, and always warned me to destroy the letters that he wrote me.

Q. In the letter that we now refer to he spoke of your new field; and what did he mean by that?

A. He meant that I was likely to leave here and go some place else, and he wanted me to write him wherever I was.

Q. In any of this correspondence did you discuss buying a farm, or think of it?

A. Yes sir I did.

Q. Who started that thought?

A. Pettibens. We had often talked this over about getting a place where anyone in this business could go and stay if they had to hide away.

Q. Where did he suggest this farm should be located?

A. Up on the Sound near Seattle, Wash.

Q. Did you look over the ground for the farm when you were up there?

A. I did.

Q. Did you find any location you thought would suit?

A. Well, I looked at several but did not decide on any as I expected to go back and look it over again. I also meant to look at the land along the Hood Canal route and also up towards Victoria on the American side.

Q. Did you talk with any real estate men on anything of that sort?

A. I did.

Q. Whom did you talk with?

A. Well, I cannot remember his name. I had several of his cards but do not remember whether I destroyed them or not.

Q. Is he a resident of Seattle?

A. Yes sir; he is a real estate man.

Q. Did you report to Haywood or Pettibone on this?

A. I did.

Q. What did you say, if you remember, Briefly?

A. Well, I told them the way the country was situated, and and that I thought it was a pretty good place to locate, up along the Hood Canal route or up on the other side of the sound.

Q. Did he reply on that subject?

A. He did; He said he did not like the Hood canal route and would rather be closer to the Canadian side.

Q. Was the matter of the farm ever discussed in the presence of Haywood?

A. Yes sir.

Q. Any others present?

A. I think Steve Adams has been, for one.

Q. Was Schmelzer present at any of these talks?

A. I could not say positively.

Q. Referring back to Steve Adams' mother-in-law: You say she lives at Ophir or Telluride?

A. Yes sir; that is where she lived the last I knew of her.

Q. Kept a boarding house there?

A. Yes sir, at Ophir.

Q. What was her name?

A. Mrs. Diamond.

Q. When the Gripple Creek mine started after the strike or during the strike there were a large number of what were called accidental deaths in the mines. It has occurred to me that while some of these deaths might have occurred accidentally that others were caused by some of the members of the Western Federation in some way which I do not know. If I am right, will you please go on and state what you know of this manner of taking people off.

A. I do not know personally myself of any person being killed other than by accident, but in conversation with Hoyer and Haywood and other men in their confidence I have heard them describe how scabs could be killed off in a manner that would appear accidental.

Q. Will you describe to me in what way this could be done, or what way they advised that this should be done.

A. I cannot say that they advised it, but will say that they have asked me at different times to make experiments with devices of this kind, which I have done.

Q. What kind of devices do you refer to?

A. One device is made by taking a giant cap, placing a sharp nail with the point nearly to the powder in the cap, shoved up so it

would not touch the powder in the cap until the nail would be pressed up with a tamping stick, which they use to tamp powder in the holes. In this way, when the stick of giant powder is tamped into the holes and the nail is pressed into the cap the powder explodes and kills the man. While I have no knowledge that this was done, it has been discussed and possibly has been done by somebody else.

Q. Have you experimented with these?

A. I have.

AQ. And reported to anybody that you had done so?

A. Yes sir.

Q. To whom?

A. Well, I have told Haywood and Pettibone. I think I have told Moyer about it. I might say that we have experimented with making bombs which could be thrown at a person, at the request of Moyer and Haywood and Pettibone.

Q. Were these bombs successfully experimented with? That is, were they a success?

A. Yes sir.

Q. How were they made?

A. Take a ball of plaster of paris, the size of which would be according to how big you wanted to make the bomb. Fill this ball while it is soft, all around, with giant caps. We used wire nails that would be nearly the size of these caps and which would nearly fit inside the caps. We would shove them up with little pieces of wood so that they would not get pressed down on the powder. Take the giant powder and press it all around up to the ends of these nails. Sew a piece of leather or rubber on the outside of this after the powder was all placed in there or nearly all of it. Leave it open on one side so that you could press the balance full within about an eighth of an inch of the end of these nails. There would be a hole cut through the leather so that about an eighth of an inch of these nails would stick out. This thrown against an object the nails would be forced down into these caps and force the bomb to explode.

Q. Where did you experiment with these in Denver?

A. We went out about half a mile or more north of Riverside Cemetery.

Q. Who was with you?

A. Steve Adams and Joe Mahelich.

Q. Did they make any noise?

A. They certainly did.

Q. Any houses there where you experimented?

A. Not very close. Out there on the prairie.

Q. When did you do this?

A. Last winter, 1905. You could find a tree there yet which was shattered where we threw one of them against it. We also experimented there with these caps driven in sticks of giant powder to be used in killing miners, as above described.

Q. Did you report the result to Moyer and Haywood and Pettibone?

A. Yes sir.

Q. What did they say?

A. They were pleased with the experiment. They said that it was all right and that proposed that we might some time throw one of them down on Mr. Moffat as he was going along from the bank up to the Denver Club House from a window above the sidewalk.

Q. Do I understand that they wanted you to procure a room on 17th street that you could drop a bomb on Mr. Moffatt?

Q. Well, I do not know as it went that far. They suggested that that could be done; do not think they asked me to do it then.

Q. Was Mr. Moffat one of the marked men in Denver to be assassinated?

A. Yes sir; he was. He was the one Haywood always wanted us to go after.

Q. Did you ever make any attempt on Mr. Moffat.

A. No sir; I have watched him and learned his habits and things like that but did not make the attempt.

Q. Are there any of these bombs in stock around anywhere?

A. I do not think so, but I do not know for sure. We exploded all we ever made, possibly two or three.

Q. Was there ever any attempt made on the life of Judge Goddard?

A. There were two bombs placed on the path that Judge Goddard traveled across the vacant lot near Colfax Avenue.

Q. Do you think the bomb that exploded and killed Mr. Waller exploded the old bomb that was there?

A. Yes sir.

Q. You placed but one bomb at Judge ^{Gabbert's} Goddard's gate?

A. Yes sir. ^{Gabbert's}

Q. Is Judge ^{Gabbert's} Goddard's house on the east or west side of the street?

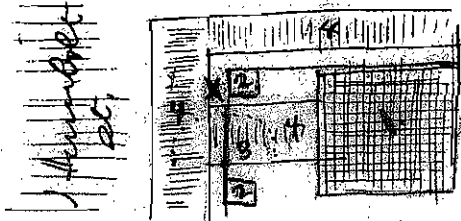
A. On the north I think.

Q. What street is it on?

A. On Humbolt. It is on the corner of Humbolt and 26th or 27th. It is right on the corner and is built very close to 26th or 27th street.

Q. Make a diagram of the position in which this bomb was placed.

A.



1. House
2. Gate posts
3. Hinge @ gate
4. Sidewalk
5. Position of bomb

Q. You are not sure of the direction in which Humbolt street runs?

A. No sir.

Q. Would there be any danger in taking that bomb up now?

A. Yes sir, there is some danger. A man with some experience would understand how to remove it. I think by this time the caps are so wet there would not be much danger on that point. The supposition is that the acid had eaten the head of the pin and that the gate being opened had simply drawn out the pin and did not draw out the cork. By this time the dampness and wet would spoil the caps so that they would not go off anyway.

Q. About what day did you place that bomb there.

A. It was during the time of the convention at Salt Lake City of the Western Federation of Miners in the summer of 1905.

Q. Haywood knew about that?

A. He knew we were working on it or something and wanted us to pull something off before the convention if we could so that he would have some excuse for using this money out of the emergency fund.

Q. Max Malich knew about it?

A. Yes.

Q. Who owned the horse and buggy that Big Mick and you used?

A. Max Malich.

Q. While at Malich's did you ever discuss blowing up that smelter?

A. We did the boarding house at the smelter several times.

Q. Did you do it?

A. No sir.

Q. Did you blow up any place around there?

A. No sir, no more than I have described. I might say that it was told that there was lots of this lime rock loaded so it would explode when they put in it in the furnace.

Q. Who told you that?

A. Well, Max Malich told me, and Haywood told me. Max Malich showed me two fellows one day that they had doing that kind of work but I do not remember who they were.

Q. Do you know if there ever was any explosion?

A. He told me there were some, but they never did much damage that he knew of.

Q. Did he ask you to describe a good explosive for that purpose at any time?

A. No, I do not know that he did. He was very anxious to blow up that hotel at the smelter though; and might say here we went out one night and got six or seven hundred pounds of powder at the magazine there, fetched it home and buried it under the house Steve Adams was living in.

Q. What was done with it?

A. Well, it never was used for anything only making these bombs that I have spoken of, until when Adams moved away from there he took it over and buried it under Max Malich's driving shed where he backs his wagons in. He went out with some men that were prospecting for him or that he was in with to work on some claims.

Q. Where were the claims located?

A. I think they were over in Elk somewhere over the divide.

Q. You intimated that Max Malich was away at the time you, Adams and Joe Mahelich stole this powder?

A. Yes sir, He was.

Q. Where was he?

A. He was down at his ranch in Montrose County.

Q. Have any talk with him when he returned?

A. Yes sir.

Q. What was the nature of the conversation?

A. In the course of the conversation he said he saw Mr. McParland in that country either at Salida or some other station which I cannot now remember, and he thought that Mr. McParland was there to arrest him as he thought the men had been caught with his (Malich's) rig while stealing this powder.

Q. Any other outrages that Max Malich wanted you to perpetrate except the boarding house?

A. Do not know that there was. There was a man there, one of the officials whose name I cannot remember, whom Malich wanted us to put out of the way. He said it would be easy as we could get over there and back to his place with the rig.

Q. Did you locate his house?

A. We hunted it up in the directory. I do not know that I ever went up to the house as I did not think much about it and never tried to do it.

Q. Can you now tell where Adams lived?

A. I cannot tell the street for these streets are not laid out well, but can explain exactly where it is.

Q. Do so.

A. It is right close to the Kindergarten school. I believe it is called Garden Place. You go up to Max Malich's, and it is about three blocks from there. You go to the Garden Place school, and it is a little brick house all by itself near the school with a fence all around it.

Q. Do you know who owned the house?

A. An old Irishman named Micky.

Q. Where did he live?

A. He lived in a tent inside of the lot.

Q. Who lived with Adams at that time in that house?

A. I was there quite a while with him.

Q. Anybody else?

A. Nobody else that stayed there except his wife and little boy.

Q. Adams went under the name of Dickson?

A. Considerable of the time.

Q. Referring back to Johnny Neville, Will you please tell me why Moyer was anxious to have him killed.

A. When he came back after he had been arrested in Wyoming he went up to Moyer's office and told him that he wanted twelve hundred dollars, as near as I can remember; that he knew all about these killings (Independence depot explosion, Vindicator matter etc.), and he knew that they were responsible for them and if they did not give him that money he would go to an attorney and tell him all he knew about it. Moyer said that he knew too much and ought to be put out of the way.

Q. Did you discuss how you could put him out of the way without any publicity?

A. We did.

Q. How was this to be done?

A. They wanted me to go down there and get him on a drunk with me and for me to put some of this cyanide of potassium in his whiskey, and in that way it would not be suspected but that he had just suddenly died of heart failure, and it would not be discovered in a place like that.

Q. Did you tell them you would do this?

A. I did.

Q. Did you have any intention of killing Neville at any time?

A. No sir, I did not.

Q. Do you know of any conspiracy on the part of Moyer, Haywood and others at any other time to take the life of Neville.

A. Yes sir.

Q. Go on and state what you know about that, and who told you about it.

A. I was told by Steve Adams and Billy Eckman that Moyer and Haywood wanted them to go out and follow Johnny Neville and his boy if they started out towards Cripple Creek with the team and go out there and put them out of the way; which they were going to do had he started back to Cripple Creek.

Q. Why was it Neville did not start back to Cripple Creek?

A. They scared him out of it and told him there was a warrant out for his arrest for being a party to the blowing up of the Independence depot.

Q. Did they use any other threat against Neville?

A. Yes sir.

Q. What was it?

A. They said they knew he had burned up his saloon or had been the means of it being burned, and Moyer told me that he told him that he had a notion to call for an officer and have him arrested right there. He said that he thought that a man that would be guilty of burning up his saloon to get the insurance would blow up the depot too.

