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HAYWOOD
TRIAL

Mayer, Haywood,
Peterson Trial Transcript
Vol. 2

VOLUME #2

June 8, 10, 11. 1907.

Orchard, Harry

Cross Examination.

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Boise, Idaho, Saturday, June 8, 1907.

9:30 o'clock A. M.

Parties met pursuant to adjournment.

Minutes of yesterday's session read and signed by the court.

Names of the jurors called and the clerk announced all were present.

WITNESS HARRY ORCHARD ON THE STAND.

CROSS EXAMINATION CONTINUED

BY MR. RICHARDSON:

Q When you returned from Silverton the first thing you did was to go to headquarters? A Yes sir.

Q You say you had a conference there with Haywood and Pettibone?

A I had a conference with Haywood.

Q Was Pettibone there? A I am not sure whether he was there right then.

Q What was your conference about? A I told them what had happened to Moyer.

Q You said in your direct examination, "I went to Denver and met Mr. Haywood and Mr. Pettibone there"? A I did meet ~~them~~ Mr. Pettibone there but not right at that time perhaps.

505 Q Where did you meet them? A I may have went over to Pettibone's

store after I met Mr. Haywood.

Q What was the fact, not what might have been done. A I am not sure.

Q You are not sure? A I am sure that I met Mr. Haywood when I went back there.

Q Where were you rooming at that time? A I think I got a room at the Belmont hotel.

Q Where was the Belmont hotel? A On Stout Street between 17th and 18th streets.

Q Had you ever roomed at the Belmont hotel before that? A I am not sure whether I had or not.

Q You had roomed at the Belmont hotel in 1903, had you not, for a while? A I am not sure whether I had or not.

Q Under the name of Dempsey? A I may have.

Q Don't that refresh your recollection that you were going under the name of Dempsey at the Belmont hotel in 1903? A I went under the name of Dempsey there.

Q In 1903? A I am not sure whether it was in 1903 or not.

Q Well, it was before you returned at this time to Denver? A I am not sure.

Q And while there at the Belmont hotel you got acquainted with this man named Vaughn whom you afterwards met in Cripple Creek? A I got acquainted with him at the Belmont hotel.

Q While your name was Dempsey? A Yes sir.

Q And that was before you returned from Silverton, was it not?

A I am not sure about that.

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- Q You are not sure? A No sir, I cannot.
- Q How long did you continue to remain at the Belmont hotel when you returned from Silverton in 1904? A I cannot sure. I was there-- I think I roomed there a week or so at that time-- maybe a little longer.
- Q Wasn't it while you were rooming at the Belmont hotel that you became acquainted with Pettibone? A No sir.
- Q He had a store under the Belmont hotel didn't he? A Yes sir.
- Q And did when you first knew the Belmont hotel? A I think he did, yes sir.
- Q Had had his store there a number of years, hadn't he? A I don't know how long he had been there.
- Q In any event it did not look like a new location to him, did it, that he had recently moved in there? A I don't know about that, I don't know how long he had been there.
- Q You have no knowledge of his coming there after you went there?
A No sir, I have not.
- Q Very well. Did you commence going to Pettibone's store in the spring of 1904? A I went to his store in the spring of 1904 or the latter part of 1903 perhaps.
- Q You had not gotten acquainted with Pettibone until 1904? A I think it was 1904 that I got acquainted with him.
- Q You got acquainted with Meyer and Haywood before you got acquainted with Pettibone? A Yes sir.
- Q And was the occasion of your getting acquainted with him because his store was under the Belmont rooming house? A No sir, it was not.

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Q You got acquainted with him at the Federation headquarters?

A Yes sir.

Q In January? A I don't know whether it was in January or not.

Q You had a discussion, you say, relative to Governor Peabody?

A Yes sir.

Q Where did that discussion take place? A I think it was at headquarters.

Q Who was present? A Haywood and Pettibone.

Q How long did the discussion continue? A I could not say how long; I don't think very long the first time.

Q How did the discussion arise? A Mr. Haywood said we would have to do something with Peabody, or we wanted to do something with Peabody, and he wanted me to go up and see what the chances was to get away with him.

Q Did he state the method by which to get away with him? A I think he said he would rather we would use a shotgun than anything else.

Q You did say in your direct examination that he said they could not get any justice in the courts and Peabody was holding Moyer down there and he had no right to, and the only thing to do was to take the law in their own hands and put him out of business?

A Yes sir.

Q Isn't it true that at that time the Supreme Court of Colorado had not rendered any decision in the matter of Moyer at all?

A I don't know whether they had or not.

Q And isn't it true that at that time they had not been applied to?

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A I don't know whether they had or not.

Q Haywood knew about that and there was no question in Haywood's mind at that time about it, was there? A I don't know whether there was or not.

Q You know there had been no application made at that time to the Supreme Court? A No, I don't know.

Q Mr. Moyer had been put in the bull pen at Telluride and the first thing he did, he tried to get a writ of habeas corpus of Judge Stevens and he got it? A Yes.

Q And he got the writ of habeas corpus, didn't he? A Yes, but the Governor had not recognized it.

Q Oh, that is what you mean then when you say there was no justice in the courts? A Yes sir.

Q The application had been made to Judge Stevens and had been granted?

A Yes sir.

Q At that time there was not any occasion to complain of the courts because the court had granted the writ of habeas corpus and Peabody had refused to recognize the authority of the court? A Yes sir. I don't know that I referred to the Supreme Court particularly; I said, the courts.

Q What court did you refer to when you said that they said they could not get any justice in the courts? A It was the writ that Mr. Stevenson had written-- he was the judge and the Governor refused to recognize it.

Q And they had at the time you were talking with them an order for Mr. Moyer's discharge issued by Judge Stevens, didn't they?

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A I don't know whether they had or not.

Q And now you say it was because they were complaining of Peabody and not complaining of the courts?

MR. BORAH: No, he does not say anything of the kind.

A I said they could not get any justice in the courts.

Q And they were complaining of Peabody at that time? A Yes sir.

Q Because he was overruling the courts? A Yes sir.

Q Very well. What room did this conversation occur in between yourself and Haywood and Pettibone? A I am not sure what room it occurred in, whether it was the headquarters or at Pettibone's store.

Q You don't know then that it was at headquarters at all? A I am not sure about it, no sir.

Q Can you separate the conversation so as to tell us what each of them said at that time? A No sir, I don't think I could. Mr. Haywood spoke of it first.

Q Well, did you agree to the proposition just as soon as it was made that Peabody should at once be assassinated? A I said I would go up and look around there and see what I thought about it.

Q There wasn't any trouble about that at that time of year? A I found where he lived, yes sir.

Q You could do that, find where he lived, right in the directory, couldn't you, in the office there? A Yes sir.

Q You found that he lived on Grant Avenue? A Yes sir.

Q And who told you where he lived? A Mr. Pettibone or Haywood.

510 Q Well which one? A I am not sure which one.

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Q You are not sure which one or where? A I think it was Mr. Pettibone.

Q And you think it might be at his store or at headquarters?

A Yes sir.

Q And might have been at his house? A Whose house?

Q Pettibone, or Haywood's house? A No sir, I don't think it was at the house.

Q You did not go to the house at that time? A Yes sir.

Q How many times have you been at Haywood's house at that time?

A I would not say.

Q How many would you say? A I would not say.

Q What part of the house did you go in when you was there?

A Up in his room, his bed chamber.

Q How many times did you go up in his bed chamber? A I could not say.

Q Give us your best estimate of it? A Fifteen or twenty times.

Q Up to this time, or in all? A In all; I would not be positive.

Q Did you visit any other part of his house? A Yes sir.

Q How many times? A Every time I was there I went in other parts of his house.

Q Give us your estimate of how many times you were in other parts of the house? A Perhaps 15 or 20 times.

Q And these 15 or 20 times up in his bed room that would make 30 or 40 times in all? A No sir, I mean that when I went to his house I usually went in the sitting room at first.

511 Q Then you have been in his house 15 or 20 times from first to last?

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A I think perhaps it was about that many.

Q Might have been ten and might have been forty? A Might have been, but I don't think it was.

Q How I want to get the conversation just as nearly as you can state it by which you entered upon the enterprise of assassinating Governor Peabody? A I have told you as near as I could.

Q You just simply said that there was no justice in the courts and the only thing to do was to get rid of Peabody? A Yes sir.

Q And they wanted you to do it? A Yes sir.

Q With a shotgun if possible? A Yes sir.

Q Was there any difficulty about killing Peabody with a shotgun by a man like you? A I did not get to do it.

Q Why not? A I did not get to.

Q He was walking around town there, wasn't he, back and forth to the Capitol? A I suppose so.

Q Attending parties in the evening and the theaters? A I did not see him.

Q How much time did you spend up around his house there in April or May? A I think I spent a week, first.

Q All alone by yourself? A Yes sir.

Q How many times did you talk with Haywood during that time?

A Perhaps three or four times.

Q I don't care how many times you might have talked with him, but how many times did you talk with him? A I could not say how many times I talked to him, but every time I saw him.

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- Q Did you see him at all? A I saw him quite often, yes sir.
- Q Let me call your attention to this gun again? A Yes sir.
- Q When you brought that gun up from Ouray by way of Silverton, didn't you take it over and deliver it to Mrs. Moyer instead of ~~keeping~~ taking it over to headquarters? A No sir, I did not.
- Q And didn't you keep the other gun which you had? A No sir, I did not.
- Q You delivered both of them at headquarters? A Yes sir.
- Q You don't remember whether you had any further talks with Mr. Haywood, but think likely that you did have? A Yes sir.
- Q There was no reason why you should keep away from headquarters?
A Not at that time, no sir.
- Q You were going under your own name? A I did while I was there.
- Q You did while you was in Denver too, didn't you? A I went under the name of Dempsey part of the time.
- Q That was in 1903? A It was in 1904 too.
- Q What was your object in doing that? A Well, I did not want to go by the name of Orchard around the hotel. Pettibone told me to change my name there.
- Q That was it; he told you to change your name? A He told me to change my name.
- Q You did not have any other reason besides that, did you? A I don't know that I had.
- Q Did anybody come down with you from Gripple Creek when you came down to Denver at that time? A No sir, I came alone I think.

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Q Did you have any appointment with anybody in Denver when you came there? A The first time?

Q Yes. A I went to see Moyer and Haywood.

Q Very well. You did not have any appointment with them, did you?

A They sent for me to come there.

Q The very first time, did they? A No sir, not the first time.

Q That is what I was getting at. When you went there the first time you changed your name to Dempsey, didn't you? A I don't remember about that.

Q Any way, when you came back from Ouray you went by the name of Orchard? A Yes sir, I went by the name of Orchard over at headquarters, but I think I went by the name of Dempsey and was at the Belmont Hotel.

Q Didn't you go back to that same hotel after the ~~the~~ Independence explosion on June 6th, and wasn't it then that you changed your name to Thomas Hogan? A I did not go back to that hotel after the explosion at the Independence depot.

Q Was that the time you changed your name to Thomas Hogan? A I went by the name of Hogan after that.

Q You don't just remember when you did get that name of Hogan?

A I think it was when I went to Wyoming.

Q Did Pettibone tell you to take the name of Hogan too? A I don't know that he did.

Q You don't know that he did? A No sir.

514 Q What was the reason you could not get an opportunity to shoot

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Peabody with a shotgun? A I did not see him any time when I was there only the once that I spoke of.

Q You just located his house? A I located his house, and I was only learning his habits-- what time he came home and so on.

Q Did you have to learn a man's habits in order to shoot him?

A I wanted to see what time he came home and when he went away and so on.

Q So, you did not go there armed? A No sir, not at that time.

Q Did not have a gun with you at all? A I think I had a six shooter.

Q Did you have anything else to do at that time except to watch for Peabody? A I did not do anything else.

Q And all you did was to simply watch around his house and because you didn't see him you did not shoot him? A Yes sir.

Q And then you abandoned the proposition? A No sir.

Q What did you do then? A I went to Cripple Creek.

Q What for? A To get Steve Adams.

Q What for? A I wanted him to help me assassinate Mr. Peabody.

Q You could not assassinate him alone, and wanted a partner?

A I wanted a partner, yes sir.

Q Was that because he was supposed to be a Western Federation man?

A I don't know that he was.

Q Do you know whether he was or not? A I don't know that I did at that time, only from hearsay.

Q Had you met him at that time? A I had met him, yes sir.

515 Q You knew him, did you? A Yes sir.

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Q How well did you know him? A Not very well.

Q You did know him pretty well during the time of that trial that was on at Cripple Creek, didn't you? A I knew him.

Q Didn't you and he live just a short distance from one another?

A We did not live very far apart.

Q And you went to the same depot to get on the train, didn't you?

A We might have; there was several depots there.

Q Isn't it a fact that you and Adams attended that trial together constantly and sat together in the court room? A No sir, I don't think so.

Q Didn't you go back and forth together at that time? A We might have some times.

Q And wasn't that the occasion of your becoming acquainted with Steve Adams? A No, I had met him before.

Q Where had you been acquainted with him? A Around Independence.

Q When? A I don't know just when.

Q Don't you know that he came to Independence from Telluride on the day of November 20th, 1908, that the Vindicator explosion occurred on the-- I mean 1902-- yes, 1908, that is right; that the explosion occurred on November 21st and Adams was arrested that very day or the next day and kept in jail for 83 days? A I know he was arrested about that time, yes sir.

Q For the explosion? A Yes sir.

Q He was arrested on that charge and you know that he laid in jail 83 days? A Yes sir.

Q And you knew all the time that he did not know anything about it?

516 A I don't believe he did.

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Q. You knew that he didn't know anything about it, didn't you?

A. Yes sir, I did.

Q. Because you were responsible for the Vindicator explosion, weren't you? A. I was.

Q. And when he got out of jail just about that time the trial was going on there of the spike pulling? A. Yes sir.

Q. Then it was that you got acquainted with him and became very friendly with him, didn't you? A. I think I knew him before that.

Q. Are you sure you knew him before that? A. I had spoken to him, yes sir.

Q. Where had you gotten acquainted with him? A. Down around Independence.

Q. At what place in Independence? A. He had been around the saloons there.

Q. He had been around the saloons prior to November 1st, 1903? *A. Yes sir*

Q. When? A. During the early part of the strike.

Q. After August 10th? A. In August and some before that.

Q. And some before that? A. Yes sir.

Q. Well, after locating Peabody and spending a week on him you went to Cripple Creek and got Steve Adams to come back to Denver, did you? A. Yes sir.

Q. Did you and he come back to Denver together? A. No sir.

Q. How did you come? A. I came on the train.

Q. Got some money I suppose in order to get him up there, didn't you? A. I got some money before I left, yes sir.

Q. How much did you get? A. I don't remember just how much I did get.

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- Q. From whom did you get it? A. I got it from Mr. Haywood, I think, or Pettibone, I don't know which.
- Q. Don't know which one it was? A. I think it was Haywood.
- Q. Where did you get it? A. I got it over at the headquarters or over at Pettibone's store.
- Q. Don't know which? A. I don't remember which, no.
- Q. Don't know how much you got? A. I don't remember just how much I got at that time.
- Q. Nor when nor where you got it? A. I got it one or the other of the places I have spoken of.
- Q. Give any receipt for it? A. No sir.
- Q. How did you get it, what form? A. I got it in money.
- Q. Got it in real money, did you? A. Yes sir.
- Q. Whatever amount it was? A. Yes sir.
- Q. Well, how long was it after you got back before Adams came up? A. Two or three days.
- Q. Where did you go to room that time? A. I first went to the Belmont Hotel.
- Q. Did Adams go to the Belmont? A. Yes sir,--
- Q. How long -- A. Excuse me. I met him at the depot.
- Q. You met him at the depot? A. Yes sir.
- Q. And then did you and he go to the Belmont? A. Yes sir.
- Q. How long did you and he remain at the Belmont? A. Just a day or two.
- Q. What was you doing during that time? A. Well, we hadn't started to do anything. Steve got him some clothes and got some money from Mr. Haywood.
- Q. How do you know that? A. Because I was there with him.

- Q. You was there with him when he got them? A. I was there when he got the money.
- Q. And then did you and he go out and buy the clothes or did Haywood go out and buy them? A. I think Adams bought them, he went with him to get them.
- Q. Where did he get those clothes? A. I don't know. I didn't go with them. They went over to a store some where in Denver.
- Q. So you really don't know about that, you can't give us the name of anybody else who can identify the purchase of those clothes? A. No sir, I cannot.
- Q. Just the time that the clothes were gotten you wasn't there?
A. I wasn't there when they was bought, no sir.
- Q. But you saw him and Pettibone go away and saw him come back with the new suit of clothes on? A. I don't know that he came back with them on. I don't think he did.
- Q. Don't think he did? A. No sir.
- Q. Do you know what day of the month this was? A. No sir, I do not.
- Q. Well, it was, at the least calculation, ten days or two weeks after you had gotten back from Silverton, wasn't it?
A. Yes, it was somewhere about two weeks I think.
- Q. Somewhere about two weeks after you got back from Silverton?
A. I think so.
- Q. Now you went down to Ouray on the 23rd? A. 23rd of what?
Q. 23rd of March. A. I don't know if we went down on the 23rd or not.
- Q. Well, if that is the day that Moyer got arrested, the 23rd of March, you were in Ouray, weren't you? A. If he got

arrested that day, we were, yes sir.

Q. And you stayed a couple of days after that, didn't you?

A. We stayed four or five days. I didn't stay at Ouray four or five days, I stayed four or five days before I left Silverton.

Q. How long did you stay at Ouray after Moyer was arrested?

A. I left that same evening.

Q. How long did you stay at Silverton? A. Three or four or five days, I am not quite sure which.

Q. And it took one day to get over to Silverton, didn't it?

A. No sir.

Q. How much time did it take? A. A part of a night.

Q. A part of one night? A. Yes sir.

Q. And then it took you how long to get back to Denver from Silverton? A. I think it takes a day and a night or something like that.

Q. And then you were a week or so on the Peabody matter before you went down to Cripple Creek? A. Yes sir.

Q. And then you were three or four days down to Cripple Creek?

A. Yes sir.

Q. Did you make a trip from Silverton back to Ouray at all?

A. No sir.

Q. Came right on through? A. Yes sir.

Q. Came by way of Durango and Alamosa? A. Yes sir.

Q. Then before you get back there and saw Steve Adams it must have been between two and three weeks after you left Ouray, you would say, wouldn't you? A. Possibly would be between two and three weeks.