Q. Did he say that they scared Neville?

A. He did.

Q. Was Neville guilty of burning up his saloon?

A. He knew about it.

Q. Did he get his insurance?

I think he did.

Q. State if you know if anybody went to Goldfield to execute Meyer and Haywood's order.

A. I do not think they did. It was thought that I went but I did not.

Q. Did not a fellow named Moore go there?

A. He did but I cannot say that he went there for that purpose.

Q. Was he one of the tools of this inner circle.

A. He was a member of the Executive Board. I cannot say that he went there for that purpose.

Q. What district did he represent?

A. Arizona.

Q. He went there prior to Neville's death?

A. I was told that he did.

A. Who told you?

A. Pettibone in a letter, also that he had just returned from Cape Nome.

Q. What is Moore's name?

A. We called him Marion.

Q. Was he at Goldfields when Neville died?

A. He was as far as I know. That is where I suppose he was. I cannot say for sure.

Q. You do not know how Neville died?

A. No sir; I was told he died very suddenly.

Q. You know that George Kennison is dead do you?

A. I have been told that he was; not George but Charlie Kennison. He was one of the officers on the strike committee of the Western Federation of Miners and president of the Cripple Creek union.

Q. Did you have any talk with Kennison about these outrages?

A. No sir, I never did.

Q. None?

A. No sir, never.

Q. You say you got five or six letters at Caldwell from Pettibone, or how many letters do you think you got.

A. I got possibly two or three from Pettibone.

Q. Got none from Meyer or Haywood.

A. No sir.

Q. How many from Simpkins?

A. Five, six or seven or something like that.

Q. All of these letters urged you to get through with this work?

A. They did.

Q. You spoke here the other day about the emergency fund. What is meant by this emergency fund?

A. It is a fund that is set aside by the Executive Board that the secretary, president or Executive Board could use for any purpose that they saw fit, as I understand it. There was an auditing committee appointed from the Executive Board to audit these disbursements in a fictitious manner so that it would not show to whom the money was paid or for what purpose. It used to be that when they gave a man money for doing a job or while working on a job he had to send a receipt for the same. I have seen several such receipts, and they always told me that these receipts would never be shown. As I understood it they were for Haywood to show to this committee what he had done with this money but never to be shown to anyone else. However, I have got money several times without signing a receipt.

Q. At the meeting of the board at the time that Lyte Gregory was killed, when the report of the Executive Committee had been drawn up at this meeting do you know as to whether or not any of the members of the board objected to signing the same, and if so, for what reason?

A. I was told that there was.

Q. Who told you?

A. Haywood told me, and Simpkins has told me that Murphy from Butte, a member of the Executive Board, objected to signing it. He did not attend the meetings of the board for two or three days, and finally when he did attend he refused to sign the report that the auditing committee had made.

Q. Why?

A. Because he objected to this emergency fund and claimed that the money had not been properly accounted for.

Q. How did they subsequently get Murphy to sign this report as you know it?

A. At the meetings of the board they asked Murphy to sign this report. He said no he would not sign it. Haywood said to him "Yes you will sign it and you will like it." They handed Murphy over the report and told him to put his name down there first, which he did. At one of the meetings of the Executive Board, either before or after this there was a proposition made at the meeting to do away with Lyte Gregory, and they said that they thought it would be a good thing to do away with him. That night Lyte Gregory was killed. The next morning Jack Simpkins handed Murphy a paper with the account of Gregory's death. Murphy looked at the headlines and then put the paper around behind his chair and would not look at it. My impression is that the report in question was signed by Murphy after this transaction, but am not positive about that. I know personally that if he had not signed this he would have been subsequently killed.

Q. Can you give me the names at this time of who was present at the meeting of the Executive Committee when they discussed the doing away with Gregory and where they came from?

A. D.C. Copsley, representing Colorado and Utah and I think Wyoming. Baker from British Columbia, Williams from California, Lewis from Arizona, Handley from Missouri, Simpkins from Idaho, Kirwin from Dakota, Murphy from Butte, Secretary Haywood and President Meyer.

Q. Do you know who fetched this question up before the board?

A. No I do not.

Q. Did you ever hear?

A. I have heard that this man Melville of Idaho Springs knew that Gregory was in town and reported that he was in town, but do not know to whom but to some member of the organization or some member of the board.

Q. Who told you that was present at the board when this was fetched up?

A. Simpkins and Haywood.

Q. Was Pettibone a member of the board?

A. No but he is an honorary member of the organization.

Q. (In re early life of Orchard)

In conversation with me you told me something about your early life in Canada where you first, as it were, fell into crime, and that while your name was not Harry Orchard that your right name was not known to anybody in this country; and that although you told a few people about your early escapades you never laid the venue in Canada but claimed it occurred in Michigan, and that your home was in Herkimer County in that state. Now that you wish to tell me all, so that no surprises might occur during the prosecution, what is your right name?

A. Albert E. Horsley.

Q. In what township were you born?

A. In Murray township, Northumberland County, Ontario, Canada.

Q. What was your nearest market town?

A. Trenton.

Q. How many miles from where you were born?

A. About ten miles.

Q. Where did you spend your early life?

A. I was brought up mostly in Brighton township but was born in Murray township.

Q. How many children were in your family?"

A. Eight.

Q. How many boys and how many girls?

A. Six boys and girls and two boys.

Q. Do you know where any of the family reside now?

A. I do not know for sure. Some of my sisters were in New York State when I came away from there, in Clifton Springs.

Q. How many of your sisters were there in that place?

A. There were four of them in that vicinity."

Q. Were they married?

A. One was.

Q. When was she married to?

A. To a man named Allen Rogers.

Q. What occupation did the other girls follow at that place.

A. I think they were servants.

Q. How old were you when your mother died?

A. I would be about twenty-seven or twenty-eight.

Q. Do you think your other two sisters and brother live in Canada near the old home yet?

A. I think some of them. I never heard of their leaving there.

Q. Do you know whether your father is dead or alive?

A. I do not.

Q. How long is it since he left that part of the country?

A. I do not know. He was there when I left.

Q. How do you know that he left at all.

A. I do not know that he did.

Q. What occupation did you follow from boyhood up to the time you left?

A. I was brought up on a farm until I was twenty-two; worked for other people some. I have worked in Michigan in the lumber camps, going back to Canada. I was just one winter in Michigan.

Q. State whether or not during this time you were ever employed in a cheese factory?

A. I ran cheese factories, from the time I was twenty-two until I left there, eight or nine years, I am not sure which.

Q. Who was the last party that employed you in that capacity?

A. I was not employed by anybody. I ran these cheese factories under contract from the Patrons, who would elect a board of directors, president and secretary, and treasurer.

Q. They paid you a certain amount per pound for every pound of cheese?

A. Yes sir?

Q. Did anything occur that was out of the way during the time that you were employed in that capacity by these people

A. Yes, the last year I was there.

Q. What was it?

A. I sold some cheese, or rather shipped some and sold it, used the money myself, which I had no right to do, and to cover up that when I could not make it good the factory was burned up.

Q. When the factory was burned down did you represent that the cheese you had sold was in the factory?

A. Yes sir.

Q. Was it insured?

A. Yes sir.

Q. Whom did the insurance revert to?

A. The insurance on the building reverted to me and on the cheese to the company.

Q. The building was yours?

A. Yes sir.

Q. What was that factory called?

A. The Brighton Cheese factory.

Q. Did the insurance company or anybody else investigate this fire. I do not know that they ever did. It was talked of but nothing was ever done.

Q. Did they pay the premium?

A. Yes sir.

Q. Was it ever discovered that you sold this cheese?

A. Not that I know of. It was talked of but I do not know that it was discovered.

Q. How long did you remain there after this fire?

A. Well, I cannot say. It was over a month anyway.

Q. How did the place take fire?

A. It was set on fire by another party, a man named Austin Simpson

Q. Why did he set it on fire?

A. Because I wanted him to.

Q. What did you give him for setting it on fire.

A. A couple of hundred dollars or so. I did not promise him anything. He was just a friend; he worked for me a good deal.

Q. Where is he now?

A. I do not know. He was there when I left there.

Q. Never hear of him since?

A. No sir. I heard of him two or three months after I left there but not since that.

Q. You were a married man at that time?

A. Yes sir.

Q. Did you have any family?

A. I had one child.

Q. Boy or a girl?

Q. When you left did you leave your wife and child behind?

A. Yes sir?

Q. Have you ever heard from them since?

A. No sir.

Q. Your wife is dead is she not?

A. I saw a paper that announced the death of a Mrs. Horsley but not of my initials. There is a possibility that it may have been somebody else. My wife and I never got along very well the last five or six years I was there. A brother of hers and I had some trouble and she appeared to take his part in the trouble and we never got along very well from that time on. This child was only six months old when I left. I got to living with these people near Brighton, and became intimate with a woman named Mattie Simpson, some distant relative of the Simpson mentioned above. I got infatuated with her. I left there and came to Detroit. I did not bring her with me but wrote to her on Christmas Day. She ran away from her husband and came to Detroit.

Q. How long did you live together?

A. About three months I think. We stayed in Detroit only a few days then came to British Columbia.

Q. When did you part with her?

A. In Nelson, British Columbia, in March 1906 I think. I bought her a ticket and sent her home. In fact I found a letter one day that she received from her little girl ten years old, and knowing that her husband had sued her father for ten thousand dollars for alienating his wife's affections on account of aiding her to get away, and also knowing that they knew where I was and were going to have me back there for the trial I bought her a ticket and sent her back home. In fact, the only way she would go was to buy her a return ticket as she said she would come back as soon as that was over. After she went away I left there and never wrote to her but once.

I have never had a letter from there but once since, from a friend of mine at Burke.

Q. Did you ever tell anybody about the burning down of this cheese factory.

A. Yes I have, not exactly that cheese factory but of something similar to that.

Q. To whom did you tell it?

A. I told it to George Pettibone.

Q. What did you tell him?

A. I told him that in making cheese in Michigan a little way out from Detroit I got the cheese insured, sold them and hauled them away in the night, set fire to the factory and burned it up. I told him several thousand dollars worth.

Q. Did you tell him anything about the woman?

A. No I never told him anything about her.

Q. Did you tell that to anybody else?

A. I possibly might have told it before Meyer or Haywood but am not sure, and do not think anyone would remember it unless Pettibone. They have an impression, however, and have joshed me about the name of Orchard as they did not believe it was my right name.

Q. Did you tell him this before you committed any of these crimes?

A. No sir.

Q. It was after?

A. Yes sir.

Q. You told me the other day in talking with you that you were a Free Mason?

A. Yes sir.

Q. How long have you been a Free Mason, when initiated?

A. I have been a Mason since 1891 or 92.

Q. What lodge did you belong to?

A. Lodge No. 91 at Colburne, Ontario, township of Canaha I think.

Q. How long did you keep your dues?

A. Until I left there in 1896.

Q. Never paid any dues or had any communication with them since did you?

A. No sir. I burned up my certificate when I was on that trip with Johnny Neville in Wyoming.

Q. Do you think Steve Adams is still a member in good standing in Cripple Creek?

A. Well, he was at the time I was there. That was in 1903 or 1904. I believe he was in arrears but was going to pay up. He was made a Mason somewhere in Missouri and took a demit to the Cripple Creek lodge.

Q. Did you have many conversations with Smelzer?

A. Yes sir.

Q. What position does he hold?

A. At present he is a member of the Executive Board for Colorado and Utah, succeeding Copely (or Copley).

Q. Go on and relate some of the conversations you had with Smelzer (or Schmelzer) relative to outrages etc.

A. One conversation I had with him about June or July, 1905, in which he told me about a man whose name I do not remember getting killed in Silverton or near there. He told me that the fellow that killed him was president of the Silverton Union, and that he ran up to him and shot him through his coat like this (Orchard here put his hand in his right coat pocket and showed how the shot was fired through the pocket); that he was very nervous as it was the first work like that he had ever done, and he wanted to get away out of there for a while and tried to get Haywood and Moyer to send him away organizing for a while or on some other work.

Q. Did he say why this man got killed?

A. He said he was a scab that the Mine Owners sent to Silverton from Cripple Creek to get into the union to find out what they could about the Silverton Union.