Q. Well, which do you think would be nearer, two or three weeks?

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- A. It would be between the two somewheres.
- Q. Was anybody else present with you when Haywood handed the money to Adams to buy clothes with? A. Well, I think Pettibone was there.
- Q. Anybody else? A. I don't remember of anybody else.
- Q. There are a large number of employes or quite a number of employes in the office, aren't there? A. He didn't hand that to him in the office.
- Q. He did not? A. No sir.
- Q. How many employes are there in the office there according to your observation? A. There is five or six stenographers I think.
- Q. Five or six? A. Something like that; I am not sure just how many there are.
- Q. And have you ever observed when you were there that they were frequently coming in and out and being called for by Mr. Haywood? A. Yes sir.
- Q. And given errands to do, and so forth? A. Yes sir.
- Q. There was no concealment then wherever it was at any time about giving the money, was there? A. Yes sir, there was.
- Q. It was always concealed, was it? A. If he give me any money there we was in the room alone, or whoever was there, Mr. Moyer and Pettibone sometimes.
- Q. Let me ask you this, Mr. Orchard, if this is not a fact, Mr. Orchard, while you were in Denver sometime during the month of May or June, I would say May of 1904, if you didn't go up to call on John O'Neil at one time at Federation Headquarters? A. I may have called on John O'Neil and I may have seen him when I was there.

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- Q. I want to know if you did not make an express trip up there to call on John O'Neil at one time? A. No sir, I don't think I did.
- Q. When Haywood was in Chicago or somewhere? A. I might have called on John O'Neil later but not at that time.
- Q. When Haywood and Meyer were both absent. A. I think I went to see John O'Neil once when Haywood and Meyer was absent, yes sir.
- Q. Now was not that before you did any work whatsoever on Governor Peabody? A. No sir, it was not.
- Q. Do you remember of calling on John M. O'Neil and stating to him in his office in the Federation building or at Federation headquarters that you would like to have him give you the address of Governor Peabody? A. No sir, I do not.
- Q. Do you remember of his replying to you that if you wanted the address of Governor Peabody you better go and look in a directory and find it for yourself? A. No sir, I do not.
- Q. Or anything like that in substance or effect? A. No sir.
- Q. How long did this interview last that you had with John M. O'Neil? A. The interview that I remember of now didn't last very long, a little while.
- Q. You never had but the one interview with him? A. Oh, yes, I have talked with John M. O'Neil lots of times -- several times.
- Q. I thought you said a moment ago that you didn't remember of going up to talk to John M. O'Neil but once? A. Of going up to see him, I said, at that time. I had spoken to him.
- Q. Did you ever at any time in the Federation headquarters, in

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John M. O'Neil's office, when you and he were present, or anyone else was present for that matter, and ask him if he would give you the address of Governor Peabody? A. No sir, I did not.

Q. To which he replied, in substance and effect, if you wanted Governor Peabody's address, why, go to a directory and find it out, you were as able to do so as he was? A. No sir, I never asked him that.

Q. At any interview that you ever did have with John M. O'Neil were there any other persons present than yourself and Mr. O'Neil? A. I have been in John M. O'Neil's office when there were others there, I think; I am not sure who.

Q. At the time I am talking about, before you did any work on Governor Peabody. A. I never had any interview with John M. O'Neil any more than to speak to him.

Q. Very well. Now you say you had a conversation with Mr. Pettibone about Peabody at his door wherein you said:

"I told them I had watched Mr. Peabody and he came home usually or often in a hack; that he left in the morning, his house, for the Capitol building about 9:30 or ten o'clock, and that there was a stone fence alongside his residence, and three or four vacant lots, and I thought we could stay behind that fence and shoot him with buckshot when he came home if I had someone to help me." Who was it that you was talking with besides Pettibone at that time? A. I might have been talking to Pettibone alone.

Q. Well, I am reading your answer here. You say "I told them I had watched Mr. Peabody". A. I told Mr. Haywood and Mr. Pettibone about that.

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- Q. About that same proposition? A. Yes sir.
- Q. That is, you could stand behind the fence and you could shoot him with buckshot if you had someone to help you? A. Yes sir.
- Q. What prevented your shooting him by yourself if you could stand behind that fence and shoot? A. Well, I wanted someone with me. I didn't want to go alone.
- Q. How what did you want someone with you for, what was the purpose? A. Because I didn't want to go alone.
- Q. That was the only purpose that you had, you didn't want to go alone? A. No sir.
- Q. Why didn't you want to go alone? A. I don't know exactly why I didn't want to go alone.
- Q. You was going to commit a crime and you wanted somebody to be with you when you committed that crime? A. Yes sir, I wanted somebody to help me.
- Q. And after you had ~~studied~~ ^{studied} out ~~all of~~ ^{all of} the arrangements of it and determined it could be done by standing behind a fence and shooting Mr. Peabody, then you wanted somebody to help you?
- A. Yes sir.
- Q. What to do, to pull the trigger? A. I wanted someone to shoot too.
- Q. You wanted someone to shoot besides yourself? A. Yes sir.
- Q. You weren't afraid, were you, that you couldn't shoot straight enough to ~~kill~~ kill a man from behind that fence? A. I thought I could, but I wanted someone with me.
- Q. That is the only explanation you have got of that, is that you wanted someone there to shoot also if necessary? A. Yes sir.

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- Q. What month was it when you had the conversation with Haywood about getting somebody to help you to shoot Peabody? A. I think it was in April.
- Q. What time in April? A. Well, I couldn't say exactly what time.
- Q. Couldn't tell us whether it was the fore part or the latter part? A. Just after I got back from Silverton.
- Q. Right away after you got back? A. No, it was a week or so after.
- Q. After you had made your investigation? A. Yes sir.
- Q. Did you see Haywood after you came back from Silverton?
A. Yes sir, I did.
- Q. Did you see him after you came back from Gripple Creek with Adams? A. Yes sir, I did.
- Q. How often did you see him? A. I seen him every once in awhile, quite often.
- Q. He was there all the time, was he? A. Was where all the time?
- Q. Right there in headquarters? A. No, wasn't there all of the time.
- Q. Or at Pettibone's store? A. He was over there sometimes.
- Q. But in any event he was in Denver where you could see him every day if you wanted to? A. Yes sir, I think he was.
- Q. And you did see him nearly every day, did you? A. I don't know that I seen him every day, no.
- Q. How often did you see him? A. I couldn't say how often I did see him. I saw him quite often.
- Q. Any officer or anyone present with him during that time that you knew of? A. Yes sir, there was an officer with him.

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- Q. When did you first see that officer? A. Well, some little time after I came back from Silverton.
- Q. How long was it after you came back from Silverton? A. I don't remember just how long it was.
- Q. Don't remember that? A. It wasn't very long.
- Q. After the officer was with him, in any event, you never saw Haywood or was able to talk with Haywood alone? A. Yes sir, I was.
- Q. When he had that officer with him? A. Yes sir.
- Q. The officer left him, did he, with you? A. No sir, he used to go into another room if he wanted to talk to me when I was over at Headquarters. He used to come over to the store and the officer would stand in the front part of the store and we would go back in the back part of Pettibone's store to talk.
- Q. That happened frequently, did it? A. It happened sometimes.
- Q. How often? A. I couldn't say how often.
- Q. Now where was Moyer at that time? A. I think he was in jail at Telluride.
- Q. Didn't have any talk with Moyer then about assassinating Peabody at that time? A. No sir.
- Q. When you saw Adams you say he said he was willing to do it or ready for any old thing, something like that? A. He did say something to that effect, yes sir.
- Q. Right at the moment you spoke to him about it? A. He answered right off.
- Q. Did you go to Adams' house to see him about that? A. Yes sir.
- Q. How long did you stay there? A. I think I stayed an hour or so.
- Q. Then you went back to Denver, did you? A. I did in a day or

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xxx two.

- Q. When you came back you say that you told them, referring to Haywood and Pettibone, that Steve was coming down in two or three days and we would work on that assassination of Mr. Peabody: Where was it you told them that? A. I think I told Haywood over to headquarters.
- Q. What was the occasion of your telling them that when you had already made the arrangement to go down and get Steve and come back and do that very thing? A. I wanted to tell them.
- Q. You wanted to tell them of a thing which they knew was going to be done and which they had sent you out to do? A. I wanted to tell them that Steve was coming down.
- Q. Why did you add to that that you were going to work on the assassination of Peabody? A. Because so that they would know we was going to work on it.
- Q. And they said that it was all right and they wanted you to work on it.
- Q. Had they said anything at that time about your working on anything else? A. I don't know that they had right at that time.
- Q. Did it strike you as kind of peculiar that they said for you to work on it when they had already been telling you that same thing? They were not finding fault with you because you had been lazy about it, were they? A. No sir, I don't think so.
- Q. Now about these shot guns: Was that the time when Steve Adams came back that you got them again? A. Yes, sir.
- Q. Where did you get them? A. I got them over at Pettibone's store.

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- Q. Didn't get them at Federation headquarters then?
- A. Pettibone I think got them there.
- Q. Well, do you know that he did? A. He said he did, said he would go over and get them.
- Q. Pettibone said he would go over and get them at headquarters, and went over and came back with them? A. Yes, sir.
- Q. You told us yesterday, didn't you, that you got them at headquarters? A. I don't think I did.
- Q. Don't think you did? A. No sir.
- Q. You say that you made arrangements to watch Peabody at night: What did you do with the guns? Carry them with you? A. Yes sir
- Q. When you watched him at night? A. We did part of the time.
- Q. What did you do with them the balance of the time? A. Left them in our room.
- Q. You always had the guns then in your possession, did you, from the time that you got them? A. We did at that time, yes sir.
- Q. At that time? A. Yes sir.
- Q. And at night time did you carry them in a holster under your coat? A. Sometimes we did.
- Q. Where did you get these holsters? A. I don't remember just where I did get them.
- Q. Don't remember; you got them of Pettibone, didn't you?
- A. I might have; Pettibone might have got them for us.
- Q. Might have, you don't remember anything about that?
- A. I think Pettibone did get them for us.
- Q. Probably Haywood got them too, didn't he? A. No sir, I don't think he did.
- Q. Think Pettibone went over and got them from Haywood, or don't

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you know about that? A. I think he went and bought them at a store.

Q. You think the guns were with you all of the time from the time that Pettibone delivered them to you until you got through with them? A. Yes sir.

Q. Until you abandoned the Peabody proposition? What did you mean when you said this a couple of days ago: "They gave us a couple of sawed-off shotguns and shells loaded with buckshot, and we made arrangements to watch him at night when he came home and we were to take the guns down, and Pettibone fixed a place in his back yard to hide them in if we found him." You said that, did you? A. Yes sir.

Q. Fix a place to hide what in? A. The guns.

Q. If you found who? A. Peabody.

Q. Then you were going to hide the guns there after you shot Peabody with them? A. Yes sir.

Q. Did you go and see the place that was fixed to hide the guns in? A. Yes sir.

Q. When? A. Before that some time.

Q. Before that? A. Yes sir.

Q. Where was the place? A. It was in Pettibone's back yard or in a yard that was right next to his. There was a vacant lot I don't think belonged to him, but there was no fence between us, and it was just in the edge of it over in his yard.

Q. You helped to fix the place, did you? A. No sir, Pettibone fixed it.

Q. Did you hide the guns there? A. We did after that, yes sir.

Q. When did you hide them there? A. After we killed Mr. Gregory.

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Q. After that? A. Yes sir.

Q. That was along about the same time that you killed Gregory, wasn't it? A. It was after that.

Q. Not very far away from that? A. Just a little time after that.

Q. Did you dig a hole in the ground to bury the guns in?

A. No sir, I didn't.

Q. What did you do? A. I put the guns in there in a place that was already fixed.

Q. What kind of a place was it? A. It was a little trench dug in the ground and an old tie laid over it.

Q. A railroad tie? A. Yes sir.

Q. So you lifted up the tie and put the guns under it, did you?

A. Yes sir, we put one gun under it. We only had one at that time with us, we only had one shot gun.

Q. What is that? A. We only had one shot gun.

Q. What other guns did you have? A. A couple of six-shooters I think.

Q. Why did you abandon your plan which you say Haywood had authorized you to use of shooting Peabody with a shot gun?

A. Because we had seen him coming home there, or we went there and went up behind the hack and thought he was in it as we had seen him before, and there was some women got out and they noticed us after they got out of the hack and started into the house and got on the porch and they stood and looked at us for quite a ways, and we thought they had seen us and would mistrust what we was up to and would be watching for us if we went back again, and we quit that for a while.

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- Q. And then you resorted to bombs to get him, did you, or was that afterwards? A. We got a bomb then.
- Q. Got a bomb at that very time, didn't you? A. We made one ~~some~~ ~~days~~ after that.
- Q. You thought they could identify your guns easier than they could identify you in connection with the bombs? A. Well, we wasn't going to put the bomb right close to the house.
- Q. How far were you going to put the bomb? A. Half a block from the house.
- Q. And how near were you to the house when these ladies got out of the carriage? A. We was about forty or fifty feet, I think, from the carriage.
- Q. And behind it, were you? A. Yes sir.
- Q. And did you run in the opposite direction or did you run past the carriage? A. No sir, we went over on the sidewalk from there.
- Q. Didn't run at all, did you? A. No sir, didn't run.
- Q. Walked along and minded your own business, didn't you?
- A. We walked along, yes sir.
- Q. Did you walk along by where the ladies had gotten out of the carriage? A. No sir, we didn't.
- Q. You walked up in another direction? A. In the opposite direction.
- Q. Nobody disturbed you or ran after you? A. No sir, did not.
- Q. Nor apparently paid any attention to you? A. Just the women stood and looked at us as far as we could see them.
- 531 Q. And on the strength of that you abandoned your shotguns but you did not abandon your purpose? A. No sir.

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- Q. What did you do with the shot guns when you abandoned them?
A. Took them to our room.
- Q. And left them at the room? A. We did when we wasn't using them.
- Q. And then started in on the manufacture of a bomb? A. Yes sir.
- Q. What street was it that you placed this bomb on? A. We didn't place any bomb.
- Q. Didn't place any? A. Not then.
- Q. You say Adams went up to some little mining town near Black Hawk and got about fifty pounds of powder? A. Yes sir.
- Q. What was the name of that town? A. I don't remember the name of it.
- Q. What mining towns was there anywhere near Black Hawk?
A. I don't know. I never was up there.
- Q. Central City is a bigger place than Black Hawk, isn't it?
A. I think it was up near Black Hawk, I am not positive. It was up in that direction.
- Q. You don't really know where he did go to get the powder?
A. He went up to see a man that lived up there.
- Q. What was the man's name? A. Jack Doyle.
- Q. Did you know Jack Doyle? A. Yes sir.
- Q. Where had you known him? A. Cripple Creek.
- Q. How long had Jack Doyle been away from Cripple Creek?
A. Went away some time just after the strike.
- Q. What has become of Jack Doyle, if you know? A. I don't know.
- Q. Don't know where he is? A. No sir.
- Q. Haven't heard from him since? A. I think I seen him once since that.

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Q. And can't give us the name of the town that he was in at the time? A. I don't remember the name of the town, no sir.

He was running a little mine up there somewhere, was the boss up there.

Q. You made that bomb with just an ordinary box and put the fifty pounds of powder in it? A. Yes sir, we put about that into it.

Q. How large a box does it take to hold fifty pounds of powder of the kind that you got on that occasion? A. I think it takes a box about 18 inches long and 10 inches wide and 6 inches high.

Q. A box a little bigger than that grip there on the table or about that size would you think? A. I think it would be a little larger than that.

Q. You think it would be a little larger than that?

A. Probably not any larger.

Q. Now a fifty-pound box is just the kind of a box that they ship that powder in? A. Yes sir.

Q. Always ship it in 50-pound boxes, don't they? A. I don't think so.

Q. Does it usually come in that size boxes? A. I guess so, not ~~always~~ always. *Comes in different sizes.*

Q. You had it already in a proper receptacle for a bomb if you had it in the original package, didn't you? A. It wasn't in the original package when we got it.

Q. How did he bring it in? A. Brought it down in a grip or a suit case.

Q. Brought it in a suit case on the train? A. Yes sir.

Q. Took a suit case up for that purpose? A. Yes sir.

- Q Was it your suit case? A. Yes sir.
- Q. Then did you make the box that you put the powder in?
- A. Mr. Pettibone ~~was~~ made it.
- Q. Did you tamp the powder into it? Or just lay it in in the original condition? A. We just laid it in in the original condition.
- Q. Didn't thaw it or anything of that kind? A. It was already thawed.
- Q. Did you press it down in like you do when you put it into a drill hole? A. No sir, didn't break the papers at all.
- Q. Pettibone made this box, did he? A. Yes sir.
- Q. What kind of timber was it made out of? A. Made out of boards, pine boards I think; the boards that they use for making ordinary boxes.
- Q. Ordinary dry-goods box boards? A. Yes sir.
- Q. You talked with Haywood in regard to that, too, did you?
- A. Didn't talk to him just at once.
- Q. While you were making the bomb did you talk to him?
- A. We talked to him just after we made it.
- Q. Did he see the bomb? A. I don't remember whether he did or not.
- Q. How did you come to talk with him just after you made it?
- A. I told him what we was going to do.
- Q. What did he say about it? A. He said not to use it then.
- Q. Not to use it then? A. Yes sir.
- Q. Why not? A. He said the executive board was there in session of the Western Federation of Miners and he didn't want any dynamiting down there for fear they would all get arrested.
- Q. The executive board were in session in Denver, were they?

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A. Yes sir.

Q. At that time? A. Yes sir.

Q. Now weren't the executive board also in session at the time you had failed on this shot gun expedition? A. I don't think they had met yet.

Q. Don't think they had? A. I don't think so.

Q. You don't know when the executive board went into session that year? A. I am not quite sure just what time it was. I think it was in May, though.

Q. Did Haywood come over to call you off because the executive board was in session? A. I don't remember whether he came over on that purpose. He told me not to do it, or told us not to, when he found out what ~~was~~ we was going to do with the bomb.

Q. But up to that time he hadn't interfered with you in any way in carrying out your orders to assassinate Peabody?

A. I don't think we told ~~them~~ him we was going to make a bomb at first.

Q. He didn't have any objections then to your using the shot gun but he didn't want you to use a bomb? A. He didn't want us to use the bomb when the executive board was in session there. I don't know that he wanted us to use the shot gun then, but he ~~still~~ did say that he wouldn't find us using a shot gun as much as he did a bomb because they wouldn't be so apt to jump right onto them if we used a shot gun as if we used the powder.