- Q. Have any talk with Smelzer on any other subject?
- A. Yes sir, I have talked with him about different things.
- Q. Talk to him about the Independence depot at any time?
- A. Yes sir, we talked about it.
- Q. About the Vindicator job?
- A. Yes sir.
- Q. Anybody else present when you were talking with Smelzer about that?
- A. Well, I am not sure. We did not usually talk about these things if there were many present.
- Q. Was Steve Adams present?
- A. Do not think he was. He was not much acquainted with Smelzer. I have taken him and Moore both up to where the explosion took place that killed Waller and was intended for Judge Clabbert.
- Q. What Smelzer and Moore say about it, Smelzer in particular?
- A. He said it was hard luck that I did not get him.
- Q. Smelzer said it was hard luck that you did not get Mr. Clabbert?
- A. Yes sir.
- Q. How often did you get money sent to you by Pettibone, Haywood or anybody else when away from Denver,
- A. I got it whenever I wrote for it. I never get any from Haywood except what he gave me in person, never sent me any. It was sent to me through Pettibone.
- Q. How often did they send you money while in San Francisco?
- A. Either four or five times.
- Q. The first was a registered letter?
- A. Yes sir.
- Q. How did this money come usually?
- A. Came by Postal telegraph mostly; all came that way except the first. All but the first was addressed to Harry Green. The first was to Harry Dempsey. It might have been Hogan, but I think Dempsey.
- Q. Then it was Pettibone that changed your name to Harry Green.
- A. Yes sir.
- Q. Do remember ever using that name before that or since?
- A. Nor sir, never used it except to get that money.
- Q. You were known to Hoff as Hogan?
- A. Yes sir.
- Q. The telegrams were signed Pat Bone, or Wolf?

A. They were signed by Bone, or, well, I think one was signed Wolf. He always waved identification in his telegram when he sent me money.

Q. Did you ever get any money from him at any other point than San Francisco?

A. I got some money that I sent for from Cheyenne from Pat Moran, but who sent the hundred dollars I got in Wallace I do not know.

Q. Did they send you any money up to Cody?

A. No sir.

Q. Did he send you any money when you were down at Ouray with Moore?

A. No sir; Haywood gave me money before I started away for expenses.

Q. Who introduced you to Max Malich?

A. I do not remember who, but I met him at the convention of the Western Federation.

Q. Did Haywood and you ever discuss the blowing up of that hotel that Malich wanted you to blow up.

A. Yes sir.

Q. What did Haywood think of it?

A. Haywood did not want it done.

Q. What reason did he give?

A. He we were not getting the right parties, that they wanted to get the heads that were responsible for the conditions and not get "them poor devils"; when you get the heads you get them all.

Q. Did they ever get after John Waldron the lawyer?

A. No sir, not that I knew of.

Q. Anyone else in Denver with the exception of those you have mentioned?

A. Not that I know of.

Q. Ever say anything about Wm. C. Evans?

A. They talked about him but never said anything in particular.

Q. What about Sherman Bell?

A. Before I left on the Steunenberg matter Pettibone and I bought the rig I have referred to for the purpose of going after Sherman Bell and getting him.

Q. How were you going to get Sherman Bell?

A. We were going to shoot him with a shot gun.

Q. Did you try to do it?

A. Yes sir, we were out there a few times by his house.

Q. Did not get a chance to do it?

- A. No sir.
- Q. How often did you go to his house?
- A. Five or six times.
- Q. Was Pettibone with you?
- A. Yes sir.
- Q. Each time ?
- A. Yes sir.
- Q. Anybody else with you?
- A. No sir.
- Q. Where did you buy the team you had in Cripple Creek?
- A. We bought it from Joe Adams, Steve's brother.
- Q. Steve and Joe are not good friends are they?
- A. I think they are.
- Q. What did you pay for it.
- A. A hundred and thirty dollars.
- Q. How long did you own this team before you left?
- A. We got them the same day we left. We bought them a couple of days before but did not get them until the day we left.
- Q. Is Joe Adams still in Cripple Creek?
- A. No, he was in Leadville the last I heard of him.
- Q. Do you suppose Steve would write to him?
- A. Well, he did not write his brothers either of them.
- Q. Did you make any arrangement with Joe Adams, so that if anybody had asked if you bought that team he would say you owned it for some time.
- A. No sir.
- Q. Joe Adams did not know for what purpose you bought that team?
- A. We told him ^{we} were going out on a hunting trip. He did not know a thing about the real object of the purchase of the team.
- Q. Did they send you any money when you d were down at Canon City?
- A. No sir they did not send any. They gave me some before I left Denver.
- Q. How much money, roughly, do you think you got from them from 1903 up to date.
- A. Between twenty-five hundred and three thousand dollars.
- Q. Why did you give up the idea of killing Sherman Bell?
- A. Meyer did not know anything about it when we first started

As quick as he found it out he told us that Bell was not worth bothering about, that he was the tool of somebody else, and he (Meyer) did not want anything pulled off there in Denver while he was there for he was nearly dead anyway and he could not stand another siege like he had had in Telluride, and if we pulled off this Staunenberg away from Denver it would not cause them to be suspected of having anything to do with it.

Q. How was it Meyer did not know about the attempts on Mr. Bell when you first began to make them?

A. He had been away in California.

Q. In speaking of Wm. G. Evans, what talk did you ever have about removing him, as well as other prominent men in Denver.

A. I do not think he was ever mentioned seriously. It was claimed Moffat was behind all the strikes they ever had and that he was the friend of Peabody and would support him and then turn right around and support the other ticket for Mayor Speer, both of different political parties; and that he was behind the strike in Leadville and that in Cripple Creek, and Haywood said he was the man he would rather see removed than anyone else.

Q. Ever talk of removing Kebler of the C.F. & I?

A. No sir.

Q. Walter Cheeseman?

A. No sir.

Q. What would have been your line of defense providing things had not turned out in the manner they have done?

A. I would have proved that I was at the Saratoga Hotel in two or three minutes after that explosion.

Q. By whom would you have proved that?

A. By one of the bar tenders of the hotel?

Q. How did he know?

A. I was in there and helped him tie up a little box of candy that he was tying up at the time, about three minutes after the explosion. He told the detectives it was about three minutes at the outside.

Q. Was there anybody else present in the bar room?

A. There was nobody else in the room, some in the hotel lobby and some in the dining room. One of them was an architect working on the new Court House.

Q. What about the sheep proposition?

A. I did not only ask Staunenberg about them but asked John Seibere, Fish, one of the county commissioners and two other men whose names I do not know. These men who said I told them that I bought those sheep were mistaken. I said that I could have got a contract for thirty-five thousand sheep, but did not say that I bought them. I expected to fix that with a couple of thousand sheep that I had asked Staunenberg and others about (feeders), by arranging with Max Malich so that it would appear he had sent me a letter and asked me to buy the sheep.

Q. Did you have a letter to show?

A. No I did not have any letter.

Q. Did you talk with Malich about this before?

A. Not about this particular thing, but I have about other similar things, and knew that he was a man who would do it.

Q. Did you take this up with Haywood, Meyer or anybody?

A. I told Miller, but did not tell him but what it was all right.

Q. How would you account for the things that were found in the room, plaster of paris etc?

A. I would have had the plaster of paris there to make some dice out of, also to make some poker phony chips (bogus chips).

Q. Could you have produced somebody to show you had manufactured these chips?

A. Yes sir.

Q. Whom?

A. Pettibone.

Q. And he would have produced chips that somebody else had made?

A. Yes sir?

Q. Had that been talked over before you came out here?

A. Not that particular thing, but others.

Q. Did you mix the plaster of paris in the chamber?

A. No, mixed it in the glass. There was some cyanide of potassium in the chamber. It is used for cleaning silverware and is a strong poison. There were explosives in the chamber.

Q. Did you have any silverware that you wanted to clean with it?

A. No, I would have had some at Pettibone's place, and he would have confirmed the statement.

Q. Would Haywood have been a witness in the case?

A. I do not think so; just Pettibone and Malich.

Q. Anybody else?

A. That is according to what came up. I do not think so.

Q. Did you have any witnesses about your insurance business to prove that you had followed that? and whom?

A. That would be according to what the prosecution brought up. I could have proved that I had that contract; that I wrote this insurance I could have proved by the parties I wrote it for. I know who they are.

Q. That is the Hall insurance?

A. Yes sir. There is no doubt in my mind that many folks would have sworn to things that were not true. The shoe marks were not mine as I took the side walk all the way to town.

Q. Where did you meet the two young men?

A. On the bridge leading to the hotel.

It was while on that bridge that the explosion took place.

Q. On the Friday before the explosion you came down to Nampa?

A. Yes sir.

Q. Why?

A. I had a notion to put the bomb under him on the train and have it set off by the clock, but there were so many people on the train that I would not do it; the car was full.

Q. You knew he was coming home that night?

A. The young fellow said he was coming home the night before and I knew he did not come.

Q. Did you sit in the same car with him?

A. No sir, I sat in the car ahead of him. The car was full. I went through the car.

Q. Even if you wanted to carry out your threat you could not get behind him to do it?

A. No sir; this was not already fixed at that time but I came with him to see if it could be done. I could have fixed it as the one was fixed for Gleason if I had anything to fix it with but did not have the acid with me. I had acid in my room but did not carry it with me as it had burned my clothes before. The giant caps that I had I bought in Salt Lake when I came down here. I had carried them so long I did not know whether they would be effective or not. I thought I would take one out and try it, but did not try it. At night when I came back to my room I thought I threw this acid out and was going to the closet to throw the bottle away. I put the bottle in my pocket, and the cork being out of it some of the acid must have got on this cap for it went off. The sound of it must have been heard all over the house as it made a report like a gun.

Q. But nobody came upstairs?

A. No sir.

Q. What time did this occur?

A. Just before I ate supper when I ran upstairs to leave my coat after coming from the murder. My coat was torn from the force of the explosion.

Q. Was it an overcoat?

A. No sir, an under coat. This was just immediately after the murder before I went to supper. I never heard anything said about it downstairs, although it was right over the dining room and there were people in their eating dinner. I changed coats and went to supper.

Q. What happened to the bottle?

A. I had taken it out of the pocket and put it on the sideboard.

Q. What did you do with the fish line?

A. I threw it in the closet and turned the water on. There were three red shells among the cartridges found in my room which contained buck shot.

Q. Were these shells that you wanted to use on Steunenberg?

A. Yes sir. The reason I left them there was because I had too many.

Q. You did not use any wire at the explosion?

A. None. If they found any it was not mine.

Q. What amount of plaster of paris did you use in making the mold for the bottle of acid.

A. A piece about the size of a hen's egg after it was hardened, and it was hard then; I dried it for several days.

Q. This was placed on the top of the tin box containing the powder and caps?

A. Yes sir.

Q. From the force of the explosion and your experience do you believe that any of this plaster of paris would be lodged in the hole made by the force of the explosion.

A. I do not believe it would be possible; but the plaster of paris could be scattered and lodged in crevices in any wood it came in contact with from the force of the explosion.

Q. You did not use any wire at this time?

A. No sir.

Q. Nothing but a piece of fish line?

A. That is all, and the only metal would be the tin box, the caps of the and the little screw with which the fish line was attached to the cork.

Q. How long was the fish line you used?

A. The piece found somewhere when the explosion occurred and which Hutchinson testified to as being about four feet long was longer than the one I used. The piece used by me was not over three feet long, and it is my opinion that there was not any of that line left after the explosion; I do not see how there could be. I am satisfied that there was or ought to be some crumbs of powder in my room on account of changing the powder from the original wooden box into the tin box as stated to you the other day.

Q. Have you any further knowledge of explosives or other articles dangerous to human life secreted anywhere?

A. There is a lot of Grecian Fire buried by my house or the house I lived in between Altman and Telluride Independence. You mix it up in bottles with glass corks in. It is not mixed at present, or was not at the time. It is very dangerous stuff to handle. In order to use this effectively you throw it at the object that you wish to destroy, the bottle breaks and starts a fire which cannot be quenched by water. Max Malick of Globeville had some of this stuff. Steve Adams' wife left it with him to send to Pettibone when she was going away. He spilled it in his bed room and on his bed and started to throw water on it to put it out but could not do so. Finally he tore up the carpet and bed clothes and put them in a tub of water. He took them out and hung them on the line every day for ten days, and finally hung them up and let them burn. Each time he hung them on the line they started to burn, and at the end of ten days he allowed them to burn up.