Q. But he didn't want you to use either at that time? A. No sir, he said not to bother with him any more at that time.

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- Q. Now who was present when he said that? A. I can't say who was present. Adams and I was present.
- Q. Adams and you was present anyway? A. Yes sir. Pettibone might have been; I don't know whether he was or not.
- Q. Don't know whether Pettibone was or not but you do know it was in Pettibone's store that this was said? A. I didn't say it was in Pettibone's store.
- Q. Well, I am asking you now. A. I am not sure it was in his store. I think it was, though.
- Q. You think it was in Pettibone's store? A. Yes sir.
- Q. But it might have been up in the office? A. It might have been, yes sir.
- Q. Or on the street? A. I don't think it was on the street.
- Q. Well, you would place it as one or the other of the two places, the office or Pettibone's store? A. I think it was one of the two places as near as I can remember.
- Q. Or at the house? A. I don't think it was at the house.
- Q. Don't think it was? A. No sir.
- Q. But you are not quite certain where it was? A. I think it was in one or the other of the places spoken of.
- Q. You are certain of the conversation, however? A. I am.
- Q. But you don't want to locate the place where it took place? A. I am not positive in which place it took place.
- Q. Nor the time that it took place? A. Not exactly the time, no sir.
- Q. Assassination was with you such a common thing that you took no note of time or place when you had conversations with respect to it?

MR. HAWLEY: Objected to as argumentative and improper.

THE COURT: Objection overruled.

A. I don't remember the question.

Q. Read the question. (Question read). A. I remember the places that I had these conversations but I don't remember which place it was at that time. Those were the places that I have spoken of that we met and we hardly ever met anywhere else.

Q. And it is because you hardly ever met anywhere else that you say this conversation was at one or the other of these places? A. Yes sir.

Q. Without any distinct recollection as to where it was?

A. Well, it was one or the other of the places.

Q. You didn't do anything after Haywood told you to lay off for a while? A. We didn't do anything for a few days, no sir.

Q. How did you pass your time? A. Loafing around the city.

Q. You remained in company with one another? A. Most of the time, yes sir.

Q. You say you were not at headquarters at that time very much?

A. Not very much.

Q. Why not? A. Didn't have any particular business up there. I used to go up once in a while.

Q. There was nothing to keep you away from there, was there?

A. No sir, not particularly.

Q. Went up when you wanted to and stayed away when you wanted to?

A. I did.

Q. But still you say that you was not there very much at that time? A. No sir, not right then, once in a while.

Q. The next effort you made was to assassinate Lyte Gregory,

was it? A. Well, we had tried to assassinate Mr. Moffat in the meantime, between that time.

Q. Oh, I see. Well, let us take them up in the order that you testified to them the other day. Gregory was the next one on my list here. A. All right.

Q. You didn't know Lyte Gregory? A. No sir, I did not.

Q. Never had seen him? A. I had never seen him before to know him.

Q. Nor had any interest in him whatsoever? A. No sir.

Q. And he hadn't hurt you in any way? A. Not that I know of.

Q. And yet when the suggestion was made that you assassinate Lyte Gregory you fell right in with it, did you?

A. Yes sir, I said I would help do it.

Q. Of course I suppose you was drawing money all the time, weren't you? A. Yes sir.

Q. You were gambling all of the time, too, weren't you?

A. I gambled some.

Q. And you lost some money when you gambled, did you? A. Yes sir.

Q. Or did you win some? A. I lost some and winned some, I suppose.

Q? How about keeping even on the proposition? A. I think I lost more than I winned.

Q. Did you have any little enterprises on the side outside of these assassinations that you have spoken of? A. I don't know what you mean by "enterprises".

Q. Go out and hold anybody up and take any money away from them?

A. No sir.

Q. Did not? A. No sir.

Q. Wasn't engaged in any hold-ups in Denver that spring?

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- A. I didn't hold up anybody, no sir.
- Q. Did you make any attempts to do so? A. No sir.
- Q. Did you rob any stores during that spring? A. No sir.
- Q. Or any bank? A. No sir.
- Q. Or any saloons? A. No sir.
- Q. But you did gamble? A. I gambled a little, yes sir.
- Q. Well, you made an arrangement to assassinate Lyte Gregory, did you? A. Yes sir.
- Q. That arose on the spur of the moment, did it? A. Yes sir, it did with me.
- Q. Didn't consult with Haywood about that? A. No sir.
- Q. Nor Meyer about it? A. No sir.
- Q. Not Pettibone about it? A. Yes sir.
- Q. Until about the ~~time~~ time that you got ready to assassinate him? A. Mr. Pettibone spoke to me first about it, and Mr. Adams.
- Q. The subject of Lyte Gregory's assassination arose some time during the evening? A. About four o'clock I think when they spoke to me about it.
- Q. About four o'clock in the afternoon? A. I think so.
- Q. And before midnight that night or about midnight that night you had him assassinated? A. We did.
- Q. Where was Pettibone when he talked to you about assassinating Lyte Gregory? A. He first spoke to me of it over on 18th Street.
- Q. Out on the open street? A. Yes sir.
- Q. That was between Curtie and Stout you say? A. I think it was between Stout and Champa or somewhere along there, I wouldn't

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say positive.

- Q. What were you doing over there? A. I met them there on the street, met Mr. Adams and Mr. Pettibone.
- Q. What were they doing? A. They were going down looking for me.
- Q. Did they know where to look for you? A. Well, we used to stop in a saloon down near Larimer Street some, and they thought I was down there.
- Q. Had you been down in that saloon? A. I think I had and was coming back up to the store.
- Q. Coming back up to Pettibone's store? A. Yes sir.
- Q. So you met him on the street and there you stopped and held a conversation about assassinating Lyte Gregory, did you?
- A. Yes sir.
- Q. Where was the nearest place of business to you while you were holding that discussion? A. Well, I don't know that there was any place of business right there; there might have been.
- Q. Those are all stores along there on 18th Street, aren't they? A. I think it was right along by the Keeley Institute if I am not mistaken; somewhere right there.
- Q. That is on the corner of Curtis, isn't it, and 18th?
- A. I think it is.
- Q. Well, I thought you said you held this conversation between Champs and Stout, that is a street further up, isn't it?
- A. I said we held it between Stout and Champs or down; I didn't say positive just where on 18th Street.
- Q. Do you remember now it was opposite the Keeley Institute?
- A. I don't remember if it was right opposite it.
- Q. Did you choose the Keeley Institute because that is the only building around there that is back off the street?

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A. No sir, we spoke of it when we met right there.

Q. But it just so happened that the Keelley Institute is the only building that don't come out to the lot line, isn't it?

A. I don't remember whether it is or not.

Q. Do you remember of any other place along there where the building is not flush with the edge of the sidewalk except the Keelley Institute? A. I don't know that I do.

Q. Don't know that you do? A. No sir; the sidewalk is very wide there, though.

Q. Any people pass you there? A. There didn't any people hear what we was talking about.

Q. ~~Did~~ Did any people pass you there? A. I don't know whether they did or not.

Q. Did you talk in a muffled tone? A. We talked low, yes sir.

Q. Put your heads close together? A. I don't think we were very far apart.

Q. Don't think you were very far apart? A. No sir.

Q. That is one of the very busiest streets there is in the city of Denver, isn't it? A. I don't think it is.

Q. Sixteenth Street is the most so, isn't it? A. I don't know; Sixteenth or Seventeenth, there isn't much difference.

Q. Sixteenth and Seventeenth, there isn't much difference?

A. I don't think there is.

Q. And then there isn't so very much difference between Eighteenth and Fifteenth, is there? A. I think there is a good deal of difference.

Q. You think there is? A. Yes sir.

Q. 15th, 16th, 17th and 18th are the four busiest streets in

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Denver, of the four streets that run up and down? A. I think 18th would be the least busy of any of them.

Q. Of those four? A. I think so.

Q. Yes, I think so too, but you do think that those four are the four busiest streets in Denver that from the north toward the south, don't you? A. I think they are.

Q. And yet you say there was nobody passed near enough to you there to hear what you was saying on that busy street?

A. Yes sir, I ~~heard~~^{said} there was nobody heard what we were saying.

Q. What was the matter with Gregory? What did you want to kill him for? A. We wanted to kill him for his opposition against the Federation and against the coal miners.

Q. What had you to do with the coal miners? A. I hadn't anything in particular to do with them.

Q. What had the Federation to do with the coal miners?

A. I don't think they had anything to do with them.

Q. There wasn't a coal mining strike on at that time, was there?

A. I think there was.

Q. Think the coal mining strike was on in the spring of 1904?

A. Yes sir.

Q. Think it was? A. Yes sir

Q. And he was working for the people who owned the coal mines, was he, Gregory was? A. I understood he was a deputy down in the coal mines.

Q. A deputy down in the coal mining district? A. Yes sir.

Q. That was Mr. Mitchell's organization, the coal miners' organization, wasn't it? A. I think he was president of it.

Q. And the Western Federation had nothing to do with that fight,

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- did they? A. I don't know that they had anything to do with the coal people.
- Q. Well, you know that they hadn't don't you? You know that John Mitchell was handling that coal fight? A. I don't think they had anything to do with it.
- Q. And this man was a detective for the coal operators?
- A. He was at that time.
- Q. And yet you was going out and kill him, assassinate him, because he was that kind of a detective? A. Because he was that kind of a detective and because he had been a detective up at Isha Springs when the strike was on there with the Federation.
- Q. And because he was the man who was supposed to have beaten up Evans, did that enter into your consideration at all?
- A. He was the man that was supposed to beat up somebody, I don't know whether it was Evans.
- Q. You heard, didn't you, that he was the man that beat up Wardjon? A. I heard he ^{was one of them.} ~~beat up~~ Wardjon.
- Q. You heard he beat up Evans too, didn't you? A. I don't remember of Evans; I remember of Wardjon.
- Q. Wardjon was a coal man, too, wasn't he, in the coal fields?
- A. I think he was some officer of the United Mines Workers.
- Q. And Evans was a United Mines workers' too, wasn't he? A. I don't remember of Evans.
- Q. Do you remember hearing of Gregory beating up anybody or having any trouble except in connection with that coal fight down there? A. Yes sir.
- Q. Where was that? A. Up at Isha Springs.

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Q. Did Lyte Gregory have any trouble at Idaho Springs?

A. I don't know that he had any trouble, but he was a detective up there at the time of the strike, when the Western Federation had the strike up there the spring before.

Q. But there was no trouble with Lyte Gregory so far as you know of at Idaho Springs? A. ~~There was~~ ^{There was} trouble with him ~~was~~ at Idaho Springs.

Q. That matter was all over with and disposed of in any event, whatever the trouble was? A. These men that I speak of

said he was a witness up there on these cases against them.

Q. Don't you know as a matter of fact that Lyte Gregory never went on the stand up there in that case? A. I don't know whether he did or not.

Q. You know that Pettibone told you that he did? A. Pettibone didn't tell me, no sir.

Q. Who was the man that told you? A. I think his name was Mildren.

Q. What was his first name? A. I am not quite sure that that is the right pronunciation of it; Mildren I think.

Q. Bob Meldrum? A. No sir, not Bob Meldrum.

Q. Don't know whether his first name is right or whether his last name is right? A. I think his last name is Mildren. I think it is spelled M-i-l-d-r-e-n, but I am not positive of it.

Q. Do you know where he is? A. I do not.

Q. But this man Mildren told you he was a witness up there in the case at Idaho Springs? A. I don't know as he told me he was a witness. He told me he was a detective and was fighting the Federation at the time they had a strike up there.

- Q. You just said a few moments ago that he told you he was a witness? A. I don't know whether I said he was a witness, I said I thought he was, but I am not positive whether he said he was a witness or detective.
- Q. Well, you want to take that back, do you, that he was a witness if you said it? A. I wouldn't say positive that he was a witness.
- Q. There was no charge against Gregory, no formal charge against him of having participated in any trouble except in connection with the United Mines workers, was there?
- MR. BORAH: Do you mean a legal charge?
- MR. RICHARDSON: I mean on the part of these people you were talking with.
- Q. No complaint made about him other than that he was a general detective? A. He was a detective up there at the time of the strike at Idaho Springs.
- Q. What were you going to assassinate him for at that time, what was the thing that he was to be assassinated for? A. That was the thing he was to be assassinated for, for his fight, he had been making against them and against the coal miners. They spoke about that, too.
- Q. You wanted ~~him~~ to assassinate him on his entire account?
- A. That they spoke of.
- Q. Gregory was just simply an ordinary \$60 a month detective, wasn't he? A. I don't know what kind of a detective he was.
- Q. Wasn't a man of any influence with the organization, just simply a servant of it, that is all, wasn't he?
- A. I don't know as to that.
- Q. Don't know? A. No sir.

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Q. You didn't know him to be a person of any high standing or anything of that kind? A. I didn't know him at all only what I was told.

Q. Just represented to you as a plain detective? A. Represented to me as a detective, and that he had been in opposition to the Federation up at Idaho Springs.

Q. Not detective extraordinary like McFarland, for instance?

A. I don't know anything about it.

MR. HAWLEY: We object to that question as being absolutely improper.

THE COURT: The objection is overruled.

Q. Now who told you about this man being a detective at Idaho Springs, Mildren or Pettibone? A. Pettibone told me first.

Q. Pettibone told ^{you} me first? A. Yes sir.

Q. Then it was followed by what Mildren said? A. He said Mildren had told him.

Q. Didn't you say just a few moments ago that Pettibone didn't tell you anything about his having anything to do at Idaho Springs?

MR. BORAH: He didn't say anything of the kind.

MR. BARROW: He said exactly that.

MR. BORAH: He did not.

THE COURT: You may answer.

A. No sir, I don't think I said that.

Q. Don't you think you said that? A. No sir.

Q. Well, you got it then from both of them, didn't you? From one first and the other one afterwards? A. I got it from Pettibone first.

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- Q. And from Mildren afterwards? A. I talked with Mildren about it afterwards, yes sir.
- Q. How long did you talk on that street about that matter?
- A. Just a few minutes.
- Q. Where did you go to then? A. I went over to Pettibone's store.
- Q. This you say was about four o'clock in the afternoon?
- A. Yes sir, I think it was.
- Q. Well, you went over to see the Executive Board about that, did you? A. No sir, I did not.
- Q. Or Pettibone? A. Yes sir.
- Q. You say Pettibone told the executive board about it?
- A. He said he did, yes sir.
- Q. And then he ~~subsequently~~ reported to you that something had happened on that executive board when he mentioned it to them?
- A. He said that he told the executive board and they said it was all right.
- Q. Well, you said yesterday, didn't you, that Pettibone--
- "Q. Pettibone had told them?" A. Yes sir, and they said it would be a good thing to put him out of the way."
- A. That is what Pettibone said, yes sir.
- Q. Is that all he said? A. At that time, yes sir.
- Q. Who did he refer to when he said ^{they said} "It would be a good thing to put him out of the way"? A. He referred to the executive board.
- Q. Who composed the executive board at that time, if you know?
- A. Jack Simpkins, Mr. Kirwan, D. C. Copley, Jack Williams -- I don't know that I remember the rest of them.
- Q. Did you see that executive board? A. I had seen some of them, yes sir.

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- Q. At that time? A. Yes sir, I had seen some of them at that time.
- Q. Did you have any talk with them? A. I don't know that I talked with them, no sir.
- Q. They said that it would be a good thing to put him out of the way, that is, all of these men that you have mentioned, so Pettibone reported? A. He said "they", that is the way he used it.
- Q. The other day you said "Jim Murphy from Butte spoke up and said it would be a good thing and they agreed that it would," didn't you? A. He did tell me that afterwards.
- Q. But not at that time? A. No sir.
- Q. Where was he when he told you that? A. He told me that afterwards down in Jack Simpkins room.
- Q. The reason that you said that that way I suppose was because you was telling this in narrative form and did not disconnect ~~connect~~ the ^{two} places where the statements were made? A. No sir, they referred to that after this was done.
- Q. You were present then, that is what I want to get at, when Jim Murphy made some statement about it? A. No sir, I was not.
- Q. You were not? A. No sir.
- Q. Who was it that told you that Jim Murphy made some statement about it? A. Jack Simpkins told me afterwards.
- Q. Jack Simpkins told you afterwards? A. Yessir.
- Q. When? A. Gregory was killed on Saturday night, and it was on Sunday.
- Q. And then yesterday you said that Pettibone told you that Murphy had said that, ~~they~~ didn't you? A. Pettibone did tell me, too, I think.

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- Q. Pettibone told you also? A. Yes sir.
- Q. And Jack Simpkins told you? A. Yes sir, they spoke about it.
- Q. Now did anybody else tell you? A. I don't know as anyone else did; they might have spoken it.
- Q. You knew there were several other members of that executive board: Don't you think they told you also the same thing?
- A. There was none of the rest of the executive board told me.
- Q. Well, was there anybody else that told you about it besides Pettibone and Simpkins? A. Mr. Haywood spoke about it.
- Q. About what Murphy had said? A. Yes sir.
- Q. What did Haywood say Murphy had said? A. After we was over there on Sunday after Mr. Gregory was killed Mr. Haywood spoke of what Mr. Murphy had said the day before, that he ought to be put out of the way, and he said that Mr. Simpkins was up in the room reading a paper the next morning, in the Federation headquarters with the account of Gregory in it, of him being assassinated. He said Simpkins handed Murphy the paper and he looked at the headlines of it and just took the paper and put it around behind him.
- Q. That is what Simpkins did -- that is what Haywood told you that Simpkins did? A. Yes sir, he did.
- Q. Now did any other member of the executive board make a similar statement to you about what Murphy had said? A. I don't remember of any other.
- Q. Did Meyer say anything about that? A. No sir, I don't remember.
- Q. Don't remember whether Meyer said anything about it or not?
- A. I remember that he didn't.
- Q. When Mr. Hawley asked you about this you replied as follows,

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didn't you, speaking of a conversation which you were having with Gregory and Pettibone on the street at four o'clock in the afternoon, the street being 18th Street: "Q. Pettibone had told them? A. Yes sir, and they said it would be a good thing to put him out of the way, and Jim Murphy from Butte spoke up and said it would be a good thing and they agreed that it would, and I met him when he came back, on the street, and Adams was with me and wanted to know if I wanted to go out and help him." Didn't say anything about the other members of the executive board having made any statements about it personally, did you? A. I said that was what Pettibone told me.

Q. And you say it now, do you? A. Yes sir.

MR. BORAH: Does that record read there that Gregory was present?

THE WITNESS: I noticed that, but I thought he made a mistake in the name.

MR. RICHARDSON: No. I have read the question and answer as it is here. What I said preliminary to that was my own language, and I may have misspoken the name.

MR. BORAH: I desire at this time to call attention to an error that was made here yesterday, and that was wherein counsel read that the witness stated that he would have no work to do nor any work. The stenographer informs me that the answer should have been no work only night work, as the witness testified it was when it was read out of the record.

MR. RICHARDSON: I don't know anything about what you are referring to.

matter that transpired yesterday, where the witness said that the answer should have been "no work only night work".

MR. RICHARDSON: What I read yesterday was as it was printed in the record.

MR. BORAH: I am not speaking of this in criticism of counsel at all but simply as the statement of a fact. You read it as it was in the record.

MR. RICHARDSON: I read it as it was in the record, and if I read what is in the record I think that is all I should be held responsible for.

- Q. What saloon was it that Gregory was in on Curtis Street, do you know? A. I am not sure. I think it was Waters, but I am not sure.
- Q. Waters? A. I think that was the one.
- Q. Do you mean Mark Watrous? A. I think that is what they call him, I am not positive.
- Q. A saloon opposite the St. James hotel? A. It is about opposite, yes sir.
- Q. You went over there, did you, at that time? A. I went over there that night, yes sir, that evening.
- Q. What time of the ~~nightrous~~ year was this? A. It was in May I think.
- Q. Well, you didn't go over directly after you had talked in the store there at Pettibone's, did you? A. No sir, we didn't go over until evening.
- Q. Some little time? A. Yes sir.
- Q. You stood in front of the St. James hotel waiting for him to come out? A. Yes sir, we did.

- Q. You didn't know who the man was that you was going to shoot at that time that is, by sight? A. I had seen him.
- Q. You had seen him? A. Yes sir.
- Q. No trouble about telling him once you had ever seen him, was there? A. No sir, I could tell him.
- Q. A man about six feet and four inches high, wasn't he? A. He was a big tall man, yes sir.
- Q. And weighed somewhere in the neighborhood of 300 pounds? A. I don't know how much he weighed.
- Q. A very big man, wasn't he? A. Yes sir, he was.
- Q. Where had you seen him before that? A. I seen him in the saloon that he was in.
- Q. You didn't take Pettibone and Meldron over with you then for the purpose of identifying him? A. We went into the saloon to see him, Mr. Adams, Mr. Pettibone and myself.
- Q. The three of you? A. Yes sir.
- Q. And then you knew him? A. Knew who he was? A. No sir, not at that time I didn't know who he was.
- Q. Was that the first time you had ever seen the man? A. Yes sir, to know him.
- Q. That afternoon? A. That evening.
- Q. That evening? A. Yes sir.
- Q. I thought you said you had met him before? A. No sir, I didn't say so.
- Q. So far as you were personally concerned you knew nothing about him and had nothing against him? A. Only what I was told.
- Q. That is what I say, so far as you were personally concerned? A. Yes sir.

- Q. Then you followed him out on Santa Fe Avenue, did you, or near Santa Fe Avenue? A. It was somewhere near there I think.
- Q. How far out of town was that away from where you first met him? A. It was quite a little ways out there. I think it was somewhere about 10th, 10th South I think.
- Q. Well, two or three miles? A. I don't think it is that far.
- Q. A couple of miles? A. I don't think it is two miles either. I don't know just how far.
- Q. South Denver in any event, isn't it? A. I think it is South 10th Street, or somewhere about there, near Santa Fe.
- Q. What car did you go out there on? A. The car that runs on Curtis Street. I couldn't tell you now what car it is.
- Q. And then turns into South Water Street? A. It turns south I think.
- Q. Don't you know whether it goes on South Water Street?
- A. After it crosses Cherry Creek I think it turns south.
- Q. Where ~~was~~ do you say you were rooming at that time?
- A. We roomed up on 38th and Downing Street.
- Q. How far is that from the place where you followed Gregory to?
- A. Quite a ways out there. I don't know hardly how many miles.
- Q. 38th and Downing is in East Denver, isn't it? A. I don't know whether you would call it East Denver or not.
- Q. Well, it is in that part of Denver that the St. James hotel is in, isn't it? A. No sir, it is not.
- Q. I don't mean in that particular portion of the city, but it is in that division of Denver? A. I don't know how the divisions are divided up.

- Q. Don't know how it is divided up. Very well. In coming back to go to 38th and Downing you would ~~go~~^{come} right back by the St. James hotel, wouldn't you, if you came on the street car and go out on a 22nd Ave. car or change to a Welton St. car? A. I went out on a Larimer Street car to 38th and Downing.
- Q. Well, you would have to come back then through the main portion of the town, wouldn't you? A. Yes, very nearly.
- Q. You followed him out to Santa Fe Avenue and then located him in a saloon, and then came back and went out to 38th and Downing Avenue and got your gun? A. I did, yes sir.
- Q. How long a time was it from the time you had followed him out to South Denver before you got your gun and come back there? A. I stayed there quite a while.
- Q. Whom did you leave there? A. Steve Adams and this Mildren.
- Q. They stayed and watched him while you went and got the gun to assassinate him with? A. Yes, sir.
- Q. And you stayed in south Denver quite a while or out at 38th and Downing quite a while? A. I stayed in south Denver quite awhile.
- Q. After you got back? A. Yes sir.
- Q. Took you about an hour, oh, from an hour and a half to two hours to go out to 38th and Downing and come back, wouldn't it? A. No sir, I don't think it would take that long.
- Q. How long do you think it took? A. Possibly an hour.
- Q. He was playing cards in a saloon in the meantime, was he? A. Yes sir, I think he was.

- Q. You shot him three times with a shot gun? A. Yes sir.
- Q. When he turned around and come up to the sidewalk and reached as though he was getting a gun? A. Yes sir.
- Q. Then you ran away? A. Yes sir, after we shot him we did.
- Q. How close were you to him when you shot him? A. I think about forty or fifty feet.
- Q. Who was nearest to him, you or the other man? A. We were standing very near, very close together.
- Q. And when you saw him turn around on the sidewalk, this man who was drunk, who had been playing cards all the evening, you shot him three times? A. I did.
- Q. What did you want to shoot him three times for? A. He didn't go down until I shot him the third time.
- Q. You kept at it until he went down, did you? A. Yes sir.
- Q. How many shots did you have in your gun? A. Five or six.
- Q. You could shoot five or six times without reloading, could you? A. Yes sir.
- Q. Did Gregory say anything to you when you shot him?
- A. He hollered something the first time I shot him.
- Q. What did he holler? A. I don't know just what he did say.
- Q. Don't know, but when he made a move you just pumped it into him three times.
- Q. Did you wait to see whether it killed him or not?
- A. No sir, I did not.
- Q. You went down through the ally, did you? A. Yes sir.
- Q. And went one way and Steve Adams went another? A. Yes sir.
- Q. What became of Mildren? A. I don't know where he went. We separated when we got out of the alley.
- Q. Have you ever seen Mildren since? A. Yes sir.

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- Q. Where? A. In Denver.
- Q. Shortly after that? A. Yes sir.
- Q. How often after that? A. I seen him several times during the forenoon just after that.
- Q. Did you see him again that night? A. No sir.
- Q. And never had met him before? A. I had met him before, yes sir.
- Q. The next day you had a talk with Haywood, Pettibone and Jack Simpkins, did you? A. Yes sir.
- Q. Where was that conversation? A. In Jack Simpkins room in the Granite Block.
- Q. Who else was rooming in that room besides Jack Simpkins, if you know? A. I think Mr. Kirwan was in there, I think it was Mr. Kirwan.
- Q. Think Mr. Kirwan was in there at the time? A. No sir, he wasn't in there at the time.
- Q. Haywood and Pettibone were though, you say? A. They were there when we were talking, yes sir.
- Q. Did they come in after you did or before? A. They came in after I did.
- Q. Was anybody else there besides you four? A. Yes sir.
- Q. Who was it? A. Jack Simpkins.
- Q. Well, that made the four, didn't it, Haywood, Pettibone, yourself and Jack Simpkins; Now was there anybody else?
- A. And Steve Adams.
- Q. Well, now, was there anybody else besides you five?
- A. I don't remember of anybody else.
- Q. Don't remember? A. No sir.
- Q. Haywood, Moyer and Simpkins expressed themselves as well

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satisfied, said it was a fine job, and Haywood said he had been down to the sheriff's office, and the sheriff had told him his men would not look for me much then, that whoever bumped him off had done a good job. That is what Haywood said, was it? A. I don't know that he said "wouldn't look for me"; he said he wouldn't look for the ones that done it.

Q. Well, I am reading an answer here on pages 175 and 176. The question was "You may state that conversation -- what was said and done. A. Haywood, Moyer and Simpkins expressed themselves as well satisfied, said it was a fine job, and Haywood said he had been down to the sheriff's office, and the sheriff had told him his men would not look for me much then, that whoever bumped him off had done a good job." A. Well, that is right, I might have said me, but I don't think --

Q. Well, now --

MR. BORAH: Hold on.

A. (Continuing) That is a little mistake in the way it is there, he said he wouldn't look for whoever done it much.

Q. Well, it don't make much difference about that. What I want to get at particularly is if these were all of the people who were present? A. Yes sir, they were all that were present.

Q. And you are sure they were all present at the time and heard that statement made by Mr. Haywood? A. Yes sir, I am.

Q. Did he tell you the name of the sheriff? A. Yes sir, he did.

Q. What was his name? A. Armstrong.

Q. Ham Armstrong? A. I believe that is what they call him, yes sir.

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Q. He mentioned that in that conversation, that he had had a

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talk with Ham Armstrong? A. He said he had been down to see Armstrong, yes sir.

Q. And Armstrong said he wouldn't look for anybody very hard, or words to that effect? A. He said his men wouldn't, yes sir.

Q. You never saw Armstrong yourself, I suppose? A. I have seen him, yes sir.

Q. All that you knew about this statement was what Haywood said about it? A. Yes sir.

Q. Are you acquainted with Armstrong? A. No sir.

Q. Never talked with him then? A. No sir.

Q. Don't know whether Haywood was telling the truth or not about Armstrong? A. No sir, I do not.

Q. Where did you see Armstrong? A. I have seen him in Denver several times.

Q. What was the occasion of your seeing him? A. I just happened to meet him on the street.

Q. Walking around the street? A. I have seen him on the street and seen him driving.

Q. What kind of a looking man is he? A. He is a smallish man, a thin man.

Q. What kind of a hat did he wear? A. I don't know as I remember. I think he wore a soft hat, but I am not sure about that.

Q. Were you keeping track of him because he was the sheriff?
A. No sir, I was not.

Q. You didn't care much about the sheriff, did you? A. No sir, I wasn't looking for him on that account.

Q. How much money did you receive for killing Lyte Gregory?

A. I received a hundred dollars the next day or so after.

Q. Was that for killing Lyte Gregory? A. I don't know that it

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was especially for that.

Q. Did you mention the fact that another job had been pulled off and you ought to have some money? A. No sir, I don't think I did.

Q. Or was you a general salaried officer for the purpose of killing people indiscriminately? A. I was furnished money when I wanted it.

Q. Whenever you wanted it? A. I got money when I asked for it, yes sir.

Q. There wasn't any difficulty about your asking for it, was there? A. I always asked for it when I wanted it.

Q. You always asked for it when you wanted it? A. Yes sir.

Q. Never made any effort to do any work to get any money?

A. No sir, I did not.

Q. Nor to get any from anybody else? A. No sir, not at that time.

Q. All you had to do was just to mention the amount that you wanted and it was forthcoming? A. I always got what I asked for.

Q. Either directly from Haywood or through Pettibone from Haywood? A. Yes sir. I got it one way or the other.

Q. Didn't have to do much running around to get it either?

A. Not very much, no sir.

Q. Well, yesterday did you make this answer to a question which is as follows: "Q. Did you have any -- what was done in regard to paying for this, if anything, or to receiving money? Did you or Adams receive any money on account of this Gregory matter? A. We did not receive much more than we had usually. We had been getting money, \$50 and \$100 whenever we wanted; I think we got \$100 the next day." You made that answer, did

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you?

A. Yes sir.

Q. Well, then you didn't receive anything particularly on account of the Gregory killing? A. No sir.

Q. You just simply drew practically your regular salary?

A. Well, we didn't get anything particularly.

Q. Now did the amount of your salary vary at different times?

A. Spent more sometimes than we did others I guess.

Q. Depending upon your losses at the poker table? A. I gambled a little, yes sir.

Q. The more you gambled and the more you lost the more you drew?

A. We drew money whenever we needed it.

Q. And when you gambled and won it was credited up to the murder fund, was it? A. I didn't ask for money only when I needed it.

Q. You didn't separate the gambling money from the money which you got from Haywood, did you? A. No sir.

Q. You just simply saw you had money in your pocket and you didn't care much from what source it came? A. No sir.

Q. And you didn't care where it came from when you didn't work?

A. I wasn't working any only this work.

Q. When you say "I think we got \$100 the next day," who did you mean? A. I think that Adams and I got a hundred dollars the next day.

Q. Did you go together to draw this hundred? A. I don't remember whether we did or not.

Q. Don't remember whether you got it the next day or not, do you? A. We got \$100 I remember a day or so afterwards.

Q. Can't tell me the place where you got it? A. I remember Pettibone give it to me.

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- Q. Can you remember the time you got it? A. I got it in the day time. I can remember the place he give it to me, too.
- Q. Didn't you say a few moments ago that you got a hundred dollars from Haywood the next day? A. I don't think I said I got it from Haywood.
- Q. You do remember now you got it from Pettibone, do you?
- A. Yes sir, I do.
- Q. Quite certain about that? A. Yes sir.
- Q. Then you are quite certain you didn't get any money from Haywood on account of the Gregory killing? A. I don't think we got any right at that time from him. We might have got some afterwards.
- Q. There was no express understanding then with regard to the amount of money which you should get for any of these killings outside of your original contract with Davis for the Vindicator explosion? A. Not at that time.
- Q. Not at that time? Well, was there at any time? A. Yes sir, there was afterwards.
- Q. A schedule of prices arranged? A. No sir, there was no schedule of prices.
- Q. Never was? A. No sir, not with the exceptions of the first time.
- Q. And that arrangement was not made with this defendant nor any of his co-defendants? A. No sir.
- Q. How long did Adams remain in Denver? A. He didn't remain -- what time do you mean? This time?
- Q. Yes. A. Not very long after that.
- Q. Why not? A. Well, he got drunk and went back up to Cripple

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Creek.

- Q. Was his going back to Cripple Creek because he got drunk?
A. I don't know.
- Q. Or did he get drunk in order to go back to Cripple Creek?
A. I couldn't tell you.
- Q. But he got drunk and went back to Cripple Creek?
A. Yes sir, he did.
- Q. Entirely forgot the matter that he come up there for, which was to assassinate Peabody? A. Well, Haywood didn't want us to assassinate Peabody then. They stopped us from that.
- Q. Notwithstanding the fact that Haywood had just a few days before that sent you down to go down and get Adams to come up and assassinate Peabody? A. It wasn't a few days before, it was a good while before.
- Q. How long was Adams up there in all? A. I think he was there over a month, a month or six weeks.
- Q. A month or six weeks at that time? A. Yes sir, I think so.
- Q. How long did Foster Milburn remain there? A. I don't know. He was there during the convention that was held after that. I don't know how long he remained after that.
- Q. That is the name that you mentioned, that you wanted, isn't it, Foster Milburn? A. I don't remember whether his name was Foster or not.
- Q. Don't remember? A. No sir.
- Q. But in any event you saw him there for a considerable period of time after the killing of Lyte Gregory? A. Yes sir, I did.
- Q. He didn't run away from town? A. No sir, I don't think he did.
- Q. Nor Adams didn't run away from town on account of the killing

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of Lyte Gregory? A. No sir, I don't think he run away on account of that.

Q. And you certainly did not? A. No sir, I did not.

Q. Well, somebody told you that they had had Milburn up sweating him, didn't they? A. Yes sir.

Q. Who was that? A. I think it was Haywood.

Q. Haywood told you about it? A. I think so.

Q. Did you call Haywood's attention to the fact that the sheriff had agreed not to do anything with him or with anybody -- not look very hard for anybody? A. I don't know as I did.

Q. Didn't say anything to Haywood about that? A. I don't know as I did.

Q. Didn't it strike you as kind of queer that Milburn should be put in the sweat box after that? A. No sir, it did not.

Q. After Haywood had the promise of the sheriff that nothing should be done? A. I don't know as it was the sheriff that was doing it.

Q. Do you know it wasn't the sheriff that was doing it?

A. Said it was some detective.

Q. But Haywood said he was a good level headed fellow and didn't think they would bother him any? A. He did.

Q. Haywood said that he had been shadowed at the time that Gregory was ~~was~~ going over to this saloon, but it could be shown where he was and they could prove an alibi that he was not there, by other witnesses, and they had only to send these men whose names he had given them and they thought he was all right and they would not bother him. You meant by that that Haywood gave you to understand that Milburn had been

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shadowed? A. I don't remember saying anything about shadowing. I said Milburn had went somewhere so as to show up between the time that this other man and Gregory left the saloon and went out on the car and the time he come out on the next car--

Q. Let me see if you didn't say that: "Q. Did you in the meantime have any further talk with Haywood or Pettibone in reference to this matter, or with Simpkins? A. We talked about it when we met, in a general way. They told me that they had Mildren up -- the police had, or detectives, sweating him, and Haywood said he was a good level headed fellow"-- that refers to Haywood and Pettibone, doesn't it? A. It does.

Q. "And Haywood said he was a good level headed fellow and did not think they would bother him any; he had been shadowed at the time that Gregory was going over to this saloon, but it could be shown where he was and they could prove an alibi that he was not there, by other witnesses, and they only had to send these men whose names he had given them and they thought he was all right and they would not bother him." You made that answer, didn't you? A. I don't remember the shadowing part of it.

Q. Do you want to take that back? A. What I meant was -- Milburn told me afterwards, he told me that he didn't go out on this car that they came out on, because he wanted to go and show up somewhere so that he could prove an alibi if he get caught, and he knew where they was going and he came out on the next car.

Q. Milburn told you that? A. He told me afterward, yes sir.

Q. Haywood or Pettibone was not present when he was telling you

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that? A. No sir, not that.

Q. And you got that mixed up with what Haywood told you, did you? A. It appears to be mixed up there. I don't know whether I said it or not.