Q. What is this Grecian fire composed of?

A. It is composed of phosphorus, bisulphide of carbon, Alcohol, benzine and spirits of turpentine. There is, up at my house between

Altman and Independence four or five gallons of this liquid and a lot of bottles to mix it in. It is not mixed at present.

Q. What kind of material have you got it in?

A. It is in tin cans just as you buy it.

Q. Your wife knows where this is?

A. She did know. When I say it is there I mean it was there when I came away from there.

Q. You have not been back there since June 1904?

A. No sir.

Q. Did you ever use this stuff?

A. Yes sir.

Q. When and where?

A. I used it in burning down Johnny Neville's saloon.

Q. The firemen could not put that fire out could they?

A. I do not know.

Q. Did they try?

A. There was no fire department there.

Q. In making the above statements, to Mr. James McParland and W.B. Hopkins, his secretary, on Wednesday the 31st of January, 1906, had there been any promises made to you relative to immunity providing you made these statements?

A. There had not.

Q. Did Mr. McParland or any other person use any force or coercion to get you to make these statements, and if not, then why do you make these statements being that they not only incriminate a number of your associates but also yourself?

A. Because on meeting Mr. McParland and talking with him on three different occasions I awoke, as it were, from a dream and realized that I had been made a tool of, aided and assisted by the members of the Executive Board of the Western Federation of Miners, and once they had led me to commit the first crime I had to continue to do their bidding or otherwise be assassinated myself, and therefore, not caring what would become of me, knowing that I did not deserve any consideration, and on account of the crimes that I assisted in, I resolved as far as in my power to break up this murderous gang organization and to protect the community from further assassinations and outrages from this gang. That is all I have got to say on this matter.

Witness my hand and seal this day of A.D. 1906.

Q. Do you know who shot Smith?

A. I know the one who told me he did.

Q. What is his name?

A. Alec Bertrand. And I might say that since that time Bertrand has died. He died in Billings. He told me that on the trip from Burke when I went away from there.

Q. Did you have any talk with any person on that subject, did you ever learn as to whether Haywood, Moyer, Boyce, or any other prominent so-called union leader or agitator took any part in this outrage there by being present or suggesting this thing?

A. I don't remember of anyone, only this that Simpkins told me that Boyce wanted this done. I did not know Haywood, Boyce or Moyer at that time.

Q. When and where did Simpkins first talk on this subject to you?

A. In Denver.

Q. At what time?

A. Sometime in 1905, but I could not say positively what month, but it was in the Spring at the time of the convention of the Western Federation of Miners.

Q. At what place did you stop in Denver?

A. It was in Simpkins' room in the Granite Block.

Q. Was anybody else present?

A. Kerwin was in and out of there, but I do not think he was present when we were talking.

Q. Who is Kerwin?

A. He is a member of the executive board of the Western Federation of Miners from Dakota.

Q. In that talk with Simpkins what did he say or how did the conversation come up?

A. Well, it came up talking about strikes and I said that I thought that it was bad management and that it was wrong to call them. I spoke about what destitution they caused, and how many families were broken up; men had to live and their families had to live, and during this conversation he told me about this. *that Boyce wanted this done, that is to* ~~that Boyce wanted this done~~ (12)

blow up the Bunker Hill & Sullivan mill.

Q. In that conversation did he say that he saw Ed Boyce just prior to the blowing up of the Bunker Hill & Sullivan mill?

A. No sir, he did not.

Q. He did not mention it, the fact that Boyce had been over there at Mullen or the other camps the day before?

A. Not to my knowledge.

Q. To your knowledge have you ever heard that there any leaders there from Butte at that blowing up?

A. Not that I know of.

Q. Did he tell you how he knew how Ed Boyce wanted that done?

A. No, I don't think he did.

Q. Did he ever say who was ever convicted for that Bunker Hill & Sullivan trouble?

A. Well, he may have, but I do not remember if he did. The only one I ever knew was Paul Corcoran.

Q. Did he ever speak of the murder of anybody else up in that district since the blowing up of the Bunker Hill & Sullivan?

A. Yes, he has. It was over about twenty-five (25) miles from the Head of Navigation on the St. Joe River. It was some claim jumpers jumped his claim and some others. They sent some fellows in to hold these claims up. He took a fellow in there by the name of Steve Adams and he has since told me that a man by the name of Mason. They went over there, he and Adams. They found a fellow there through the trail by the name of Tyler. They held him up and took him up to the cabin and made him tell who sent him up there and what he was doing there. After he told them everything they kept him there that night and took him out the next morning and led him off into the brush and shot him. There was another man by the name of Walleyes, a Missourian, with them at that time.

Q. What did they do with the corpse?

A. They covered it up there between some logs and left it there.

Q. When did that occur?

A. In 1904.

This is only hearsay, but both Steve Adams and Simpkins, I believe, told me this. I believe Adams is some place in Oregon.

Q. Whereabouts in Oregon do you think Adams is?

A. I cannot say, but he left for Park City last Spring, and I had a letter from Simpkins that he was in Oregon, and I think he can be found if you go to Telluride or Ophir, as his wife lives there. Her name is Diamond. She has a sister there that he writes to but he does not go by the name of Adams.

Q. What name does Adams go by?

A. He went by the name of Dixon when he married her and he takes the name of Steve Dixon.

Q. State his age, or about?

A. Between thirty-five and forty.

Q. Height?

A. About my height, about 5 feet 7-1/2.

Q. Weight?

A. About 175 to 180.

Q. Complexion?

A. Very red complexion, and a little freckled.

Q. Eyes?

A. Light colored, blue or gray.

Q. Miner?

A. Yes, and farmer and timber man.

Q. Has Adams got any peculiarities?

A. I do not think so.

Q. Does he walk erect?

A. Yes. If you watched the mails you might get him, as her sister often was there, and he wrote to her and she went by the name of Dixon. His wife might be with him and she has a little boy. His wife's mother by one of her children, and she had the other and his wife's mother's name is Diamond.

Q. What is Mason's first name?

A. I think it is Elvey, but I am not positive.

Q. Where does Mason live?

A. He lives up on the St. Joe River. Where the river forks about ten or fifteen miles above the Head of Navigation, and has a claim near Simpkins' claim. Mason's claim is about twenty-five (25) miles above the Head of Navigation and his home is about ten or fifteen miles from the Head of Navigation.

Q. Give us his description?

A. I should think he was about forty years old.

Q. Height?

A. About 5 feet 6 or 7.

Q. Weight?

A. Weighs about one hundred fifty to one hundred sixty pounds.

Light complected, light heavy mustache.

Q. Anything particular about him, like scars.

A. I do not know.

Q. He was in the murder of Tyler too?

A. Yes sir.

Q. Now about the other murder?

A. Adams and Simpkins were in together, and Simpkins pointed out to me where Tyler was killed, and as near as I have got it Simpkins left subsequently and Adams, Mason and Walleys met and murdered Tyler as above stated.

Q. Now as to the second murder?

A. They expected this would scare the rest of the layout out of there. They came out. Adams came out and was out about a week or something like that and when they heard nothing of Tyler being murdered the rest of them ~~thought~~ that were in there thought he had just left the country as he had talked of it before, so Adams, Simpkins and Walleyes went back in there. They stopped over at the cabin on Simpkins claim. They hid themselves in the timber and when this man they call Boule came, and another man with him, they came out in the open near Simpkins claim and

and Adams and Simpkins shot Boule and ~~sixth other man~~ this other man Walleyes was to shoot the other man, and when they gave the signal to shoot they all fired and they killed Boule and they shot at the other fellow but he was missed and ran up the trail. He went on back over the same trail that he came over. The people that were there with him, claim-jumpers as they called them, had heard the shooting and started to follow them up on the trail in the direction they went and when he ~~was~~ met them coming back they wanted to go on over where Boule was they told him no, Boule was killed and he was shot and that he would not go back in there as there were several men over there shooting. They told me that the rest of the claim-jumpers packed up everything and moved out of there. They came on out and came down to the left hand branch of the St. Joe and down to this man's place, Walleys and Masons. I do not know which. They both lived close together and came on out of that country that way and took Johnny Van Dorn's boat and came down the river. That is about all I know of that.

Q. Both Adams and Simpkins told you this?

A. Yes sir.

Q. When?

A. Well, Adams told me in Denver during the next Winter, 1904.

Q. When did Simpkins tell you?

A. Simpkins told me the last time I saw him when I was up there near Wallace hunting.

Q. Was there a man named Whitney murdered up there and do you know anything about it?

A. I don't know anything about it.

Q. Now, there were no other murders that you talked about with these men?

A. No sir.

Q. Who furnished the rifles that were sent there for the blowing up of the Bunker Hill & Sullivan mill?

A. George Pettibone sent one hundred rifles from Denver.

Q. After the blowing up of the Bunker Hill & Sullivan mill you left

the Coeur D'Alenes?

A. I did.

Q. Just go on and state, as near as you can, about the date you left, and the different places you went to, and where you stopped, how long you stopped until you reached Cripple Creek?

A. I left Burke the next morning after the soldiers arrived there. It was May the 5th, or thereabouts, 1899. I left there in the morning from the Hummingbird Mine in company with a man by the name of Jack Hennessy, walked to Thompson's Falls, Mont., went from there by train to Missoula the next day, staid in Missoula one or two days and went from there to the mouth of the Bitter Root Valley to a man's place by the name of Pat McCarthy. Staid there about a week, I think, and then went on up the valley to man's place by the name of Davis that I knew in the Coeur D'Alenes that used to work for Markwells. Alec Bertrand was with me and we staid there and got Davis to go over to the Coeur D'Alenes to Wallace and to Mullen, where Bertrand was from, and get our things and what money we had coming to us, and we worked in his place on the ranch while he was gone. We also paid him wages for going over there and his expenses. When he came back we came back down to McCarthy's place and came to Missoula and went from there to Butte. We staid in Butte, about as near as I can remember, a week or two?

Q. While in Butte did you meet or talk with any of the heads of the Western Federation of Miners?

A. I met Ed Boyce in his office and Jim Maher.

Q. Did you discuss with Boyce and Maher, or with either of them alone, the blowing up of the Bunker Hill & Sullivan Mine, and also what conversation did you have?

A. I did not discuss that at all. I went up to the office to get my withdrawal card fixed up. That is all the conversation we had but I do not remember anything else that was discussed. He fixed up my card and signed it, signed it in the absence of the secretary of the Burke Union, so that if I presented it to any other union I could get in.

Q. Was Bertrand with you?

A. No, he was not. I am not positive but I think a man by the name of Charley Shoddy was with me.

Q. Where did you pick him up?

A. I met him in Missoula and a man by the name of Swan and one by the name of Wilson.

Q. Was Shoddy a miner?

A. Yes sir, he was.

Q. Had he been in the Coeur D'Alenes?

A. Yes sir.

Q. Had Wilson?

A. Yes sir.

Q. Had they been at the Bunker Hill & Sullivan affair?

A. Yes sir, they said they had. They worked at the Morning mine.

I had not known them only after I met them at Missoula and we went to Butte together. There were some others but I cannot remember their names, and when I got to Butte I was sick, I almost died.