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- Q Did this condition arise by reason of the fact that you have a narrative of this matter? A No sir.
- Q Have you written it up in narrative form? A I have written up this transaction.
- Q I noticed that many times Mr. Hawley told you to go on in narrative form, and once he said, go on and recite something; now, have you got this matter written up in narrative form? A I have got the history of my life written up.
- Q Now, are you testifying from this narrative which you have written up or was you telling it in response to questions? A I was telling it in response to the question.
- Q How many times have you written up this narrative? A I don't know how many times I went over it.
- Q When did you first write it up? A In the last year.
- Q You wrote it and rewrote it? A I have been going over it and getting it in book form.
- Q You have changed it I suppose? A No sir.
- Q Have you studied the phraseology after you wrote it and after your got your narrative arranged the way you want it? A No sir.
- Q You have not? A No sir.
- Q How many times have you read this narrative form which you have prepared during this last year? A I don't know how many times.
- Q It was at Mr. McFarland's suggestion that you prepared it? A No sir.
- Q Did you ever hand one of your narratives to him that you had prepared? A I think I did.

Q Yes, and hasn't he edited your your narrative-- gone over it and suggested that some things should be stricken out and others put in? A No sir.

Q And haven't a good many of those changes which you have made been made with reference to making it so that it would connect up Moyer and Haywood with different transactions which you have been in?

A No sir, I don't know one of them.

Q Still, you have got a narrative of this matter written up?

A I have written a true history of my life as near as I could tell it.

Q Which you have spent a good deal of time on during the last year?

A Yes sir.

Q How many times did you go up to Simpkins room in the Granite block?

A Several times; I don't remember just how many times.

Q How long a time was he there? A I think a month or six weeks, and possibly two months.

Q You had never known Simpkins prior to that time? A I had met him prior to that.

Q I mean prior to the spring of 1903 and ~~XXXX~~ '04-- the winter?an

A No sir.

Q And yet you went up to his room several times there in Denver?

A Yes sir.

Q Did you go to his rooms more than you did to Federation headquarters, or less? A I don't know whether I went there more or less.

Q You went there a number of times? A Yes sir.

Q And you discussed the experiences you and he had both had in the

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Coeur d'Alenes? A Yes sir, I did .

Q Repeatedly? A We discussed it several times.

Q And Mr. Simpkins bared his breast and showed you the scars ~~th~~ made there by bayonets? A No sir.

Q He never did? A No sir, he never did.

Q And told you about it? A He might have spoken about it.

Q And told you he carried those scars made by bayonets-- made by guns held in the hands of negro troops? A I don't remember anything like that.

Q Discussed his life in the bull pen? A Yes sir, he told me about that.

Q And told you how long he stayed there? A Yes sir.

Q And of the indignities he thought he suffered while he was there?

A Yes sir.

Q And the humility and degradations he had undergone? A Yes sir.

Q And expressed some views about Steunenberg in your presence? A

A Yes sir, he said something about Steunenberg.

Q And you expressed yourself to him about Steunenberg? A Perhaps I did.

Q This was all during the time you was in this room? A I don't know whether it was or not.

Q You told him that if it had not been for Steunenberg you would be in the Coeur d'Alenes and would be rich and that your old partners were still there and were millionaires? A No sir.

Q And told him how you had been run out and got nothing? A I told

568 him part of that and part I did not tell him.

Q Told him your old partners were all millionaires? A I told him they were rich.

MR. BORAH: Is this for the purpose of impeachment?

MR. RICHARDSON: Yes, when you get your pinkertons here.

MR. BORAH: We have brought the Western Federation here.

Q Did you see Marion Moore up there? A I have seen him, yes sir.

Q Did you see him there in Simpkins' room? A I don't remember seeing him, no sir.

Q Or at Federation headquarters? A I have seen him there.

Q Did you see him at the time of the convention? A Yes sir.

Q When did you talk with Marion Moore? A I think first ever in the Belmont hotel.

Q Was that where he roomed? A I think he did, yes sir.

Q And you were rooming there at that time? A I think I was.

Q Did you ever talk with him in connection with Haywood and Pettibone and Sherman Parker and Davis and Snelzer? A I may have talked to them all; I don't remember whether I talked to them all or not.

Q Don't recollect that you ever did? A No sir. I have talked with them at different times.

Q At different times? A Yes sir.

Q. Did you have any talk with these parties with reference to doing any other thing to executing any other desires of theirs? A. Yes, I did. Q. During the time the convention was in session? A. Yes

sir. Q. Who did you talk with in reference to the matter? A. I

talked to Mr. Haywood, Mr. Parker, Mr. Pettibone, Mr. Moore and Mr.

Snelzer. A Yes sir.

Q But you did not talk with them all together? A No sir, I don't think so.

Q What did you say to Marion Moore about it? A I don't remember just what I did say to him.

Q And what did you say to Mr. Davis about it? A About which?

Q About the things you were asked about-- what you are testifying about? A We talked about Davis going to Cripple Creek after that.

Q Now, what was it you were talking about in response to that question; they wanted something pulled off in Cripple Creek?

A Yes sir.

Q Which ones did? A Davis, Parker, Haywood and Pettibone talked about it.

Q Did Marion Moore live in Cripple Creek? A No sir.

Q Or Mr. Parker? A No sir.

Q And you also talked with Simpkins in reference to it? A Yes sir.

Q Did you talk with Mr. Moore and Saelzer in regard to something to be pulled off in Cripple Creek? A I don't think I did to them at that time.

Q You did at some other time? A Yes sir.

Q They said that they were having a fight in the Federation and was afraid it would be split up and that some of the districts would pull out. A Yes sir.

Q Who was it that said that? A Mr. Haywood said it and Pettibone.

Q They said it to you? A And Davis said so too, and Parker.

Q All right,-- now, any others? A I don't remember of any others

talking about it to me.

Q Moore and Smelzer? A I don't remember their talking about it at that time.

Q Did you attend that convention in Denver in 1904? A I was there part of the time.

Q You was not there all the time? A No sir.

Q You did not have any other business to attend to at that time?
A No sir.

Q Except to attend this convention? A No sir.

Q Gregory had been assassinated, hadn't he? A Yes sir.

Q You had been pulled off as far as Peabody was concerned at that time? A Yes sir

Q And here was an interesting convention going on? A Yes sir.

Q And so you spent some of your time there? A Yes sir.

Q Don't you know there was not a particle of dissention of any kind or character in that convention? A I don't know it.

Q What was there? A There was a good deal of it.

Q Well, give it to us then. A There was a good deal of trouble over the strike in Cripple Creek.

Q Trouble about what? A Oh, some were finding fault about it.

Q Who were they? A Some of the Butte delegation.

Q Which ones? A Malcom McGillis was one.

Q And give us the names of some of the rest. A Jim Murphy too, he was on the executive board.

Q Murphy was a member of the executive board? A Yes sir.

571 Q And McGillis was not? A I don't think so.

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- Q There is two of them who were finding fault; how were they finding fault? A With the way the strike had been conducted and the money that had been spent; and they thought the strike never ought to have been called.
- Q What did they say? A They said they were spending too much money and the strike ought not to have been called at all.
- Q Was not that in a general discussion, and was not the convention a unit on every proposition it voted on? A I don't think so.
- Q Wasn't there a vote on the approval or disapproval of what had taken place in the Cripple Creek strike? A I don't remember whether there was or not.
- Q Don't you know there was not? A I don't know it, no sir. I know there was quite a lot of wrangling in the convention.
- Q Did you ever attend a convention where people did not talk on different sides of the subject? A I never attended many conventions.
- Q Is it not a fact that at the time of that convention this subject being before the convention, it endorsed the strike without one single dissenting vote? A No sir, I don't remember that it did.
- Q And if Murphy and McGillis did make any remark against it you don't remember whether they voted against what had been done or not?
- A I don't remember.
- Q You don't remember? A No sir.
- Q You stated that this conversation you had about pulling something off occurred, did you not, "just when they was meeting in the afternoon, after they had had lunch?" A That was the last conversation,

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at Boulder Libraries.

Q yes sir.

Q And was that not the time that you mentioned these names, Haywood, Pettibone, Moore, Parker and Smelzer? A No sir, it was not.

Q Was not? A No sir.

Q You have not testified to anything between the two times have you, that you remember of? A I don't remember now.

Q But in any event these men were not all present when you had this talk just as the meeting was assembling after lunch? A No sir, they were not.

Q Now, tell us who were present at that conversation? A Mr. Davis, Mr. Parker, myself and Mr. Haywood.

Q What did Davis say? A Davis wanted to know, and Parker, if we could not go up and blow up that Independence depot; they had been talking about that.

Q I asked you what Davis said; tell us what he said. A I don't remember what he said. He said that, and it was general talk.

Q You don't remember? A No.

Q What did Parker say? A He said something to that effect too.

Q Do you remember anything further that he said? A He said there was liable to be a split in the convention, some of the districts was going to pull out, and if we could pull something off that would cause some excitement and they would settle up their business and go home.

Q What did Haywood say? A He said it would be a good thing if we could pull off something on them.

Archives
University of Colorado
at Boulder Libraries

Q Was that about the time they were about to adjourn? A It was before the adjournment.

Q Don't you know that just before the adjournment they appointed a committee to go up there and meet the Mine Owners and go up and look over the situation and report on it back to the convention?

A Yes sir.

Q You know about that? A Yes sir.

Q Was this before or after that committee had been appointed?

A It was before.

Q Before the committee had been appointed? A Yes sir.

Q And yet they wanted you to pull off something knowing that that committee was going up there? A The committee had not been appointed then. They said it would be a good time to pull it off when the local leaders was out of the district.

Q As a matter of fact at that time, was not Cripple Creek perfectly quiet notwithstanding that the strike was on, and there was even then a question of withdrawing the authorities from the district being considered? A I don't remember about that.

Q Was not that discussed, about there being no necessity for troops up there? A I don't remember that.

Q And wasn't the Western Federation urging that they be withdrawn?

A I don't know whether we were or not.

Q And weren't they pointing to the record made by the members of the Federation up there, and claiming that there was no necessity for troops up there? A I don't know but they may have been,-- I don't remember.

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Q Hadn't there been a committee appointed to go to the Governor and call his attention to the fact? A I think there had, yes sir.

Q And that there was no occasion for troops in the district?

A Yes sir.

Q And don't you know that the Governor was considering the proposition of withdrawing the troops? A I don't remember that.

Q You don't remember? A No sir.

Q Well, Haywood said he was afraid there was going to be a split up unless they could pull something off at Cripple Creek? A He said there was going to be a split up in the convention.

Q Did he say anything about a split up in the Mine Owners Association on account of everything being so quiet in the Cripple Creek district? A I don't remember him saying anything like that.

Q Did he say anything about doing anything that would necessitate keeping the militia there? Did he? A I don't remember it.

Q A good proportion of the Western Federation men were working up there in the mines which were called fair, weren't they, at that time? A I don't remember how many were working but there were a good many who were not working.

Q More and more of the mine owners, or at least of the smaller mine owners, were getting tired, and were willing to take the Federation men back, weren't they? A I don't think so.

Q Hadn't a number of the smaller mines reopened their mines and stated that they would not discriminate between union and non-union men? A I don't remember that.

575 Q Was that because you was so busy trying to assassinate Governor

Peabody that you did not pay attention to it? A I did not pay much attention to it.

Q And didn't you know that the union had opened up four stores up thereto help take care of their people? A Yes sir.

Q And were keeping them quiet and orderly? A I don't know that they were keeping them quiet and orderly.

Q They had been for a time? A Yes sir.

Q There had been no trouble up there after you left, had there, that you can point out? A Not much trouble I guess.

Q You had not noticed any in the papers? A I had not heard of much, no sir.

Q Everything was perfectly quiet from the 1st of January? A Yes, from the time of the Vindicator explosion.

Q Until you got back there about the 6th of June, wasn't it?

A Pretty quiet, yes sir.

Q A good deal quieter than it was in Denver that spring, wasn't it?

A I was not up there then.

Q You were in Denver, weren't you? A Yes sir.

Q While you were in Denver that spring it was a common occurrence almost every morning in the paper to notice the story of a holdup about every night, women robbed and assaulted and children robbed?

A There was some holdups, yes sir.

Q Quite a number at that time? A I don't know as any more than at any other time.

Q So much so that the newspapers referred to it as a carnival of crime,

didn't they? A I don't remember that.

Q So that a little before the time that they appointed this peace committee you were discussing on the floor of the convention hall the proposition of pulling off something in Cripple Creek? A No sir, I did not say on the floor of the convention hall.

Q The effect of which would be to keep the militia there and injure the Western Federation of Miners? A I don't think that is the way they looked at it.

Q You knew that would be the effect of it, didn't you? A No sir, I did not.

Q Did not? They thought you could go up there and pull off something and that would cause them to take the militia away? A I did not say that.

Q And did not think that either, did you? A No sir.

Q And no other sane person thought it, did they? A I don't know what they thought of.

Q When did the first person talk to you about the blowing up of the Independence depot? A I cannot say when. Parker and Davis and I talked about it some time during the winter when I was up there before.

Q Parker and Davis talked with you the winter before about blowing up the Independence depot? A Yes sir, they did.

Q That was talked of, was it, the winter before? A It was talked of that it could be blown up when the non-union men met there at night.

Q The Independence depot was a little affair that was not used much

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for any purpose, was it? A It was not used much-- there was no agent stayed there.

Q It was not used, and the windows were all boarded up? A I forget whether they were or not.

Q It had been an abandoned depot for a long period of time, hadn't it? A Some little time, yes sir.

Q The blowing of it up would be inconsequential; it only cost a few hundred dollars. A As far as I know.

Q It was a little bit of a building? A It was quite a building-- quite a good building.

Q There was not business enough there to warrant the railroad company in keeping a man there-- an agent? A No sir, there was no man there then.

Q The trains stopped there and the conductor collected the fares from there instead of taking up tickets? A They had tickets of some kind.

Q Yes, I suppose they had commutation tickets or something like that, but that was the depot they talked about blowing up? A Yes sir.

Q What did they expect to accomplish by blowing that depot up? A They expected to kill a lot of non-union men there.

Q And they talked with you about that early in the winter? A Yes sir.

Q That was when you were having your consultations with Scott and Sterling? A I may have.

Q Did you ever talk with A. E. Carlton? A No sir.

*Scott & Sterling
early in winter*

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Q Never spoke to him? A I spoke to him once.

Q Did you ever talk with Nelson Franklin? A I talked with him.

Q And Major Naylor? A No sir.

Q Or Captain Harry Moore of the militia? A No sir.

Q How did it come that you had the right to go in and out of the lines of the militia there at this time? A I don't know that I had any right.

Q You know that you did do it? A Yes sir.

Q But other union men could not? A There was many union men that could.

Q And you were told you could, weren't you? A The majority of the union men went around and were not bothered.

Q You were told that you could? A No sir.

Q You said so yesterday, didn't you? A No sir, not that I remember.

Q Do you remember the time when all the houses were searched around there by the soldiers? A No sir, not all of them.

Q Do you remember when all the union mens' houses were searched but yours? A No sir, I don't.

Q And so far as you know the only house around there that had anything in it that was dangerous was yours? A I don't know that I had anything that was dangerous.

Q You had that Pettibone dope there? A Yes sir.

Q And that was not dangerous? A Not until it was mixed.

Q You did not mix it? A No sir.

Q And it has not been mixed then? A Not that I know of.

- Q Where were Parker and Davis when they talked with you about blowing up the depot? A In Independence, or Cripple Creek, -- somewhere around there; I don't remember just where.
- Q Well, Independence and Cripple Creek and somewhere around there embraces a pretty large territory? A Yes sir.
- Q And you were engaged at that time in contemplating the assassination of at least fifty or sixty men? A Yes sir.
- Q Now, do you think you had a conversation at that time that you can tell me any more nearly where it was? A It might have been in Union Hall or somewhere there in Cripple Creek.
- Q It might not have taken place at all? A Yes sir, it did take place.
- Q Where did it take place? A Somewhere there in the district.
- Q That is as near as you can give it to me? A Yes sir.
- Q And always the subject was the blowing up of the Independence depot? A No sir, not always.
- Q How many times did you talk with them about blowing up the Independence depot? A Probably several times.
- Q Several times? A Yes sir.
- Q Why didn't you mention that in your narrative that you have recited here on the stand? A I was not asked about it, I don't think.
- Q Was not asked it? A I don't remember of it.
- Q You was told to go on and give in narrative form all there was about the Independence dept matter? A Maybe I was.
- Q And you said here in response to his question that the first time

it was mentioned was at the convention-- on the floor of the convention hall just before convention was called to order? A I don't know as I said that was the first time.

Q That was the first time you mentioned it to us. You did not tell us yesterday about Parker and Davis having talked with you in advance about it. A Perhaps I did not.

Q Well, they did talk with you a greatmany times? A Several times.

Q So you had been contemplating this crime for many months?

A For some months.

Q And finally when the convention was in session it became the general subject of conversation? A Betweenus we talked of it.

Q Who were the ones-- you say between us? A Mr. Parker, Mr. Davis, Mr. Pettibone, Mr. Haywood and myself.

Q Those five and those alone? A Yes sir.

Q What was the matter with Jack Simpkins? You was not afraid of him?

A No sir.

Q And what was the matter with Marion Moore-- you was not afraid of of him? A I did not happen to talk with him about it.

Q And Snelzer? A I did not talk with Snelzer then.

Q After you had that talk you went at once up to Cripple Creek, did you? A I went that afternoon.

Q Did you go there in advance of the peace committee? A Yes sir.

Q How long was it before that that Steve Adams had gone to the Cripple Creek district? A I think it was two or three weeks.

Q But you did not go to see Steve Adams when you first went up there?

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A I went to see him, yes sir.

Q I thought you went to see Billy Eckman? A I went to see him first.

Q All right, we understand that now; and you asked him if he wanted to help you do it? A I asked him if he wanted to help me do another job.

Q You stated yesterday, "I went and saw Billy Eckman and asked him if he wanted to help me do it," and you have been talking about the talk which you have had with Moyer, Haywood and Pettibone.

A I don't think I told him what I was going to do.

Q He was the man who helped you to put the bomb in the Vindicator?

A Yes sir.

Q After you and Joe Scholtz failed to set off that carload of powder?

A Yes sir.

Q But he would not go with you because he was running a saloon?

A He said he was working in the saloon and working nights, and did not think he could get away as he might be missed.

Q So then you went and asked Steve Adams? A Yes sir.

Q Why didn't you go to Steve Adams first? A Because I thought I would get Billy Eckman if I could.

Q Was you afraid of Steve Adams? A No, not anything only he drank a good deal.

Q And you drank a good deal? A I did not get drunk.

Q You did not get drunk? A No sir, but he used to get drunk quite often.

Q And you did not? A No sir.

Q Where is this man Floyd Miller now? A I don't know where he is now.

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Q You went over to see him, you say? A Yes sir.

Q Do you know if he is still in the district or not? A I understood he was not.

Q Where did you understand he was? A I understood he was back east some wheres-- back in Kansas or Missouri, I don't know which.

Q You did not have anything to do with Floyd Miller, did you?

A I got him to get some powder for me.

Q You don't know what part of Kansas he is in? A I don't know what part, and I don't know that he is in Kansas.

Q I thought you said he was? A No sir, I said he was in Kansas or Missouri.

Q Who gave you that information? A I think Mr. McFarland; I think he knew where he was.

Q But he did not give you his postoffice address? A I don't know whether he did or not.

Q Did Floyd Miller get the powder? A Yes sir.

Q But he did not get it as soon as you wanted it? A No sir.

Q Did he know what the powder was for? A No sir.

Q Did not know what you wanted of it? A No sir.

Q You did not tell him anything about it? A No sir.

Q He was not helping you to get the powder to commit any crime with?

A No sir, he did not ask me what I wanted it for.

Q Why did you go to Floyd Miller? A Because I knew him.

Q Was there any other reason than that? A Well, he was--he knew that Joe Scholtz and I went down in the Vindicator.

583 Q And did he ask you what you wanted to do with this powder? A No sir

he did not.

Q And he had always kept quiet on you? A Yes sir.

Q He was not a union man? A Yes sir, he was.

Q A member of your own union? A Yes sir.

Q But he was a leaser at that time? A Yes sir.

Q And did not make any inquiries of you? A No sir, he did not.

Q Was Steve Adams living in this ~~country~~ cabin that you put the powder in? A No sir.

Q Who was? A Nobody.

Q Steve Adams owned that cabin, you say? A He owned it or had possession of it.

Q Where did he live at that time with reference to this cabin?

A He lived, I think, about four or five hundred feet below it.

Q Adams was a family man then, wasn't he? A He was married and had a wife.

Q Did he have a child at that time? Was the baby born then? A No sir, he had a little boy, or his wife had a boy.

Q His wife had a boy? A Yes sir.

Q But they had no children at that time? A Only had this little boy.

Q Mrs. Adams was a widow when Steve Adams married her? A Yes sir, I believe so.

Q Was you present at the wedding? A No sir.

Q You don't know about that? A I was not at the wedding.

Q You knew when Mrs. Adams came to Cripple Creek to live? A About the time.

- Q And you know when Steve Adams came there to live? A About the time.
- Q And that was the day before the Vindicator explosion? A Yes sir.
- Q And his wife followed him shortly after that? A Yes sir, I think she came soon after.
- Q And when she got there she found that he was in jail? A I guess she knew he was in jail.
- Q He was there, wasn't he? A Yes sir, he was in jail.
- Q Before anything was pulled off you say you saw Bill Easterly again? A Yes sir.
- Q And he came to your place and told you that Parker was there and wanted to see you? A That Parker wanted to see me, yes sir.
- Q Was Steve Adams there at that time? A No sir, he was not there.
- Q Did you go away with Bill Easterly? A No sir.
- Q Well, whose place did you go to after Easterly made this statement to you that Parker wanted to see you? A I went down to Parker's place?
- Q Sherman Parker? A Yes sir.
- Q You said, "We went down to Parker's place"? A I went down to Parker's place.
- Q Speaking about that, in response to Mr. Hawley, you said, "The next day Easterly came to me at just night and told me that Parker wanted to see me-- Sherman Parker? A. Yes sir. And we went down to his place at Independence."
- Q Who was "we"? A If I said "we" I did not mean that.
- 585 Q Easterly did not go down with you? A No sir.

Q And Parker made some talk to you? A Yes sir.

Q He told you the convention had appointed a committee to come up there and investigate the strike conditions? A Yes sir.

Q Was that the reason you pulled it off while they were there?

A We did not pull it off while they were there.

Q They left at nine o'clock the Sunday before, didn't they? A They left in the morning.

Q Sunday morning? A I think so.

Q Do you know whether they did or not? A I think they did.

Q When did they get to Cripple Creek? A I think they came up on Friday.

Q After the convention adjourned? A The convention had not adjourned.

Q And did not this convention appoint this committee on Friday and then adjourn until Monday morning? A I don't know whether they did or not; I was in Cripple Creek.

Q So as to give the committee an opportunity to go to Cripple Creek and be there on Saturday and come back on Sunday? A I don't know about that.

Q This was pulled off on Monday morning? A Yes sir, about two thirty.

Q About 2:30 Monday morning? A Yes sir.

Q And Parker told you not to pull it off while the committee was there? A He said he would rather I would not.

Q Did he go with the committee? A I think he did.

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Q Do you know whether he did or not? A I did not see him go.

Q When had you made this arrangement to go with Johnnie Neville on the prospecting trip? A Some time before that.

Q You and Johnnie Neville had been talking for some time about going off on a trip? A Yes sir.

Q He was tired of the saloon business? A I guess so. He said so.

Q And you helped him burn his saloon? A I did, yes sir.

Q And you divided the insurance money? A I got some of it.

Q That was the arrangement between you that you were to collect the insurance and you and he were to divide it? A Yes sir.

Q How much did you get out of it? A A hundred dollars.

Q And you burned the saloon? A I set it afire.

Q Of course you did not burn the saloon. The fire did that. How much insurance did Johnnie Neville collect for his saloon?

A I think \$600.

Q \$600? A I think it was.

Q Wasn't it more than that? A I don't think so.

Q You know that when you started off that time that you had a lot of money between you? A I did not have much money.

Q Johnnie had his in hundred dollar bills, didn't he? A I believe he had some hundred dollar bills.

Q And Johnnie had some money besides what he had from his insurance on the saloon? A I don't know how much he had.

Q So there was some \$1500. or \$2,000. between you, counting in your \$100? A I don't know how much he had.

Q When did Haywood tell you to burn Johnnie Neville's saloon?

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Handwritten:
I'm afraid
would be dangerous

A He never told me that I know of.

Q When did Pettibone tell you to burn Johnnie Neville's saloon?

A He never did that I know of.

Q How did you burn that saloon? A I put four or five bottles of Pettibone dope around upstairs and come out and left it there.

Q And the result was the saloon was burned up? A Yes sir.

Q So you did have some use for Pettibone dope, didn't you? A I used that there.

Q Did you ever use it for anything else? A Nothing only to experiment with.

Q Where did you carry on these experiments? A We tried some of it up on Bull Hill.

Q Who, you say "we"? A Billy Easterly and I.

Q How many experiments did you make? A Once was all that I remember of.

Q Was Billy Easterly in with you on the burning of the saloon? A No sir.

Q Did he know what you were going to do when you experimented with the Pettibone dope? A He knew what we were trying to do.

Q He knew, did he? A Not for the saloon.

Q He did not help you burn the saloon? A No sir.

Q But he was experimenting with you for other purposes? A Yes sir.

Q Where was this saloon? A It was right by the Independence depot.

Q The same depot which you blew up shortly after that? A The same depot, yes sir.

588 Q That is right in the town of Independence? A No sir, it is not.

- Q How far is it out of the town? A Well, it is probably a couple or threehundred yards out of the main part of the town.
- Q Well, in any event-- when was this insurance collected? A I don't know just when; some time afterthe saloon was burned up.
- Q When did you burn it up? A The time I went up after Steve Adams to come down to Denver with me the first time.
- Q That was not what you went up for? A I went up to get Steve Adams.
- Q And as a mere incident of that trip you committed arson on that building? A I burned it up.
- Q When had ~~xxx~~ you and Neville made the arrangement to burn this saloon? A Two or three months before.
- Q Two or three months before? A Yes sir.
- Q Was that arrangement about burning up that saloon made beforeyou saw Moyer and Haywood at all? A No sir, I had saw Moyer and Haywood then.
- Q You had already seen them? A Yes sir.
- Q And yet, you had not talked with them at all about the burning of this saloon? A No sir.
- Q And never did aft-r that? A I told them about it afterward.
- Q And did they sanction it at all? A I don't know as they said anything about it.
- Q They did not take out any part of your pay, as suggested by Mr. Darrow because you got a little work on the side? A I don't remember of any.
- 589 Q Didn't want to dock you at all on your salary? A I don't know as

I was getting any particular salary.

Q You told Mr. Parker you would wait until the peace committee went away, did you? A Yes sir.

Q That was what that was called, wasn't it, a peace committee?

A I don't know what it was called; I called it a committee of investigation.

Q You knew when I referred to it all right, when I said, peace committee, didn't you? A I supposed you meant the committee that came up to investigate the strike conditions.

Q You was there when they had an interview with Clarence Hamlin on Saturday afternoon, wasn't you? A I was not present at any interview.

Q Did you hear Clarence Hamlin say that if these fellows had come up there sooner there would have been no trouble and they could have avoided the strike? A No sir.

Q You didn't hear anything like that? A No sir.

Q Well, on Sunday you packed up your goods, took your insurance money with you and started off down the trail towards Colorado Springs, you and Jemmie Neville and his boy? A We packed up and started off down the trail?

Q How old was this boy? A I think 14 years old.

Q What time did you go? A About one o'clock in the afternoon.

Q You had bought a team to go with? A Yes sir.

Q And got yourselves all in good shape,-- got your packing outfit?

A We had no packing outfit.

- Q You had a camping outfit? A Yes sir.
- Q And you had also a saddle horse? A No sir, we did not.
- Q Besides the team? A No sir, we could use one of the horses for a saddle horse.
- Q You could use the horses that you had for the team? A We could use them with a saddle.
- Q Where did you leave from-- what particular place in Independence?
- A The last place was from Johnnie Mcville's residence.
- Q Well, where was the first place that you left from? A My residence.
- Q You left your wife and babies there? A I don't know that she had any babies.
- Q Her boys? A Yes sir.
- Q And from that time on you never sent that wife a dollar towards her support? A No sir, not that I know of.
- Q Nor your other wife either? A I did not send her any, no sir.
- Q You have sent your first wife some money, I think you said yesterday? A I have.
- Q Where did you get that money from? A I sold some things.
- Q What did you sell? A I sold a watch chain and a locket.
- Q You did not have any money when you went into jail? A A few dollars.
- Q A few dollars? A Yes sir.
- Q You did not send that to your wife, did you? A No sir.
- Q Did Mr. McFarland give you the money you sent your wife? A No sir, he did not.

Q Did Mr. Whitney give it to you? A No sir, he did not give me no money.

Q Who gave it to you? A I don't know as anybody gave it to me.

Q Where did you get it from? A I got some from Mr. Whitney.

Q How much did you get from him? A \$50.

Q They got that out of the funds for the prosecution here, if you know? A I don't know. I asked him if he would advance me \$50, or if not, if he would find some one who would for some guns and a pair of field glasses and a six shooter I had in my grip, and I told him if anybody wanted them they could get them after the trial was over.

Q So Mr. Whitney gave you \$50? A He said he would place it to my credit out there.

Q Did he tell you where he got the \$50 from? A I think he did.

Q Where did he say he got it from? A I think he said he got it from the Governor.

Q Is that \$50. all you have had from all these sources since you have been in the penitentiary? A No sir, I don't think it is.

Q How much did you send to your wife? A I sent it nearly all to her.

Q How much have you had from all sources? A I have had about \$115.

Q Anything in addition to money you have had since you have been in jail on this charge of the murder of Governor Steunenberg? A I got some clothes once in a while.

Q Got some clothes late in a while, haven't you? You got some just

Handwritten note:
Mary Jane [unclear]

Q Before this trial? A Yes sir, I got them, and had some fixed up to wear during this trial.

Q And immediately had your photograph taken after you got your new clothes? A No sir.

Q Did the newspaper men all come into see you after you got this new suit of clothes? A They came in after I got them.

Q Well, lets go back to Johnnie Neville; about what time was it that you left Johnnie Neville's place? A About one o'clock.

Q And then you went on to where? A We went down the road going to Colorado Springs.

Q Is that down through Cameron and Grassey? A Yes sir.

Q How far did you make towards Colorado Springs that night? A I think seven or eight miles.

Q What time did you go into camp? A I think about four o'clock.

Q Were you in a canon then, where you camped? A Yes sir.

Q How far is it to Colorado Springs by that wagon road? A I think it is about 30 miles.

Q About 30 miles? A I think it is, yes sir.

MR. RICHARDSON: Now, this is a convenient place to leave off, but if you will go on until half past twelve, I will go on with another subject.

THE COURT: I thought I would close at twelve o'clock today. Are the bailiffs here?

Thereupon the defendant and witness were remanded to the custody of the Sheriff, the jury retired in charge of the bailiffs and an adjournment was taken until Monday morning at 9:30 o'clock.

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Boise, Idaho, Monday, June 10, 1907

9:30 o'clock A.M.

Parties met pursuant to adjournment.

Minutes of the session of June 8th read and signed
by the court.

The clerk called the names of the jurors and announced
all were present.

WITNESS HARRY ORCHARD ON THE STAND.

CROSS EXAMINATION CONTINUED

BY MR. RICHARDSON:

Q. Were you ever in Tuscarora, Nevada? A. Not that I know of.
Excuse me, Mr. Richardson, I would like to correct a couple
of statements I made the other day.

Q. Answer this question first. Were you ever in Tuscarora,
Nevada at any time? A. Not that I know of. I don't know
where Tuscarora is.

Q. You wouldn't be likely to be there without knowing it?

A. I don't think I would without ^{it was} going through the place on the
railroad.

Q. Go ahead and make your corrections. A. When you asked me
the other day about these holsters we carried these shot guns
in when we first went there, Mr. Adams and I, the time we was
attempting to assassinate Governor Peabody; the time we did
assassinate Mr. Gregory we didn't have these holsters, we
carried these shot guns in two pieces. It was after that that
we got them. We carried them on a string around our necks
under our coats, or a cord. And I told you that Mr. Kesterly
and I was out experimenting with some of that Pettibone dope or
Grecian fire, as we call it. That was Mr. Ackerman instead
of Mr. Kesterly. I made a mistake there.

- Q. Mr. Easterly was not there? A. He was not there at that time.
- Q. Have you corrected your testimony because of any conference that you have had with anybody on the subject? A. No sir, I have not.
- Q. You do have regular conferences, don't you, on the subject of your testimony during the adjournments? A. Not only in a general way.
- Q. You came in this morning at half past eight, have done so every morning since you have been a witness, haven't you?
A. I don't know that I have come in at half past eight.
- Q. You meet Mr. McFarland, don't you, on your coming in every morning? A. No sir, I do not.
- Q. You held a conference with him this morning at half past eight?
A. I spoke to him.
- Q. Didn't you hold a conference with him? A. No sir, I didn't.
- Q. You got in just a little before half past eight, didn't you?
A. I couldn't tell you the an exact time, I think it was just a little before.
- Q. And he came to Mr. Hawley's office where you were at half past eight or at least about half past eight, didn't he?
A. He came a little time after I was there; I don't know just what time.
- Q. And has been with you there since until you came over here to the court house? A. No sir, he has not. He has been gone from there a good while.
- Q. How long did he stay there with you this morning?
A. I think he stayed about ten minutes.
- Q. Have you seen him since Saturday night? A. Yes sir.
- Q. When and where? A. I seen him yesterday at the penitentiary

in the afternoon.

Q. Did you see him Saturday afternoon at the penitentiary?

A. No sir, I did not.

Q. Did you see him Saturday afternoon anywhere? A. No, sir, I did not.

Q. How long did you see him at the penitentiary yesterday?

A. Possibly an hour or so.

Q. What subject did you discuss with him while there?

A. Talked about a good many things.

Q. Talked about this case, didn't you? A. Some, we did, yes sir.

Q. And about your testimony in this case, didn't you?

A. May have referred to some pieces in it, yes sir.

Q. And the method by which you should be able to withstand cross examination, and so forth, didn't ~~you~~^{he}? A. No sir.

Q. Didn't talk upon that subject at all? A. He spoke of what -- of how -- of what gave me strength to go through this examination, yes sir.

Q. Spoke of what gave you strength to go through this examination?

A. Yes sir.

Q. And you spoke with him about it? A. Yes sir.

Q. That interview with any newspaper reporter -- or did he give the subject to the newspaper? A. I don't know that he gave any subject to the newspaper.

Q. Did you give it to the newspaper? A. No sir, I did not.

Q. Then you talked with nobody on that subject except Mr. McFarland? A. Yes sir, I have talked it to others.

Q. Who else did you talk to? A. I talked to Mr. Hawley.

Q. Mr. Hawley? A. Yes sir.

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Q. Yesterday afternoon? A. Yesterday forenoon.

Q. Where? A. Up at the penitentiary.

Q. ~~Amaz~~ Anybody else about the subject of your testimony or how you would handle yourself on cross examination? A. I have talked to Mr. Whitney.

Q. Anybody else besides Mr. Hawley and Mr. Whitney and Mr. McFarland? A. I may have spoke to Mr. Mills or Mr. Ackley.

Q. Mr. Mills and Mr. Ackley. Who are they? A. Mr. Mills is a deputy warden at the penitentiary and Mr. Ackley is a guard up there.

Q. You have had four talks -- five talks with different people since you went off the stand upon Saturday with regard to the subject of your testimony? A. I don't know it was particularly with regard to the subject of my testimony.

Q. If an interview appeared in this morning's newspaper with you it was one which must have come through some one of those five, was it? Didn't come through you directly?

A. Didn't come through me directly to any newspaper man, no sir.

Q. Didn't come through you directly to any newspaper man. Did you discuss this subject of your testimony with regard to Masterly and this experiment with any of these gentlemen whom you have named? A. No sir, I did not.

Q. With nobody at all? A. I told Mr. Hawley about it and I asked him if it would be proper for me to correct it.

Q. What did Hawley say to you about that? A. He said to correct it if it wasn't right.

Q. How isn't the reason that you corrected because you found that Bill Masterly was here in the room and so far Ackerman hasn't

appeared yet? A. No sir, I knew that Mr. Easterly was here all of the time.

2. Do you know where Mr. Solomon is? A. No sir, I do not.

3. Willy Holman: Have you heard of him -- A. I have heard he was down in Goldfield, Nevada.

4. You have heard that? A. Yes sir.

5. When did you hear that and from whom? A. I heard it from Mr. McFarland.

6. But otherwise than that you don't know where he is?

A. No sir, I do not.

7. But you did know and was advised, was you not, that Mr. Solomon was not here? A. No sir, I was not advised.

8. You didn't ~~change~~^{change} your testimony for that reason? A. No sir, I did not.

9. Do you know Kid Waters? A. No sir, I don't think I do.

10. Did you know him in his lifetime? A. Not that I know of I didn't. I don't know him by name.

11. He was one of the men or supposed to be one of the men who used to be around at Cripple Creek a good deal of the time and in the employ of the Mine Owners' Association and commonly known as a gun man, one of the Mine Owners' Association gun men. How does that refresh your recollection any about him? A. No sir, I don't know him at all.