Q. You left them or did they go from Butte with you?

A. Yes sir. I did not work in Butte. Swan and Wilson did some.

We all went to Salt Lake together, four of us. From there we went to Bingham. We all went to work at Bingham soon after we got there. I worked there until the Fourth of July. They rest worked there sometime afterwards, but we split up there. I came to Salt Lake the night before the Fourth of July and went to work for a firm by the name of Lundeen & Christianson at the mouth of Little Cottonwood Canyon. They had a contract there for Lawrence & Dinwoody of Salt Lake. I worked there a month or six weeks for them and then Christianson and myself got a contract on the same property from the same people and worked there until about Christmas time, possibly a little before. This was in 1899. I came to Salt Lake and went out to Bingham to work for a man by the name of Snyder, W.F. Snyder, but do not remember the name of the mine. I worked there until the next Spring of 1900. We worked there for a few days and then Jerry Hawley, a man by the name of Garrison and myself had a contract to connect

with an old shaft. I came into Salt Lake, staid there for some little time, a couple of weeks probably, and Jerry Hawley and I went out to work in Butterfield Canyon in the Bingham District for a man by the name of Charley Johnson. We worked there about a month and a half. The morning after the Seefield disaster we came to Salt Lake in the Spring of 1900. We went out to Tucker; Jerry Hawley and I, and worked for Culver Bros of Salt Lake at Assyria Mine, located about six ~~xxxxxxx~~ miles from Tucker ditch. It is an asphalt mine. A man by the name of Arthur Doolan went with us. We worked out there at that mine about six weeks, I guess, or two months. Then we went to work doing some assessment work for the same people, that is, Hawley and I, Doolan had gone back to Salt Lake. We staid there about six weeks or longer after that. Then we went back to work in Butterfield Canyon for this same man Johnson and worked there until within a few days of the Presidential election in November, 1900, and then came to Salt Lake and went to San Francisco with a man by the name of Grant, and had started to go to the Phillipinee Islands with packers, for the Government, for which they had advertised. They abandoned that as when we got to San Francisco they did not send any more. Grant and I inquired into what the prospects would be to go prospecting over there and found out that we could not do it on account of the rebellion and that we could not get out into the country. I went from there up to Brettlett Springs, Calif., and had a contract there getting out five hundred cords of wood and finished that about in April or May sometime, 1901. I left there and went to Los Angeles. Stopped there three or four weeks but am not sure about the exact time. I returned from there to Salt Lake and went to work on the Keystone Dairy for Standish, and worked there until some time that Fall, September or October. When I came back from there ~~ix~~ from Salt Lake, I went from there to Arizona with a man by the name of James Swan and went to Calienta by rail and from there by stage to St. George, and from there out across by freight wag ons to this mine, but cannot remember the name of the mine, about eighty miles Southwest of St. George. I worked there until sometime next Spring, the Spring of 1901.

sometime in March, and left there and came back to Salt Lake.

Q. Anybody with you?

A. I came back alone. These men that left Butte with me, Swan, Charley Shoddy, and when we left the Coeur D'Alenes we went by different names. Charley Shoddy took the name of Wyatt. I went by the name of Harry Dempsey. When I was in Arizona I went by the name of Orchard. At Salt Lake I only went by the name of Dempsey for only a short time and I told friends that this was because we supposed we were blackmailed because we had been in that country and could not get work.

Q. Does Shoddy still take the name of Wyatt?

A. No, I think he dropped back to his right name in Salt Lake last summer, but he still uses that name.

Q. Then you came back ~~from~~ to Salt Lake from Arizona?

A. Yes sir.

Q. Go on and tell what you did next?

A. I went to Bingham and worked again a while with this same Jerry Hawley on a contract. We worked for about two months. He had a contract and let me in on the contract with him. Then I came back to Salt Lake and worked on the milk wagon for Standish of the Keystone Dairy. Just at this point I recall that I worked at the Keystone Dairy before I went to Arizona in the summer of 1900. When I left the Keystone Dairy this man Swan came up as they had worked up there previous to this and while I was on this dairy I gave Olson money to go down to the same mine and afterwards quit there and went down with Swan to work there myself. I believe this man's name was Pickett from Salt Lake. When I came back from there that time I think it was in February or March, 1902, and then I went out to work at Bingham with Jerry Hawley. We worked there about six weeks and came to Salt Lake and stopped for some little time, I believe a week or ten days, and during this time Olson, Shoddy, alias Wyatt, and Swan had come up from the Arizona mine. Olson and I and Arthur Doolan went down to State Line, Nev., and worked at the Ohpier Mine about a month, when the mine closed down. We came back to Salt Lake and Mr. Doolan,

Arthur Doolan's father, I don't know his initials, and myself went to Montpelier, Idaho, prospecting and locating mining claims. We located some claims there about twenty miles from there and came back to Salt Lake. Arthur Doolan and I then went from there to Cripple Creek.

Q. When was that that you went to Cripple Creek?

A. That was sometime after the Fourth of July or about the first of August, 1902.

Q. During the time that elapsed when you left Butte in 1899, until you arrived in Cripple Creek in 1902, did you still keep in good standing with the Western Federation of Miners?

A. No sir. I never was into a union and never paid no dues.

Q. Go on and state what you did after arriving in Cripple Creek?

A. I staid there for a couple of days at Victor, and in the meantime, Arthur Doolan, who had been there two or three years before, and we went from Victor over between Independence and Altob, and I got a job in a few days at the Trachite Mine. I worked there three or four months. I worked at the Hull City Placer and at the Vindicator #1, and was working at the Vindicator when the strike was called and we were called out. The strike took place somewhere about August or September, 1903, and my impression is that it was August the 20th.

Q. How long did you remain in Cripple Creek District after the men were called out in August, 1903?

A. I was there about six weeks when the strike was first started and then went hunting over in the Route country and was gone about a month with a man by the name of Johnny Neville, and came back again to Cripple Creek.

Q. Had you joined the Western Federation of Miners?

A. I did. About October, 1902, I joined the Western Federation of Miners.

Q. Will you please state to us, under what circumstances you joined the Western Federation of Miners at that point, and by what means, by invitation, or how?

A. It was at the invitation of the secretary. Gasterly and Davis

same to me. I told Davis that I would come in a little later, a little before I joined. This was W.L. Davis who had been in the Coeur D'Alenes. I told him I would come in as soon as it was convenient as I did not have the money at that time.

Q. Did you join anew or just pay up.

A. I joined anew and paid my initiation fee as Davis knew that I had formerly been a member in the Coeur D'Alenes. W.F. Davis, was there and Frank Wilson, Joseph Schultz and Al. Schultz were glomming, or as was known as highgrading. We were talking about that powder that was in there with Davis, and afterwards with Sherman Parker. Davis said he would get a man to go with me to touch this powder off, to fix it in a way so that it would explode while the men were at work in there. I told Davis that I did not want to go in there with any stranger and that if I did it I would get a man that had been there himself. He said we were foolish to be working, highgrading in there, and that he would get us a good piece of money if we would do this. We went down in there, Joe Schultz and myself. We were going up in there and had to go by the station over across into a drift where this powder was supposed to be. We thought that the man had gone up to supper when we walked out onto the station and saw there was a man there, the caretender, and he said, "Hurry up boys, the cage will soon be down". He supposed we were men working in the mine, some of the employes. We started to go back into the drift. He started after us and we took three or four shots at him but did not hit him and he went back. We went on out of the mine the way we came in and got out without anyone discovering us. Now, after that I don't know just how long it would be, Parker and Davis wanted to know if we could not put something in there or do something to blow up the mine, or the Findlay. Parker said to me sometime after that, "You go down in there and fix something in there, we have got to do something in there". "These scabs will drive us all out of here or kill us", or something to that effect. Well I said we will see and would figure out a way to place this down there by the shaft by putting a gun there. We tried to see if shooting a gun into caps would explode them. I mean a six-shooter. Billy Easterly was with me

In the meantime I asked Joe Schultz the first time we were in there if he wanted to go with me to put this, but I don't think I told him just exactly the plan. He said, "No", he did not want any more to do with it as he got out of there. I told him then that I did not want any more to do with it either. When I told Parker that he would not go he told me that Billy Eckman would go. Now, Billy Gaffney and myself went and rustled some powder some little time after that. We got out a box of powder, probably forty pounds, from Joe Craig. Billy Gaffney got some more at his cabin that somebody had left there, I think it was Paddy Maloney and Floyd Miller. Joe Craig thawed this powder out in his cabin. We took the powder that same night, Billy Eckman, Billy Gaffney and myself and went over to Billy Eckman's house, the one he was stopping at, and staid there until the night-shift went on off the mine, and then went over to the shaft of the Vindicator #1 and left Billy Gaffney at the mouth of the shaft house to see that nobody came around there, and went down into the mine and across the drift over to the No. 1 Shaft of the Vindicator. We climbed down the main shaft to the sixth level. We were on the first level when we got in there. Now, I might say for a little explanation, that when we put that powder on the sixth level we thought that we were putting it on the seventh, as they were not working there. We put this powder by the side of the shaft and nailed a gun alongside on the timber and attached a wire to the trigger and to the guardrail and placed a box of giant powder and then came out the same way we went in. Now then we saw that Billy Gaffney was gone when we came back. He said that he got to catching in the cold and was afraid some one would hear him. I have since wished a hundred times that it had gone off when we were in there. Now, then we heard nothing from that for a week or ten days. During this time while this was placed in there I am pretty positive that I am right that it was about the time of the wreck of the train. To the best of my knowledge it exploded about seven or eight days after we placed it there. I was over to Victor and Davis came to my house the next morning after we had placed it there and asked me if we had put it in there. I told him we did. He said that there was no excitement over there and didn't see

anything wrong with the mine. I was in Victor two or three days after what and Sherman Parker said to me in Victor Hall there will be martial law here in the morning if things go off right. I asked him why and he said that they were going to wreck the Florence & Gripple Creek train that carried the scabs back to Gripple Creek. This was before dark and it was starting to snow, and that it was damn bad luck and that they would not be able to do it that night on account of the snow. Well, I thought they would not either, so the next day I asked a fellow named Jones, a conductor, who I would go to see there as there was some mischief going on and I might say in here that ~~xxxxxxx~~ I thought at that time that they had found out this business in the Vindicator because it had not gone off. I was going to notify the proper authorities, I suppose it would be the superintendent, of the railroad company about this attempted wreck which would take place probably that night or the next night. Jones told me the proper person to go and see would be Mr. Scott, the special agent for the Gripple Creek railroad. I went and seen Mr. Scott, the special agent, and told him what I knew. I told him that I thought there was going to be an attempt made to wreck the train on the railroad, but before this when I told Jones, Jones told me that they had tried to do something. I cannot state the exact words, but I stated to Scott that there was going to be an attempt to wreck the railroad. I did not know at this time that they had made this attempt. This was the second attempt that they had made and Parker had told me that they did not think the first attempt was discovered because he said McKinney went along the railroad where the attempted the night before to see if they had discovered it and when he went along there Scott, the same special agent and some other man was there when he walked along by the place. While Scott did not tell me that they had made this attempt until after I had told him this circumstance, he said that he knew the man. I did not know this man's name, only that Parker had told me that the party that had done this went along the railroad where the attempt was made when Scott was there. He told me that McKinney was under arrest then and that they were looking for his partner

Foster.

Q. Did Parker, when you first talked with him, designate the place where the wreck was to take place.

A. He told me that it was near Anaconda. I went over there with my mind thoroughly made up to stop this wreck, and during those times while we were talking I think that I saw Scott again in two or three days. He wanted me to try and find out what I could over there on Bull Hill. I was afraid to tell anything more than I did know, anything direct. I did not tell Scott how I knew this and who had told me and I don't know that I ever did afterwards. About this time, shortly afterwards, explosion occurred in the Vindicator and killed McCormack & Beck.

Q. How do you account for the fact that the explosion did not take place until six or seven days after the explosives had been placed?

A. They were not working on that level and this guard-rail had never been raised. When we placed it there I had made a mistake in the level and thought we had put it on the seventh level. I suppose that they were the first men who raised the guard-rail to go off the cage on that level.

Q. Where are Billy Gaffney and Billy Eckman now?

A. The last I knew of Eckman he was in Goldfields, Nev.

Q. How long ago since you heard from him?

A. Last summer.

Q. Where is Gaffney?

A. He is in Cripple Creek. Joe Schultz, Al Schultz and Frank Wilson are also in Cripple Creek. The last I knew of Joe Craig he was in Silverton.

Q. Davis is in Goldfields?

A. Yes sir, I believe he was there last summer. He had been in Chicago at the convention. Parker was in Reno the last time I heard about him.

Q. Do you know in what way, about what month, they tried to wreck the Florence & Cripple Creek train?

A. Yes sir. Parker said after the trial was over he had hired McKinney and Foster to do this job.

Q. Do you know where McKinney and Foster are?

A. I don't know where McKinney is, and the last I heard of Foster he was at Bisbee, Ariz., but that is merely hearsay.

Q. To revert back to the Vindicator did Davis, Parker, or anybody else ever give you anything for what you had done in the matter?

A. Davis and Parker never did. Haywood gave me the money. I went to Easterly. Scott, the special agent, got me a pass to go to Denver.