12. He was a tall, slim man. A. I don't remember him at all.

13. Do you know a man named Jim Warford? A. I don't know him. I have heard of him.

14. Now in the penitentiary in Canon City in Colorado?

A. I have heard of Warford.

- Q. And you knew who he was? A. I have heard who he was.
- Q. In 1904 you knew all that you know about him now, didn't you?
- A. No sir, I didn't know it then.
- Q. Didn't know? A. No sir.
- Q. When did you first hear of Jim Warford? A. At the time of
election
the shooting at the time of the strike at Goldfield.
- Q. At the time Lebo was killed? A. Yes sir.
- Q. Never knew him or heard of him before that? A. Never saw him
before that or --
- Q. Do you know Harry Gulten? A. No sir.
- Q. He is a constable at Victor and one of the gun men there.
- A. I don't know him by name.
- Q. Do you know that you know him at all? A. No sir, I do not.
- Q. Do you know Jack Bowman? A. No sir, not by name.
- Q. Not by sight? A. Not that I know of.
- Q. He was another one of the gun men down there. Did you know
Tom Brown in 1904, about the time of the Independence depot
trouble? A. I know of a Brown. I don't know whether it is
Tom Brown or not.
- Q. Was he one of the gun men of the Mine Owners' Association, or
reported to be? A. The Brown that I know was -- I think
belonged to the Western Federation of Miners and lived at
Independence.
- Q. Well, did he become a gun man for the Mine Owners' Association
that you know of? A. Not that I know of.
- Q. Wasn't with that gang so far as you know? A. Not that I know
of.
- 596
Q. And you never had any talk with him? A. No sir, not that I
know of.

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Q. Do you know Nelson Franklin? A. Yes sir.

Q. Did you ever have any talk with him? A. I have spoken to him.

Q. How many times? A. Just once.

Q. What was the occasion of your speaking to him? A. I spoke to him in reference to cashing a check that I had on the -- or a certificate of deposit on the First National Bank at Victor at the time it went broke.

Q. Do you know A. S. Carlton? A. Yes sir.

Q. How many times have you ever talked with him? A. Just once.

Q. What did you talk with him about? A. I talked to him about cashing this check, this certificate of deposit I am speaking of.

Q. Is that the one you were talking to Nelson ~~was~~ Franklin about?

A. Yes sir.

Q. He and Nelson ~~was~~ Franklin were not connected with the same institution, were they? A. It was just after the bank had closed there, and Judge Riley had a certificate of deposit and he told me that Nelson Franklin had given him, I think he said, eighty cents on the dollar for it, and I asked him I wondered if he would cash any more, cash mine. He said he thought he would, and he introduced me to Mr. Franklin in Victor --

Q. That is, Carlton did? A. No sir, Judge Riley.

Q. Judge Riley did? A. Yes sir, and he said he didn't want to cash any more, he had just cashed it to accommodate Mr. Riley, but he said he thought they were cashing them at the First National Bank of Cripple Creek, and Judge Riley tele-

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phoned over to Mr. Carlton and asked him about it, he asked him if he would cash a certificate of deposit on the First National Bank; Mr. Carlton thought it was his bank instead of the --

MR. RICHARDSON: Now --

MR. BORAH: No, let him finish his answer.

MR. RICHARDSON: We don't need to take up time on that, because it is immaterial.

MR. BORAH: Let him state it. You have called for it.

MR. RICHARDSON: I haven't called for any address on it.

MR. BORAH: You have called for it and we want it to go in, if your Honor please.

MR. RICHARDSON: I don't care anything about his talk about cashing checks.

THE COURT: You will have an opportunity to bring it out on re-direct examination.

- Q. The talk then that you had with Nelson Franklin and Carlton was simply in regard to cashing checks, it had nothing to do about the troubles in Cripple Creek? A. No sir, not a thing.
- Q. If you had any talk with either Franklin or Carlton about any of the troubles in Cripple Creek in any way, why, that conversation I would like to know about. A. No sir, I didn't have any.
- Q. This check that you were cashing, whose check was it? A. It was mine.
- Q. Well, I know, but --
- A. It was a certificate of deposit that I had in the First

National Bank of Victor and the bank had closed or went broke.

- Q. When did you put your money in the bank of Victor, how long before its closing? A. Well, I think I put it in some little time after the strike began.
- Q. What money did you have in there? A. I had \$35 in there at that time.
- Q. \$35? A. Yes sir.
- Q. Do you know Frank M. Rearden? A. I know of him, yes sir.
- Q. Did you know him in 1904? A. Yes sir.
- Q. Did you ever have any talk with him about the troubles in Cripple Creek? A. No sir, I did not.
- Q. Do you know a man named Holman, I think his initials are A. H.? A. I know a Holman; I don't know if that was his initials or not.
- Q. One of the mine owners down there -- mine managers? A. Yes sir, he was manager of the Golden Cycle mine.
- Q. Did you ever have any talk with Mr. Holman -- A. No sir.
- Q. -- about affairs on the Golden Cycle? A. No sir.
- Q. Did you ever hear him speak about that matter? A. No sir, I don't think I ever did.
- Q. Never did? A. No sir.
- Q. I believe I asked you about Harry Moore, captain of a military company then, didn't I? A. Yes sir, you did.
- Q. You said you didn't know him? A. I knew him when I saw him but never spoke to him.
- Q. And H. A. Naylor? A. Yes sir, I have seen him.
- Q. Did you ever talk with him about the troubles at Cripple Creek? A. No sir.
- Q. Did you know Tom McClelland, Major Tom McClelland? A. I have

seen him.

Q. Did you ever have any talk with him about the troubles at Cripple Creek? A. No sir.

Q. Do you know whether or not you conveyed any information directly or indirectly to anyone of these men about what was going to happen on the night of June 8th, 1904, did you convey any information to anyone? A. No sir.

Q. Directly or indirectly? A. No sir.

Q. Did you talk with Scott about that matter? A. No sir, I did not.

Q. Did you talk with Sterling about it? A. No sir.

Q. Never did? A. No sir.

Q. Didn't tell them that something was going to be pulled off that night? A. No sir, I did not.

Q. Do you know whether the military company was ordered to be under arms that night and in readiness to be called out by nine o'clock in the evening, Sunday evening? A. I do not.

Q. Before this occurrence took place the next morning?

A. I do not.

Q. Never heard of that? A. No sir.

Q. Did you tell Scott or Sterling that you were about to leave the country? A. No sir, I did not.

Q. Didn't say anything to them about that? A. No sir.

Q. Didn't Mr. Sterling know that you had gone down the road Sunday afternoon with this team? A. I don't know that he did or not.

Q. You didn't tell him anything about it? A. No sir.

Q. Nor Mr. Scott? A. No sir.

Q. Nor anyone else? A. No sir.

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Q. Did you attempt to conceal the fact that you were going out of town that afternoon? A. No sir, we did not.

Q. Went out publicly, did you? A. Yes sir.

Q. In broad daylight? A. Yes sir.

Q. Did you advertise the fact or pay any attention to it?

A. As much as I could I did.

Q. For what purpose did you do that? A. I wanted them to know that I had left there.

Q. Wanted them to know that you had left? A. Yes sir.

Q. Well, you did take some pains then that it should be generally known that you had gone out late that afternoon? A. Well, I told several people that I was going.

Q. Now it was about what time in the afternoon that you started out? A. It was about one o'clock that we left Mr. Neville's house.

Q. About how long was it before you got out of the district?

A. Wouldn't take us long to get out, probably half an hour to get out of the main part of the district.

Q. Did you stop anywhere on the way out? A. Not until we stopped at the camp for just a minute or two.

Q. You left Neville's house about one o'clock; you didn't get away from the district, did you, until about four o'clock?

A. Yes sir, get away from the district about one o'clock, started from there.

Q. Did you leave at your house first or at Neville's house first?

A. My house first.

Q. So that there was no stop after you rode on up to Neville's house? A. Practically none, no sir.

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- Q. Was this on the straight road to Colorado Springs that you want? A. It isn't very straight.
- Q. Well, I know, but the direct road to Colorado Springs?
- A. I think so, yes sir.
- Q. Started to go to Colorado Springs on as short a road as there is which is travelled? A. I think it is the shortest wagon road there is; I am not sure about that.
- Q. When did you last see Steve Adams before starting? A. I am not sure whether I seen him that morning or the night before; the night before I think.
- Q. How was there anything said between you and Haywood about the method which you should adopt in blowing up that depot?
- A. No sir, there was not.
- Q. When was it that you had talked with Haywood about it?
- A. Just before I left Denver to go up there.
- Q. Where? A. In the lobby of the hall where they were holding the convention.
- Q. Can't you give us the date of that? The holding of the convention ought to remind you of the day it was. A. No sir, I couldn't give you the date.
- Q. Couldn't do that? A. No sir.
- Q. When had you talked with Pettibone about it? A. I talked to him at the same time.
- Q. That ~~time~~ time as with Haywood? A. Yes sir.
- Q. When had you talked with Moyer about it? A. I didn't talk with Moyer about it.
- Q. Didn't talk with Moyer about it at all? A. No sir.
- Q. How many other conversations besides that one did you have with

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Haywood and Pettibone about it? A. I don't know I had any with them.

Q. So that so far as this explosion was concerned there never was but the one conversation which took place on the floor of the hall? A. I talked to Parker and Davis about it before.

Q. I mean so far as Haywood and Pettibone were concerned.

A. No sir, I don't think there was but the one.

Q. Only the one? A. I don't think so.

Q. How long a time did that conversation last? A. Not very long, just a few moments.

Q. There was nothing said about the method of blowing it up?

A. No sir, I don't think there was particularly.

Q. Nothing said about the means which you should use to blow it up? A. I think I spoke about how I intended to do it.

Q. Think you did. Well, what did you say about it? A. I did speak, I know now, of using a clock at first.

Q. What did you say, tell us what you said. A. I spoke of that, I thought I might use a clock and set it at the time I wanted it to go off.

Q. Who did you say that to? A. I said that there in the presence of them, I think all of them.

Q. Haywood and Pettibone? A. I think so, yes sir.

Q. That is what I want, just what you said to them about it.

A. Well, I spoke of that clock.

Q. Now how did the subject come up, who spoke of it first?

A. Mr. Pettibone and Mr. Davis and Mr. Parker, we were talking about it first in the lobby when Mr. Haywood came in.

Q. Now that was the first time that the subject had ever been

mentioned in the world, was it? A. No sir, Mr. Davis and I had talked about that, and Mr. Parker, before.

Q. When? A. Well, we had talked about blowing up the depot before I left the district.

Q. Now, wait a minute. I want to go to the first time, Mr. Orchard, that you ever talked about blowing up the Independence depot and the man whom you talked with. A. I talked with Mr. Davis and Parker about it first up in the district.

Q. Now where was that? A. Well, it was in the district somewhere.

Q. What part of the district? The district extends over a great deal of territory. A. Around Independence or Victor somewhere, I wouldn't say positively. That is where we used to usually hang around.

Q. You can't say just the place where you first talked with Davis and Parker about it? A. No sir, not any nearer than that.

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- Q How far away from each other are Independence and Victor? A Perhaps about a mile on an airline.
- Q Yes, and how far by the traveled road? A A little farther by the railroad.
- Q How large an area does that district extend over? A I could not say exactly.
- Q Ten or twelve miles square, isn't it? A I don't think it is quite that large.
- Q It is about five or six miles from Cripple Creek to Victor?
- A I think so.
- Q And it is about two miles from Victor to Independence, isn't it?
- A It might be, but I don't think it is hardly that.
- Q You think it is in the neighborhood of eight miles from Cripple Creek to Independence? A It may be about that much.
- Q And the district is about as wide as it is long? A Very near, I think.
- Q So somewhere in that area you talked with Davis and Parker about it? A Somewhere it may be. I lived in Altman and Independence.
- Q Yes, and where did Parker live? A He lived at Independence.
- Q So that while it might have been anywhere in the district, it was probably somewhere in the neighborhood of Victor or Independence?
- A Yes sir.
- Q Or Altman? A Somewhere around there.
- Q But you cannot tell just where? A No sir.
- Q Now, was it such a subject that you were discussing that it made

no particular impression on your mind as to time and place?

A We talked about it many times.

Q You cared so little about it that you carried on conversation in relation to it and never remembered a time or a place? A We always talked about scaring some of the non union men out of the district.

Q Talked about driving some of the non union men out? A Yes sir, and I did not think much about it at all.

Q Now, what did you say to Parker? A At what time?

Q At that time? I want to find out how you came to blow up this Independence depot? A We spoke about the non union men getting on at that depot and that it was an easy proposition to blow it up and kill some of them and scare the other non union men out of the district.

Q Now, what I want is, what you and Parker and Davis separately said about it. A I could not tell. We all discussed it.

Q Your idea about it then is just as general as about the place where it occurred? A Yes sir, it was general.

Q You cannot tell that Davis said anything specific thing in that conversation? A He said as much as the rest did.

Q And you cannot tell that Parker said a specific thing in that conversation? A No sir, only in a general way.

Q Or that you said in that conversation? A No more than I could of the others.

Q You don't remember your own conversation upon the subject except

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the general result? A Yes sir.

Q You got the general impression that somebody was to go ahead and blow up the Independence depot? A Yes sir.

Q What month was that? A It was in the winter some time.

Q Was it before or after you went to Denver in January? A It was after the men were acquitted for that train wrecking.

Q If we assume that to be on the 7th day of February, 1904, it was some time after that? A Yes sir.

Q I mean the 7th day of March, instead of the 7th of February,-- change that, Mr. Reporter-- if we assume that to be on the 7th day of March, 1904, it was after that that the talk was had? A Yes sir.

Q And before you went back to Denver again? A Yes sir.

Q Was that your first talk on the subject of the Independence depot?

A As near as I can remember, yes sir.

Q When did your second talk occur? A In Denver.

Q You had no talk in the meantime with Davis and Parker about it?

A I think we had, over at the Belmont hotel.

Q I mean in Cripple Creek now, you had not discussed it there?

A I don't remember of any. We may have spoken of it several times.

Q Then when you went to Denver at the time of this convention you had another talk? A Yes sir.

Q Who did you talk with? A Parker and Davis.

Q Where? A In the Belmont hotel, I think.

Q In whose room? A I think we used to meet and Parker and Davis room and a man named Whitney.

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Q Was he there-- this man Whitney? A Yes sir.

Q What were his initials? A I don't know. We did not discuss that before Whitney, but they had two rooms there together.

Q So that Whitney knows nothing about the subject at all?

A No sir.

Q You did discuss it with Parker and Davis there when Whitney was absent? A Yes sir.

Q What did you say there? A We talked about blowing up that depot there.

Q What did Parker say? A He said there was a split in the convention and the Butte delegation and the Park City delegation were kicking about the way the strike had been conducted and they had a candidate for Secretary and Treasurer and he was afraid Haywood was going to lose control of the convention, and that ^{if} we would go up there and pull off something they would finish up their business and go home.

Q I thought you was talking with Parker and Davis? A Yes sir.

Q Both of them? A Yes sir.

Q Do you know which one said that? A They both said things in substance that.

Q That is the impression it left on your mind? A That is the substance of it.

Q Now, there were only you three present at that time? A Yes sir.

Q You know that Parker is dead? A I have heard he is dead, yes sir.

Q You know that Davis is alive? A I don't know whether he is or not.

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Q And you don't know where he is? A No sir, only from hearsay.

Q Who told you where he was? A Mr. McFarland has told me where he was.

Q And where did McFarland say he was? A He said he was in Nevada, in the Goldfield district.

Q Now, do you eliminate this other man, Whitney, from these conversations, because you don't want any more people in that conversation against you than one man? A No sir, I don't.

Q How long did you and Davis and Parker talk about it at the Belmont hotel? A I don't know how long; we talked about it in the room there in the evenings.

Q In the evenings? A Yes sir.

Q Then you had more than one conversation about it? A Yes sir, I think so.

Q You think so-- you know, don't you? A I know we were talking about it when the convention was going on.

Q Well, you might have had more talks? A Yes sir, more than one.

Q How many talks do you think you had on that subject with Davis and Parker before you talked about it on the floor of the convention? A I could not say exactly. We used to have little talks there about how the convention was proceeding, etc.

Q And about this split in the convention? A Yes sir.

Q And how it could be healed? A Yes sir.

Q And yet of these same men told you not to do anything of that kind until after the convention was over or at least until after the

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Q peace committee was out of Cripple Creek? A Yes sir, after he came up there.

Q After he came up there? A Yes sir.

Q The same man who helped you organize it? A Yes sir, after he got up there he did.

Q Give me the place and the time when it was that Sherman Parker told you not to pull off anything while the peace committee were there? A It was down at Independence; I was down on the street some where by his house.

Q Down on the street some where by his house? A It may have been in a saloon; it was around there somewhere.

Q Who was present? A We were alone.

Q Is that the nearest you can give it -- the time and place?

A Yes sir, it is.

Q What was the time? A It was the same evening that he came from Denver.

Q Do you know when he went there? A I beg pardon.

Q Do you know when he came there? A I think he came on a Friday evening.

Q On Friday evening? A Yes sir.

Q And you knew that Monday was June 6th? A Yes sir.

Q And that would make Friday evening the 3rd, and that is the time you talked with him? A I think it is.

Q Are you sure that you saw Sherman Parker on that evening?

A Yes sir, I am.

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Q Wasn't he there with the peace committee? A He was alone when I was talking to him.

Q Wasn't he entertaining the peace committee? A Or before---

Q I asked you if he was not entertaining the peace committee?

A He came up there with them.

Q What time did he arrive in the camp? A When the train got in, and I think it was due about six o'clock.

Q Did you see him when he came in? A I saw him after he came in.

Q Was the peace committee with him when you saw him? A No sir.

Q Do you know where the peace committee went? A No sir, I do not.

Q Do you know where Sherman Parker went? A He was around his house or at his house when I first saw him.

Q He was at his house? A He was there around his house.

Q Where, around his house, in the front yard or the back yard?

A There was no yard there; he came right out on the street.

Q Was it on the street where you saw him? A I don't remember just where it was; it may have been in a saloon.

Q You don't remember just where you did see him? A I saw him around there when I spoke with him.

Q When was it -- what was the time? A It was in the evening.

Q Right after the train came in? A It was maybe an hour or so after.

Q And nobody was there? A No sir, not when we were talking.