Q. What did Scott want you to do?

A. He wanted me to find out from Easterly and to see McKinney, one of the supposed train-wreckers, in jail in Pueblo, and therefore he got me a pass to Denver, and in company with him I went to Denver.

Q. When you arrived in Denver where did you go?

A. I went to the Markham Hotel. Scott stopped at the Adams.

Q. During your stay in Denver did you call at the headquarters of the Western Federation of Miners?

A. I did.

Q. Whom did you see there?

A. I saw Haywood and Moyer. Johnny O'Neil, the editor of the Miners' Magazine, and his stenographers, about four or five of them, were there.

Q. Did you have any talk with these gentlemen?

A. It was about the strike and how they were getting along up there about the stores at the time.

Q. Was there anything said with reference to the Vindicator?

A. Not then, but there might have been, but I did not say anything about it.

Q. Did you know Moyer, Haywood and O'Neil when you called upon them?

A. I did not know O'Neil, but I knew Haywood and Moyer when I saw them.

Q. When you introduced yourself did they seem to know you?

A. Yes sir.

Q. When did you next see them, or any of them?

A. I saw them two or three days later and learned from them where

Easterly was and they told me that he was at Pueblo and would be back in a day or two.

Q. Had Easterly returned from Pueblo before you called upon them the second time?

A. Well, I am not sure, but I think I was in their office again before that.

Q. At that time did you talk of going back to Cripple Creek again?

A. Not sir.

Q. When was the next time you saw them?

A. I saw them in two or three days afterwards. Easterly was up there, or rather we both went up together.

Q. Who was present at that meeting?

A. Haywood and Moyer alone.

Q. Now, what took place at that meeting?

A. Easterly had already told them before who did this work and he told them that they had to give us a piece of money. Haywood asked me how much we wanted and I told him if he had some money, two or three hundred dollars it would be all right, and to give to me as I had to give the other something. He got it and gave me three hundred (\$300.00) dollars. There was no one in the room at that time but Haywood, Easterly and I, when he gave me the money.

Q. Did you see him afterwards when you left? How long did you stay in Denver?

A. I left very soon after that, maybe a couple of days. I told Scott that Easterly was coming in to Denver from Pueblo and I had to wait until he came in.

Q. Did Haywood or Moyer, or both, at any time during these meetings, I don't care which of them, express themselves as though they were well satisfied with what you had done in the Vindicator?

A. They did.

Q. What did they say?

A. They said they were a couple of good ones and that they wanted to get the heads of them. They wanted us to cut loose up there and do anything we could, and that there was nothing too fierce for them, or words to that effect.

Q. When you went back to Cripple Creek did you give any money to Gaffney and Eckman?

A. I gave Eckman \$50.00, the first time, and afterwards gave him \$25.00 more, and I gave him money two or three times, \$10.00 or \$15.00 at a time, about \$100.00 altogether.

Q. Why did you not give Gaffney any?

A. We were afraid to give him any as he was drunk all of the time and he did not know that we got any. I gave him two or three dollars often, a dollar or so at a time. When Raywood gave me this he told me I could get more any time I wanted it.

Q. Was there anything else new from that until the Independence affair?

A. There was nothing else except I made a bomb once with Ole Barnes. Billy Eckman told me he was an exper at making a bomb.

Q. What did you do with the bomb?

A. We took and threw it into the Vindicator coal bunkers.

Q. What happened to the bunkers.

A. I never heard from it. I think that possibly it was found by some employe.

Q. How did you make it?

A. We took and wrapped giant powder, about a dozen sticks of it, together with twine, set it into a tin bucket, and got some of this roofing cement and poured it around the inside of the can and let it cool. We took this and broke off the bucket so it looked like a chunk of coal. He suggested taking glue and pasting chunks of coal onto it to make it look like coal and we found that would not work. He suggested getting some of this black cement. I went to Cripple Creek and got half a sack of it and we put that around and took an ax and knocked it off and made it look like a

chunk of coal. We made a black powder fuse out of paper and filled it full of giant caps, bored a hole down into this stick of cement into the powder and put that down into the hole for the fuse and sealed this over a little bit. Either Billy Eckman or I at this place gave this bomb to an old man by the name of Dempsey to throw into the Vindicator coal bunkers. He said he threw it in there but we never heard from it. He went to Goldfields that night and got drunk and telephoned to me that he had done that job. He told me afterwards that there was a fellow with him, a Swede, I don't remember his name, and they were going over there with him to his cabin and that he was too short to throw it in and reach it and that this other fellow threw it in and made the expression at the time that he thought it was nitro-glycerine.

Q. Did you say that Dempsey kept a saloon at that time?

A. No, Billy Eckman.

Q. What happened to Ole Barnes?

A. Nothing that I know of, I think he is taking care of the Victor Hall. He was the last I heard of him.

Q. What was the next thing?

A. I staid there until after these fellows had their trial and got out of jail and after they got out Moyer telephoned me to come up to Davis or Parker, and during the time they were in jail a convention was called in Denver by the ~~Eastern Federation of Miners~~ State Federation of Labor. John Sullivan was president. I was appointed as a delegate to attend this from the union I belonged to from Alton. It was called, as near as I can understand, to unite all the different labor organizations in Colorado under one head for political purposes. I attended that convention in Denver and was appointed one of the ways and means committee. Our duty was to organize the different branches of labor organizations in our districts and form them all under one head for a political move. I came back to Cripple Creek and went to work at that with a man named Kinney. We organized them and held meetings both in Cripple Creek and Victor. Shortly after this time Moyer telephoned from Denver to Parker or Davis, I am not

sure which. Davis told me that Meyer wanted me to come to Denver and wanted to see me. When I got there he wanted me to take a trip with him down in the San Juan country. I asked him what he wanted to do down there and he said he was afraid to go down there alone as the deputies, thugs as he called them, down there had been taking the officers for the coal miners and beating them up. I told him I would go with him. We each took a sawed-off shot gun that would go in our grips and went down there to Oruay. We were in Oruay three days, I think. Meyer was arrested there and taken to Telluride. The charge was desecration of the American flag.

Q. What occurred there?

A. His business there was to get an injunction against the officers and citizens of Telluride to keep them from driving the union miners out of Telluride and not allowing them to return to their homes. I believe they got that injunction and during this time a military man, I think Sherman Bell, and officers there ignored this injunction. These men, or a majority of them, that had been out there were ~~xxx~~ at Oruay. Meyer had sent a telegram to the Governor of Colorado asking him if these miners that were law-abiding citizens would be protected if he sent them back to their homes. I can't possibly remember the reply but it was not satisfactory. He therefore was going to make arrangements to send these men all up to Red Mountain where there were some vacant buildings, get a lease on some mines there, arm them all with guns, send his other men throughout the country that he wanted there when the snow had got out enough and send them all back to Telluride, by force if necessary. That was about the sum and substance of the business there.

Q. Did he carry out the plans of sending the men to Red Mountain?

A. No sir.

Q. You remained at Oruay?

A. I went away after he was arrested.

Q. Where did you go?

A. I went to Silverton.

Q. How long did you remain there?

A. Three or four days.

Q. Did anything transpire there?

A. Moyer telephoned to me once that he was out and for me to fetch his things and he would meet me at Durango, but he did not.

Q. Why?

A. He was re-arrested immediately after again.

Q. Where did you go from Durango?

A. I never stopped there as I heard he was re-arrested, and from there I went to Denver.

Q. Who did you meet there?

A. The first one I met was Mrs. Moyer.

Q. Did you meet Haywood?

A. I did after that, yes.

Q. What talk did you have with him?

A. I told him what had transpired down there.

Q. Did he suggest any outrages as property destroyed or somebody killed?

A. Well, he said we would have to get busy and go down there, if necessary, and get them men in line and run that whole layout out at Telluride.

Q. Did he suggest the killing of the Governor?

A. Yes sir.

Q. What did he say about that?

A. He said he wished we could get that son-of-a-bitch, meaning the Governor, out of the way.

Q. Did he suggest any plan by which you could get him?

A. Yes, he said he thought it would be no trouble to go up there and shoot.

Q. Did he ask you, or anybody else that you know of, to execute that plan at any time?

A. Yes he did.

Q. What did he say?

A. He asked him if I could not go down there and stay there and work on that.

Q. What did ~~he~~ ^{you} say?

A. ~~Maxwell~~ I told him I would back home and see what Billy Eckman said about it, if he wanted to go in with me.

Q. Did you talk it over with Eckman?

A. I did. He finally told me Steve Adams was the best man for that as they know him too well up there. I talked with Steve Adams about it when I went back up there.

Q. What did Adams say?

A. He said he was ready for it.

Q. Did Haywood say how much cash there was in it.

A. No. There was never anything said or any amount fixed for us for anything, but that there was \$500.00 in it for us to pull that thing off in the Vindicator. I also get money whenever I asked him for it.

Q. Well, was it at any other time that plans were laid for the assassination of the Governor.

A. Not at that time but after that several times, and I came back to Denver and Steve Adams came back two or three days after that. I went around up around the Capitol and used to sit around in the Capitol yard and read the paper and I would not let Steve Adams sit around there because I was afraid that they knew him. I used to sit around there and learn his habits in the Capitol yard in the mornings. I found out who he was to know him. I did not know him before that. I also watched him at nights to see his habits and when he went home.

Q. Did he have a body-guard?

A. Yes, all of the time.

Q. Do you think the body-guard would do business if he got a chance?

A. Yes. The first attempt that was ever made, he used to come home at night in his carriage and we used to stay across the lot from his house, a big long lot where there were trees. The trees were in bloom. We watched him come home a couple of nights. We did not make any attempt to bother him then. The night we did make the attempt, when we saw the same

carriage coming down the road, we followed it along this fence so they could not see us because it was dark, and went out across the street behind the carriage about twenty-five feet, supposing that the Governor was in there the same as usual, but he was not in there. Three women were in the carriage.

Q. Did they see you?

A. Yes they did when we stood there. We expected the Governor to get out but he was not in there. We thought when the three women got out that he had seen us through the glass behind the carriage and was still in there. We just stepped off into the street. We were not over ten or fifteen feet from the sidewalk and walked back down the street the same as the carriage was headed and turned around and came back. The women started into the house, stood on the walk and stood there and looked at us after they got onto the porch until we got to the corner. The hackman also walked his horses about the same as we walked and we were on the sidewalk. We went on home up the street, went to our rooms.

Q. Did you make any other attempt?

A. Not at that time.

Q. What happened after that?

A. Adams and I staid in Denver for several days and during that time the ~~Executive~~ Executive Board of the Western Federation of Miners was in session, in 1904, Gregory came into Denver in the morning. I have been told that he was some kind of a deputy-sheriff under Billy Reno, a detective, and had been guarding the Colorado Fuel & Iron Company's mines during the strike. It was reported there in Denver that he was the chief of those fellows that was beating up the officers of the United Mine Workers of America. This came up in the Executive Board. I think the name is Melvin from Georgetown or Idaho Springs, knew Gregory, who was a witness in the trial at Georgetown for the blowing up of the Sun & Moon Electric Light plant. Gregory was a state's witness. This was reported to the executive board of the Western Federation of Miners and was told to me by Jack Simpkins. They had proposed to take him out that night and castrate him or kill him.

George Pettibone came to Davis first in town, and told me tht they were going out to do this and asked me if I would go along. I told him as I was in the business I might as well go along and I did go along. Melviv was with Gregory that afternoon. We staid out across the street opposite a saloon where he was in and when he came out to take the car there was another man came with him and also this man Melvin. Pettibone was to come back but he did not. Just Adams and I were there. They get onto a car, this man that was with Gregory and himself. Melvin did not get on the car as he had found out and knew where they were going. Adams and I got on the same car and followed him to where he went. It was on the Tenth South street car. He went down and went into a saloom. Melvin came out on the next car. He was sitting in the saloon playing cards up in front of the bar and we thought if we had a shot gun we would shoot him through the window. I went back to my room out on thirty-eighth street and Downey Ave. and got a saw-off shot-gun and fetched it out there and came back and waited there until he came out of the saloon, and in the meantime he had gone into a little closed room and we waited outside until he came out, and we then followed him up the street and when we got opposite the alley he stopped ahead of us a little piece, turned around and backed up as though he was reaching for a gun. Thereupon we shot him three times. I did the shooting.

Q. Who was the other man that accompanied him on the car?

A. I do not remember his name.

Q. Was Melvin there when you shot him?

A. He was. Adams was with me.

Q. Where did you go to after that?

A. We went back up into the back part of Pettibone's yard and buried the shot-gun there in a place that had already been fixed and went back to the room on Downey Ave. That is, Adams & I. The other man separated from us.

Q. What was paid for that?

A. Nothing, except money from time to time whenever we wanted it.

Q. What did Haywood say about that job?

A. Haywood said it was a damn good smooth job.

Q. Relative to the blowing up of the Independence Depot in June, 1904, wherein fourteen or fifteen employes of the Finlay mine were killed, I would you to go on and state in your own way how this matter originated and how it was carried out?

A. A few days after Gregory was killed there the Western Federation of Miners was holding their convention in Denver. During the latter part of that convention it was thought that they would have a splitup, that some of the unions would withdraw from the Western Federation. That being the case, in order to prevent the disruption of the Western Federation it was determined by Haywood, Sherman Parker, W.F. Davis, Simpkins, and others, that something must be done to show their power. In the middle of that week, about Wednesday, W.F. Davis, Sherman Parker, Haywood and Simpkins, talked to me and asked me if we could not do something up at Cripple Creek, to pull off something. I told them that we might go up and blow up that depot. I left there alone that afternoon and went up there and got Steve Adams and told him what we wanted to do and he said he would help. I went over where Floyd Miller was working on Beacon Hill and asked him if he could get me one hundred pounds of powder. He said he could. I gave him the money to get the hundred pounds of powder with and two boxes of caps. Miller had a partner whom he did not want to know that he got this powder, so he had it delivered there and put in an outbuilding. I went over there that night but it was not there. I went over and saw him again the next day and he said they did not deliver it but would have it that day Steve Adams was with me in this case, but did not talk to Miller about this powder. That night we went over, Steve Adams and myself, found the powder there and got it and took it back and put it in a cabin at Independence. We were going to use it on Saturday evening for the same purpose, to blow up that depot, but during this time the Western Federation of Miners in convention at Denver had appointed a committee to come up to Cripple Creek District to investigate about what ought to be done there during the strike.

and see if they could not make some settlement of it. Sherman Parker, Malcolm McGillis and, I think it was a man by the name of McDonald, but am not positive, and another fellow that was from Wyoming, I don't know his name, were there. When Sherman Parker arrived at Independence he sent me word that he wanted to see me. He told me about this and thought that we had better do that until they got out of there, so we waited until Sunday night. On Sunday night we went and got the powder, placed it under the platform of that depot.

Q. State by what means the depot was blown up and what instruments of death were used, and all about it?

A. There was a sort of windlass made and wire attached. The following is a description of the windlass. Two bottles were attached to the windlass by strips of leather, and the bottles were filled with sulphuric acid, two fifty pound boxes of giant powder and a box of one hundred giant caps. The wire ran under the platform away around the corner of the depot. We were stationed on a little spur of the track below the depot at the end of the wire, and when we would pull the wire, the bottles being uncorked, would tip over and spread over the sugar and chloride of potash that was in the caps, and when this came in contact with the sulphuric acid it started a fire, which caused the explosion. When the train came in there at 2:30 A.M., I might say here, that we did not want to hurt any of the railroad men, and just before the train got about two hundred feet from the platform we pulled this wire and caused the explosion.

Q. Were there many people on the platform?

A. We could not tell how many there were, but there was some, as it was the custom of the men working at the Finlay and other mines to be there at that time of the night, coming off night-shift.

Q. State how many, if you know, were killed?

A. I do not know except from hearsay.

Q. How many were you told?

A. As near as I can remember it was fourteen.

Q. What did you and Adams do then?

A. I went around the hill and up on the railroad track on the Florence & Cripple Creek track in the direction of the old Victor Mine. We parted before getting to the mine before getting around the bend. I had a horse there in the brush. I took the horse there and went back down the road towards Colorado Springs where we were camped there.

Q. What preparations, if any, did you make in advance for your escape, and who assisted you in that?

A. I left there at noon on Sunday previous to the explosion on Monday morning at 2:30 A. A team, wagon and camping outfit in company with Johnny Neville and his boy. We went about ten or twelve miles towards Colorado Springs. We camped there and after dark I took one of the horses and rode back nearly to Independence, left my horse tied about a quarter of a mile from the black sampler, and walked over and met Steve Adams in this cabin where the powder was.

Q. Did Johnny Neville know anything about this?

A. No sir, he did not. I told him, I said I was going to get some guns. I told him this as an excuse so that he would not know about the matter.

Q. Now, go on.

A. I got on the road back to the camp as fast as I could after the explosion. It was getting daylight when I got back there.

Q. Did you fetch any guns back with you?

A. No sir, only what I had with me.

Q. What excuse did you give to Neville for being out all night?

A. I am not positive what I did tell him as he was asleep when I got there.

Q. Did you camp some place off the railroad?

A. No sir, outside of the road, about a hundred yards from the railroad.

Q. At what time did you break camp in the morning?

A. About ten o'clock.

Q. Up to that time had you heard anything about the explosion that morning?

A. Not until that afternoon.

Q. Where did you go to after you broke camp?

A. We proceeded on the road to Colorado Springs.

Q. When did you first hear of the explosion?

A. When we got about within four or five miles of Colorado Springs.

Q. How did you come to hear it?

A. There was a man lived alongside the road. He had a Colorado Springs daily paper and wanted to know if we came from Cripple Creek. We told him we had. He asked us when we had and we told him we had left the day before at noon, and he then told us about the explosion and that there was about sixty men killed. Neville wanted to know about it and was uneasy about his family. I told him that his family was not hurt and that I knew because I was a good deal closer to it than his house was. We did not talk much about it but it was something to that effect and that was all that was said right there.

Q. How near to the Springs did you pitch your camp that night?

A. About four miles the other side of Colorado Springs, we had passed through Colorado Springs.

Q. How did you come to have Neville leave with you the day before the explosion?

A. Well, I thought that if I got caught I could preove an alibi by him.

Q. Without telling Neville what your true object was in leaving Cripple Creek, what inducements did you throw out to him to leave his family and come with you?

A. We had planned this trip long before that to go up to Cody, Wyoming.

Q. Did you plan this long before there was any thought about blowing up the depot?

A. Yes, we did.

Q. Did you see any persons and talk with any persons while passing through Colorado Springs that you know?

A. None that I know of.

Q. Did you stop there any length of time?

A. We stopped and bought a sack of oats and some cooking utensils, a bake oven and some camp kettles.

Q. The third night where did you camp?

A. We camped beyond Palmer Lake a little ways. The fourth night we camped near Castle Rock. The next night we got to Denver.

Q. Where did you put up your team at Denver?

A. It was the other side of Petersburg at a stable that a woman had. We put our horse up there and took the street car into Denver. Was Neville's boy still with you?

A. Yes sir.

Q. How old was he?

A. About fourteen years old I think. Neville told his boy if anyone asked him if I was away from there that night he was to tell them "No".

Q. Did the boy accompany you all the way through to Thermopolis?

A. Yes sir.

Q. You left him with his father at that point?

A. Yes sir.

Q. On reaching Denver you will state whether you called upon Meyer and Haywood, and if so, what transpired, and who did you see there?

A. I met Jack Simpkins first up in his room in the Granite Block. Kurwin was there with him. He is a member of the Executive Board from Dakota.

Q. What talk did you have with them?

A. We talked over the blowing up of the depot and before we talked very much about that, Haywood and Pettibone came in there and in a little while Steve Adams came in.

Q. Had it been pre-arranged with Adams and yourself that you would meet in Denver in Simpkins' room?

A. No, it had not. He thought it was not well to stay at Cripple Creek where he lived at Midway.

Q. How did Adams get to Denver, if you know?

A. He started on Monday and walked to near South Park and came there to Denver by train.

Q. You discussed before Kerwin, Haywood, Pettibone, Simpkins and Adams how the job was done, did you?

A. With the exception of Kerwin, as he was left out.

Q. What did Pettibone, Haywood and Simpkins think of it?

A. I do not remember exactly what they said but they were well pleased and thought it was a good job and that the officers were all elected and nobody had any kick coming.

Q. During this time Moyer was in jail at Telluride?

A. Yes sir.

Q. State whether or not you got any money in Denver at that time, and how much?

A. I got three hundred (\$300.00) dollars. Pettibone gave it to me and I will tell you how it came about. The night before when Haywood asked me how much money I wanted I told him about three hundred (\$300.00) dollars anyway. He said not to take any more than we wanted at that time but that we could get money again at any time. I told him I wanted three hundred (\$300.00) anyway and he said he would send it over with George Pettibone the next day.

Q. Was Pettibone present?

A. Yes sir. He did send it.

Q. How long did you remain in Denver?

A. About four or five days.

Q. Then where did you go?

A. We started down on the road toward Cheyenne. We were three days going to Cheyenne. We stopped at Cheyenne and there I saw the Denver Post where it said that it was thought that I was implicated in that explosion. It stated also that it was supposed we went either to New Mexico or Wyoming. I thought that I would go to California and leave Wyoming. I wrote a letter to George Pettibone to send me five hundred (\$500.00) dollars and told him that I was going to San Diego. I sent this letter by

Pat Moran.

Q. Who was Pat Moran?

A. He runs a saloon in Cheyenne who was a friend of Pettibone's.

Q. Did he know anything about your character?

A. No sir. I never saw him until that time but knew who he was through Pettibone.

Q. Did Moran carry the letter to Denver?

A. He did. I gave him ten dollars and asked him if he would go to Denver and he said he would as he wanted to go to Denver anyway, and he did go the next day and returned that same night. He brought me a package with the money in it, five hundred (\$500.00) dollars. W.F. Davis came into Cheyenne the next morning and Davis wished me to go to the coast with him. Neville said that the newspaper talk was all bosh and said if we were arrested we could prove an alibi as we had nothing to do with it. I went on with Neville to Laramie and camped the first night on Crow Creek right above the big dam on which they were working at that time. Pat Moran and Davis came up the next night and we fished a couple of days. We went on the Laramie and then went back to Cheyenne. We did not stay in Laramie more than a couple of hours. From there we proceeded to Thermopolis. Neville took sick there so he wanted to stay there and take the baths and I proceeded to Cody.

Q. How long did you remain in Cody?

A. Three or four days.

Q. Where did you go then?

A. I went to Denver.

Q. What did you do after that?

A. I saw Haywood and Pettibone there.

Q. Was there any other outrage talked of then?

A. They wanted me to get out of the country and go to California and if possible assassinate Fred Bradley of the Bunker Hill & Sullivan Mine, whose office was in the Crocker building, San Francisco. I got a hundred and fifty dollars from George Pettibone and went to San Francisco and when I

got down there and found out I wrote Pettibone that Bradley was in Alaska and he wrote me that I had better stay down there. I did stay there four or five months.

Q. State if, during that time while you were in San Francisco if you received any money and from whom?

A. I got a hundred dollars at different times, and while I knew the money came from Pettibone it did not come in his name, and I had trouble the first time to get this money. I got a hundred dollars several times, about four hundred fifty in all. The first came by registered letter in paper money, that is the first hundred dollars. In order to get this I went to Peter L. Hoff, whose office was at No. 211 Taylor St., as he was secretary of the Bartenders Union. I told him I was a miner from Colorado and that conditions were such there that I had to leave and did not want them to know where I was. I had the registered letter in the Post Office. I was stopping at the Golden West Hotel and my mail came there and when I saw in the paper that Johnny Neville was arrested I left there and took a room in a private house, but I cannot remember the building now and did not want to go back myself to this hotel to get my mail and that was why I went to Peter L. Hoff as I stated before and he said he would help me out and go down to the hotel and inquire for my mail. He went down and asked for the mail. The mail carrier asked him where I was. He told him that I was a traveling man and thought that I had gone to Stockton. He had to think quick, he did not know what to say. He said he was going to send the letter to Stockton to general delivery. He wrote to Stockton then and asked him to send this letter back to his address, No. 211 Taylor St. They sent the card back to him and he went to the Post Office with me on Mission St. and we had no difficulty in getting the letter then as he identified me. The money I got after that was wired to me by postal telegraph under the name of Harry Green and was ~~was~~ signed "Pat Bone". I am not positive but I think all of the rest of the money was sent in that way. I stopped there and at Calienta Springs until the Fall of 1904,

about November. In San Francisco I placed a bomb in front of the residence of Fred Bradley so that when he opened the door the bomb would explode.

Q. How was the bomb constructed and how was it done, and tell me if you had any help with you?

A. I had no help. I took a five inch lead pipe about a foot long and cut a hole in the pipe in the top and bent a piece back to the slot and tied a bottle of sulphuric acid on a piece with a rubber cork in the bottle and attached this to the door with a little screw-eye and a string so that when the door opened it would pull the cork out and cause the explosion.

Q. What did you put in the lead pipe?

A. Giant powder.

Q. How did you know that Bradley would be the first to open the door?

A. I had watched his habits and knew at what time he would go to his breakfast and knew about what time he would go out.

Q. How long had you watched him?

A. A week or ten days.

Q. At what time of the night did you place it?

A. I placed it in the morning about eight o'clock.

Q. Was there anybody saw you go to the door?

A. I do not think so.

Q. Will you explain how the bottle was placed, was it placed so that the cork came out it would spill?

A. Yes sir.

Q. Did you stay in the neighborhood until the explosion took place?

A. I staid about a block from there.

Q. How long after the instrument was placed did he open the door?

A. About five minutes.

Q. What was the result of the explosion, the damage, etc?

A. It blew the whole front of the house to pieces.

Q. Was he hurt?

A. Yes, he was.

I think he got over it all right but it was reported that his eyes were put out.

Q. Was that before Christmas?

A. Yes, it was.

Q. Then where did you go?

A. I staid in San Francisco, until two or three days after Thanksgiving. I believe the explosion took place in October.

Q. Then where did you go?

A. I came to Denver.

Q. Whom did you meet there?

A. I met George Pettibone and Steve Adams, the first ones.

Q. At what place?

A. I think it was a rooming-house that I went to on California Street between Eighteenth and Nineteenth.

Q. Did you discuss this matter?

A. We did.

Q. What did they say of it?

A. They expressed themselves as they frequently did over such work and that they were pleased and that if a man did a job like that and was lucky enough to get away he was doing good.

Q. When did you next meet them and if you met them in company with Haywood or Moyer?

A. Steve Adams was living there and I went and stepped with him.

Q. Where did Steve Adams live?

A. I cannot remember the number, but it was away out on Welton street. He lived there under the name of Steve Dixon.

Q. Was this matter ever discussed with Haywood and Moyer?

A. I did not see either of them for two months as I hardly ever came down town except at night. I heard from them through Pettibone.

Q. What was said, if you remember, when you did meet them or when you were together?

A. The first time I met them I went to Haywood's house at night. In different conversations that I had with Haywood, some of which took place in the presence of Steve Adams and Pettibone, and also Moyer. I do not think they were all present together at any of the conversations, but some of these parties were present at different times. We discussed the feasibility of assassinating Governor Peabody, Judge Goddard, Judge Gabbet, David H. Moffett and Mr. Hearn, president of the Colorado Fuel & Iron Co.

Q. Did you locate any of the above parties for the purpose of subsequently assassinating them?

A. I did.

Q. Just go on and tell what you did towards locating them.

A. Well, we found out where all of them lived and were around there at nights carrying saw-off shot-guns.

Q. Did anybody assist you while locating these parties?

A. Steve Adams and Billy Eckman were with me sometimes, but it was mostly Steve Adams and I. Eckman stopped at Adams' two or three months about that time.

Q. To whom did you report your progress in locating these men?

A. To Pettibone.

Q. Did you ever report to Haywood on the subject?

A. We did once but tried to keep away from Haywood and Moyer, but did everything through Pettibone.

Q. Why was it that you did not carry out or execute this work, or any of it?

A. Because the opportunity never presented itself. During this Winter when we made an attempt on Gov. Peabody again as Haywood and those men were very anxious to get away with Peabody before he was seated again after this election. We made a bomb with twenty-five pounds of powder and put it in a lead pipe about as big as a stove-pipe and about fourteen inches long and filled it with giant powder No. 1. There was some snow on the ground and we strung a wire the night before from the corner of Thirteenth Ave and Grant back to Logan Street and placed this bomb between the regular curb and the curbing of the street crossing and placed it there and covered

it up with snow and attached this wire to with a rubber cork in the bottle of sulphuric acid. The bottle was so placed that it had a pitch so that when the cork was removed the acid poured out onto the giant caps and caused the explosion?

Q. Did you do this?

A. No sir.

Q. Why not?

A. Just the time the Governor came along a wagon of coal came out of the alley onto this wire and we could not pull it.

Q. What did you do with this instrument after that?

A. I went down and took the bomb out and took it over and put it in a buggy that we had waiting for us on Pennsylvania and Twelfth Street, about there.

Q. Then where did you take it?

A. We drove around back there and got the wire. We drove back to Steve Adams' house and put the bomb away in the house.

Q. Did you ever use it again?

A. No sir.

Q. How was it that the wagon passing over the wire did not explode it?

A. It could not be exploded unless it got caught in the wagon and pulled the cork out of the bottle and it would take a jerk to pull the cork out of the bottle.

Q. On yesterday you spoke to me something about a spade. Will you kindly explain what that referred to.

A. We were going to dig a hole under the edge of the sidewalk in the same block that the Governor's house was in, string this wire across a vacant lot and over as far as Logan Ave. and place this bomb under there and attach the wire to it and pull it off the same as we intended before when the Governor came along.

Q. Did you dig the hole?

A. No sir.

Q. Why not?

A. We always found some one around there that we thought were guards of the place.

Q. You fetched the spade there?

A. Yes sir. I walked up along there with the spade wrapped up in a paper and there were some men followed me and kept following me so that I laid the spade down up by a greenhouse on Logan Ave and started in the direction of home. Some men followed me still. They did not go away and I took two or three shots at them.

Q. Where did that take place?

A. On Thirteenth Avenue between Logan and Pennsylvania in the middle of the block. I did not try to shoot them at that time but merely wanted to scare them back.

Q. At what time of the night was this?

About nine thirty or ten o'clock.

Q. That must have raised a commotion?

A. I never saw anything the paper about it. I am not sure that they men that I fired at were the men that followed me at first, but there was a man came up the street on a bicycle and got off the bicycle and started to follow me and he was the man I shot at but did not shoot to hit him. I thought that he was a policeman and he went back so I don't know if he was. I went down through the alley down over to Colfax Avenue and got on a street car and went down town.

Q. Did you discuss this matter with anyone besides Adams and Eckman?

A. I told Pettibone about it.

Q. Did you tell Haywood about it?

A. I don't remember.

Q. Was that the last attempt?

A. Yes sir, that was the last attempt made there. I did not make any more attempts. I was at Canyon City after that and never made another attempt on his life but was fixed to. Haywood, Pettibone and Moyer always left me to my own judgment to do those things.

Q. How were you going to remove him at Canyon City?

A. I was going to set a big bomb opposite the window where he was

sitting on the outside. I had one with about thirty-five pounds in it made the same as the others in a lead casing with twelve dozen inch and half bolts in it, and attached it to the side of the house next to the inside of the house. I was going to set it there with a clock so that when the alarm went off it would pull the string would pull the cork out of the bottle, let the acid flow onto the caps the same as it had done before.

Q. You had the clock?

A. I did.

Q. On what pretext did you go to Canyon City?

A. On life insurance.

Q. How was that brought about?

A. I wanted some business and excuse in the place that I was doing some business there.

Q. Q. When you first discussed this with Haywood and others who suggested the life insurance business?

A. I think I did myself.

Q. In pursuance of this did you get a contract?

A. I did, from John L. Stearns of the Mutual Life, and I used the name of Thomas Hogan.

Q. In order to get this contract you had to have references?

A. I did.

Q. Who were your references?

A. George Pettibone was one, Jim Sullivan was one, Henry Cohen, his partner, Horace Hawkins, John Sullivan of the State Federation of Labor.

Q. Did any of the above mentioned men, with the exception of Pettibone know your real character or business?

A. No sir, they did not.

Q. Prior to that time were you personally acquainted with any of the above men?

A. I was acquainted with John Sullivan of the State Federation of Labor.

I was also slightly acquainted with Hawkins, and I think that Hawkins knew that I was mixed up in the strike but did not know that I had ever committed any crime.

Q. Had you known Jim Sullivan before that?

A. I was introduced to him as Hogan, but he did not know who I was.

Q. Did John Sullivan know that you had been implicated in any crime?

A. No sir, not to my knowledge.

Q. Who was John Sullivan?

A. He was president of the State Federation of Labor.

Q. How did you become acquainted with John Sullivan?

A. Through the convention that was called that has been previously mentioned to consolidate all labor unions under one head for political purposes.

Q. Did you solicit life insurance policies at Canyon City?

A. I did, I called upon hundreds of people.

Q. Where did you stop at Canyon City?

A. I stopped with a lady that kept roomers, a Mrs. Adams.

Q. Did she know anything about you?

A. No sir.

Q. Now, why didn't you remove Gov. Peabody as you had everything ready, as you stated before?

A. Well, I was there alone and the opportunity never presented itself.

Q. How long were you there?

A. About three or four weeks. I was not there alone all of the time. I went to Denver once. A man by the name of Wm. J. Vaughan, whom I met in Denver ~~and~~ knew before wanted to go down with me after I had told him what I had been doing. I could not very well say "NO", but I thought perhaps I might get away from him long enough when I went there to go and set this bomb in the window, which I did not. I had the bomb in a suit case and Vaughan heard the clock tick in this case and wanted to know what it was. I did not tell him at that time and do not believe I told him anything, but I know he was suspicious of it, and I told him in an offhand way that it was a bomb, but I did not mean that he

that he should think it was and I told him what I was going to do with it. He took it serious and talked against it as he thought it was a bomb. I do not remember just what he said but he said he thought we had better get away from there and not do anything like that, so I left the bomb in the suit case and asked Mrs. Adams if I might leave that grip there and in the meantime, I had wrapped it all up close in paper and tied it up. She says to me, "This is heavy, is it not". I told her it was and that it was full of books and advertisements. She told me I might leave it out under the table that was in a small room as she would have no occasion to remove it. I did leave it there and from there Vaughan and I went to Rocky Ford.

Q. When you met Vaughan did you tell him that you were down there for the purpose of removing Gov. Peabody.

A. No sir, I did not. I told him I was writing life insurance. We solicited life insurance there for several days but did not succeed in getting any policies.

Q. What did you subsequently do with that grip?

A. I left it there about two and half months and then went and got it.

Q. Now then, you and Vaughan went down to Arkansas Valley and there you met Peterson?

A. Yes sir.

Q. You solicited hail insurance after being there three or four days?

A. Yes sir.

Q. Where does Vaughan now reside?

A. I think he is at Brainerd, Minn., and I think he is a railroad man, I think a conductor.

Q. How did you first get acquainted with Vaughan?

A. I got acquainted with him on Stout Street opposite the Albany Hotel.

Q. At what time of the year was it when you went back to get this suit case?

A. It was in August, 1905.

Q. Did Haywood, Pettibone, Moyer and Steve Adams know you were going down after the suit case with the bomb and clock in it?

A. Haywood, Moyer and Pettibone did.

Q. Where did you put that when you fetched it back?

A. I took it and buried it by a stable over between Evans and South Fourteenth Street, near Thirteenth Street.

Q. About what number?

About thirteen or fourteen hundred.

Q. Who rented the stable?

A. I did.

Q. Under what name?

A. Hogan.

Q. From whom did you rent the stable?

A. I cannot remember the man's name, but he lives close to the fire department and lives near Cheyenne Avenue.

Q. How long had you had this stable rented?

A. Not very long. Two or three weeks.

Q. Did you have a horse and buggy there?

A. Yes sir.

Q. What did you want with a horse and buggy?

A. We had it there to work on some of these men that we were trying to assassinate.

Q. Is the bomb buried at that place to-day?

A. No sir.

Q. That was in August, 1905?

A. Yes sir.

Witness my hand this day of, 1906.

Witnesses:-

James E. Paulson