Q You have no means of fixing the time or place of seeing this man?

A No nearer than I have told you.

Q Will you give us the earliest time and the latest time between which you must have seen him? A I think I saw him between the

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time the train got in and eight o'clock.

Q How do you remember that no one else was there? A Because I did not talk about these things to anybody else.

Q What is that? A Because I did not talk about these things to anybody else.

Q You was not very careful about who you talked with, was you?

A I was careful who I talked with about that.

Q You had talked with absolute strangers about these crimes?

A Not unless they were recommended to me.

Q But if a man was recommended to you you would go and talk to a man you had never seen in the world before about committing murder?

A If it was some one who was recommended.

Q You was not afraid of the peace committee, were you? A I don't know anything about a peace committee.

Q This committee that came up there from the convention to confer with Mr. Hamlin, you knew about that? A I was not talking about this before then.

Q You did not know whether they knew anything about it or not?

A I don't think they did.

Q Why not? A Because I did not think they were that kind of men.

Q You thought they were different men than Parker? A Yes sir.

Q Did you talk with the peace committee on any subject? A No sir, I didnot speak with them at that time.

Q Who was that committee, if you know? A One was Malcolm McGillie.

Q Yes? A And another was a man from British Columbia-- I don't

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remember his name.

Q Ernest Mills? A I don't know whether it was or not.

Q You did not know him? A No sir.

Q Do you remember any other member of the committee? A The other was a member from Wyoming; I don't remember his name.

Q You are quite certain that Parker came with them? A He said he did.

Q Don't you know that he came up a train in advance of this committee and got together a number of the Western Union men to welcome them when they came in? A No sir.

Q You don't? A No sir.

Q You know there was a committee procured to welcome this committee, don't you? A No sir.

Q You did not know anything about that? A No sir.

Q And did not know what became of the committee? A Only that they went back to Denver.

Q And notwithstanding the fact that Parker came up with them he was not with them at any time when you was talking with him? A Not this time when I was talking with him.

Q Was Davis there with Parker? A No sir, he was not.

Q Did you have any talk with Davis about it again? A After what time?

Q After your first talk? A I never talked with Davis about it after I left Denver,

Q Never did? A Not until after it happened.

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Q So that on the floor of the convention and at the Belmont were the only times you talked with him? A I talked with him in the district about it.

Q When and where did you talk with him about it? A Somewhere in the district and in Denver while we were holding the convention, there in the lobby of the convention hall, and in his room.

Q Where in the district did you talk with Davis and who was present? A I have talked with him alone and when Parker was present.

Q And never with anyone else except Parker? A Yes sir.

Q And you can give us no time when you talked with him and no place? A No sir, no nearer than I have, no sir.

Q There is one question I omitted to ask you on another matter before going on with this: Did you go to the Adams hotel in the City of Denver after you killed Lyte Gregory? A No sir, I did not.

Q Did you know a man named Warjen? A I knew of Warjen.

Q Who had a room in that hotel? A I don't know about that.

Q And after you went to Pettibone's back yard and buried the guns as you stated -- A Yes sir.

Q --you went direct home? A Yes sir.

Q And that was at 38th and Downing? A Yes sir.

Q You did not go to the Adams hotel and climb out of any window while Captain Loomis was looking for you? A No sir, I did not.

Q You did not know anything about that, did you? A No sir, I did not.

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Q Where had you last seen Steve Adams before you and Johnnie Neville started off on this trip? A I seen him somewhere's around Independence.

Q Somewhere's? You and he were going to pull off the great event that night? A Yes sir.

Q You were aiming to kill fifty or sixty men that night? A I didn't know how many we would kill.

Q And yet you say all you can remember about it is that you saw Adams somewhere around the district? A Yes sir.

Q On that Sunday? A Yes sir.

Q You don't know what part of the district it was? A It was somewhere around where he lived or around my place there.

Q Or Altman, or Cripple Creek, or Canon City, or somewhere?

A No sir, it was not around Canon City. It was somewhere around Altman or Independence.

Q They are about a mile or a mile and a half apart aren't they?

A No sir, they are not.

Q How far apart are they? A I don't think they are over half a mile.

Q How far is it from the Altman postoffice to the Independence postoffice? A I don't think over half a mile.

Q How large an area does that cover? A I could not tell you.

Q Would you say it was a mile square in diameter? A I would not say it was a mile, or a half a mile, but I think it is about half a mile.

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San Adams San Adams

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Q And you say it was somewhere around in that vicinity? A Yes sir.

Q Can you give us the place where you met him any nearer than that?

A I don't know that I could.

Q You don't know whether it was on the street or in a house?

A I don't think it was in his house.

Q You don't know whether it was in a saloon? A I think I did go to his house once; I don't know whether it was just the day before or not.

Q When was that? A I don't know whether it was the day before or not.

Q Who did you see there at his house? A I seen his wife there.

Q Did you say anything to her? A No sir.

Q Did not ~~xx~~ say anything to her? A No sir.

Q Did not even ask if Steve was there? A Steve was there for I went to see him, or else she told me where he was.

Q Did you go to see him at his house? A I am not sure.

Q Then you don't know that? A No sir.

Q Where were you in the habit of meeting Steve? A I used to go to his house some times and he used to come to my house some times.

Q I thought you said you only went to his house one time? A I was speaking of that time.

Q How, how often did you go to Steve's house? A I went there several times.

Q How many? A I could not say.

Q Give us an estimate? A Probably a dozen times.

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- Q Did you go in the daytime or night time? A I used to go some times in the day and some times at night.
- Q How many times in the day and how many times in the night?
- A I could not say.
- Q Were you ever there in the night time in the world? A I think I have.
- Q Were you ever there in the daytime? A Yes sir.
- Q How many times? A I would not say; possibly a dozen times, and possibly more.
- Q Did you ever see Mrs. Adams there? A Yes sir.
- Q How many times? A I have seen her there quite often.
- Q You never went there, in any event, until about the time of the trial of the spike pulling case, did you? A I think it was after that, -- after the trials that I went to his house.
- Q You did not get acquainted with him until during the trials?
- A Yes sir, I knew him before that.
- Q Never had anything to do with him at all before that, did you?
- A I had spoken to him.
- Q Now, did you ever ~~may~~ see anybody else there besides Mrs. Adams and Steve? A Yes sir, I have.
- Q Who? A I saw a woman named Mary Mahoney.
- Q When did you see her there? A I couldnot say just when.
- Q Had you ever met her any other place? A Yes sir, I have seen her in Denver.
- Q How many times did you see her at Steve Adams house? A I could

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not tell how many times.

Q Did you ever have any talk with her? A I never talked with her--

Q How many times did you talk with her at Steve Adams house?

A I couldnot tell you.

Q Could not tell us? A No sir.

Q Don't know whether it was once or a dozen times? A I don't think it is a dozen.

Q More than once? A Yes sir, I think so.

Q But where you don't remember much about it? A No sir.

Q And you really don't remember much about this at all? A No sir.

Q When was it you saw Mary Mahoney there? A I think I seen her there when I came up to blow up the Independence depot from Denver.

Q I don't care what you want to blow up; we want to know about this.

A I cannot tell you, I am sure, about that, but I think it was then.

Q Have you been talking upon the subject of time and place in this examination, that you are not to set down any given time or place?

A No sir, I have been cautioned against nothing only to tell the truth.

Q Who cautioned you? A Mr. McFarland and Mr. Hawley.

Q Mr. McFarland has been the man who has been the mentor of your testimony at all times? A I don't know what you mean by that.

Q The man who has been guiding and directing you as to how you should testify? A He has not been directing me.

Q You have also had letters of encouragement from Mr. Bangs of New York? A No sir.

Q The Superintendent of the New York office of the Pinkerton agency?

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A No sir.

Q Have you ever seen any letters from William A. Pinkerton of Chicago?

A No sir.

Q In reference to how you should conduct yourself? A No sir.

Q Did you ever talk to Mr. McFarland about that matter? A No sir.

Q Did he ever tell you about anything they had directed him to do in respect to you? A No sir, but I never have.

Q You never have? A No sir.

Q Well, have you now given us all the conversation and all the times and all the places so far as you are able, and the names of all the persons present which preceded the blowing up of the Independence depot? A I have as near as I can remember, yes sir.

Q And on the strength of those times and places and conversations you went there to do that deed? A Yes sir.

Q Without any arrangement as to what you was going to get for it?

A There was no arrangement.

Q Nor depending upon any result? A No sir, there was nothing said about it.

Q You had no knowledge of whether you were to get a dollar or a thousand dollars? A No sir, there was no arrangement as to that.

Q Now, I want another thing: Give us the times and places and the amounts of money which you had received up to the time you blew up the Independence depot? A Well, the first money I received was \$300., the first time I went to Denver.

Q Who from? A From Mr. Haywood; \$280., and \$20. from Mr. Moyer.

Q Now, when was that? A Well, it was some time in December, 1903.

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Q Do you know whether you got \$30. from Mr. Moyer or not?

A Yes sir, I do know-- I think I did.

Q Why do you say that you think you got \$30. from him? A I say I know I got it.

Q When you say you think, you are testifying positively that you know? A When I say I know I am testifying positively.

Q So far as money is concerned, you know, don't you? A I know I got that.

Q The first item was \$20. from Moyer? A Yes sir.

Q And the next was \$280. from Mr. Haywood? A Yes sir.

Q When was that? A Some time in December of 1903.

Q When did you get the next next money? A I got the next money from -- I am not sure whether I got the next money from Haywood or Moyer.

Q Well, from Haywood or Moyer; and you got how much? A I got \$110. from Haywood in Denver at the time of the convention.

Q Well, had you gotten any money at all from any of these men between December and the time of the convention? A I am not sure whether I had or not, but I think I had not though.

Q Rather think you had not? A Yes sir.

Q Had no money at all then from December up to the time of the convention? A I think I had not.

Q You think what? A I think I did not get any.

Q You are positive you did not get any, aren't you? A I am quite sure I did not.

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- Q So that outside of the \$500. in those two items you had no money from that time down to the time of the convention? A I mean the convention I attended there in the winter-- the State Federation.
- Q How much did you get then? A \$110., from Mr. Heywood.
- Q When was that convention? A I cannot positively when it was.
- Q Well, what time do you think it was? A I think it was in January or February, I don't know which.
- Q Who did you get money from then, and how much, and where? A \$110. from Mr. Heywood.
- Q And where? A He gave me \$10. on the street before Paddy Maloney.
- Q Yes? A He said, "here is \$10. that will help pay your expenses" and I told him I wanted a hundred dollars more.
- Q And did he give Paddy Maloney any money? A I gave the \$10. to him and told him to pay our room rent.
- Q There was not anything said about what that was for? A He said it would pay our expenses.
- Q Paddy Maloney was a member of the Western Federation? A Yes sir.
- Q And he was a member of your lodge, was he? A Yes sir.
- Q And you and he had come up together? A Yes sir.
- Q And you had been having a pretty good time, hadn't you? A I don't know,-- we enjoyed ourselves the best we could.
- Q Drink a little? A Yes sir.
- Q And gambled a little? A I don't remember whether I did or not.
- Q In any event you were having a good time? A I don't know what you would call a good time, but we enjoyed ourselves.
- Q And you ran a little short of money? A Yes, I was pretty near

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out of money.

Q Did you bene Haywood for this \$10.? A No sir, I did not ask him for it.

Q He ju t came along and said, "You fellows are having a good time and you are probably a little short of money, here is a tenner"?

A No, he gave me the \$10. and I gave it to Paddy Maliney to pay our room rent with.

Q And then you went where? A To headquarters with Haywood.

Q What did you say to him when you got there? A I told him I wanted a hundred dollars.

Q What did he say to that? A He said all right, and gave it to me.

Q He had just given you \$10. on the street and you followed him up and he gave you a hundred more? A Yes sir.

Q Was that on account of anything? A It was on account of the work I had done for him.

Q What did you tell him you wanted it fer? A I don't know as I told him.

Q Up to that time you had done any work for him, had you, according to your testimony? A I had done some work that he had paid me some money for.

Q Yet a crime you had committed and was at the instigation of somebody else he had paid you for? A Yes sir, he did.

Q Now, when was the next payment of money and where? A Mr. Moyer gave me a hundred dollars up in Cripple Creek.

Q Where? A On the street in Victor, going over to the depot.

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- Q And was that all? A He gave me \$50. after that.
- Q Where was that? A I think it was at the Union Hall in Cripple Creek.
- Q Now, when was the next money you got, and who from? A I got it from Haywood in Denver.
- Q When? A When I went up to the San Juan country with Moyer
- Q How much did you get? A \$75.
- Q In cash? A Yes sir.
- Q Where did you get it? A In the office.
- Q Who was with you? A I think Haywood and I were alone. I think Mr. Moyer was in the other room and he told me to go out and get some money from Mr. Haywood for expenses.
- Q That was when you went as a guard for Moyer? A Yes sir.
- Q And you went with no object of any crime down there? A No sir.
- Q You went simply as a guard of Mr. Moyer on that trip? A Yes sir.
- Q You got \$75. at that time? A Yes sir.
- Q Who was present when that was paid to you? A I think Haywood and I were alone.
- Q Nobody there in the room? A I don't think there was.
- Q Notwithstanding the fact that Mr. Haywood had four or five stenographers in his room? A He did not have four or five stenographers in his room.
- Q Any in the outer office? A I think so.
- Q Was the door open between the two rooms? A I don't know whether it was or not.

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- Q Was there one of those stenographers in there when you got this \$75? A They may have been; I don't remember whether there was or not.
- Q When was the next money you got? A When I got back to Denver.
- Q How much did you get at that time, and who from? A I got it from Haywood, whatever I got; I got it when I went to Cripple Creek to get Steve Adams.
- Q Where did you get this money? A Over at his office.
- Q How much did you get? A I did not get very much.
- Q Do you remember getting any? A I think I got some.
- Q You say you think, are you sure you got some? A I would not say positively whether I did or not.
- Q You cannot say positively whether you did get any or not?
- A I could not say; I had some left.
- Q Where did you get that money? A I had some when I got to Denver and I had some of the \$75. left.
- Q Although you had made the trip around the San Juan? A Yes sir.
- Q What is the railroad fare for that round trip? A I think it is about \$35.
- Q From Denver around and back again? A I think it is, but maybe more.
- Q And you had been gone a week or ten days? A Yes sir, but my hotel expenses were paid by somebody else.
- Q How much money did you have when you got the \$25. to start off on that trip? A I don't remember just how much I did have.
- Q Did you have any amount? A Yes sir, I had some.

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- Q Where did you get it? A I had gotten it from Mr. Haywood.
- Q Before that? A Yes sir.
- Q That was some money you had left over from January? A Possibly some of the money I got from Mr. Meyer.
- Q You had not had any money from Haywood since January, had you?
- A I don't know whether I had or not.
- Q And you had some of that money left over when Haywood started you down with Meyer to Ouray the latter part of March? A Possibly it was some of the money I got from Mr. Meyer.
- Q Oh, you had some of that left? A Yes sir.
- Q So that you had existed during January and February and up to the 23rd of March on the \$150. that Meyer gave you and the \$110. that Haywood gave you? A Yes sir.
- Q And still had some left? A Yes sir.
- Q And had ~~you~~ traveled considerably during the meantime on the railroad? A I went down to the San Juan and back.
- Q Did Scott furnish you ~~the~~ transportation for that trip? A No sir.
- Q Did you get any transportation from Scott to travel around in the district during January, February and March? A No sir, I didnot.
- Q Well, when was the next money that you got? A When I went to Denver after I went back with Steve Adams.
- Q Now you have told me then of all the money you got from Mr. Haywood, Mr. Meyer or anybody else until after the blowing up of the Independence depot? A No sir.
- Q Or do you mean when Adams came up to help you murder Governor

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Everybody? A That is the time, yes sir.

Q Now, when you got back to Denver on that trip how much money did you draw and from whom? A I got most of the money that I got then from Pettibone.

Q From Pettibone? A Yes sir.

Q I want to take first the amount of money you did not get from Pettibone? A I don't remember any other money that I got from Haywood at that time.

Q Now, when was the first money you got from Pettibone and how much? A I could not tell you how much, but I think I got a hundred dollars soon after I got back. Mr. Adams got some money.

Q I did not ask you that; keep your mind upon the amount of money you got, please, for the present. How much did you get? A I think I got a hundred dollars.

Q But you are not certain about that? A No sir.

Q Where were you when it was paid you? A I think he gave it to me in his store.

Q That was still under the Belmont netel? A Yes sir. We made arrangements then that if I wanted any more money it would be paid by Pettibone.

Q You got, you think, from Pettibone \$100? A I think I did the first time.

Q But you are not certain of the amount? A No sir.

Q Where did you get that? A I think I got it in Pettibone's store.

Q Don't you know where you got it? A That is where I think I got

it.

Q Do you think that because Pettibone was in his store most of the time? A That is where I used to meet him and where he paid me the money.

Q Who was there? A Steve Adams and I.

Q Anybody else? A Yes sir, there were other people around the store.

Q Who were they? A Some of his employes.

Q Pettibone had quite a number of employes didn't he? A Yes sir.

Q He also rented desk room in his store, didn't he? A Yes sir.

Q To more than one person? A I think there were two in there; I am not sure.

Q This was in broad daylight? A Some times in the daytime and some times in the evening.

Q No conversation between you? A I used to go and tell him I wanted some money and he would go and get it.

Q I am talking about this first time you got money from Pettibone and you think the amount was a hundred dollars but you don't know?

A Yes sir.

Q Who was present at that time? A Adams and I and Pettibone.

Q Any of these workmen, these solicitors that Pettibone had?

A No sir, I used to go in the back end of the store.

Q Any of these men who rented desk room? A They might have been in his store, in the front part.

Q Was there any partition between the front and back part of the store?

A There was kind of a partial partition with open doors through.

- Q Did you shut the doors? A No sir, I don't think there was any doors on it.
- Q Did you go behind the partition when the money was paid? A Possibly we did; I don't remember.
- Q Do you know that it was paid in the store or not? A Yes sir, I think it was.
- Q That is not telling me that you know. Then you really don't know. It might have been paid on the street and might have been paid in the store? A I could not tell you, but I think it was in the store.
- Q Well, did you get any more from Mr. Pettibone? A Yes sir, we got money several times from him.
- Q When was the next time? A It was during the time we were working on Mr. Peabody and killing Mr. Gregory.
- Q How much did you get the next time? A I could not say exactly; it was either fifty or a hundred dollars.
- Q The second time you got either fifty or one hundred dollars but you cannot tell which? A Yes sir.
- Q Were you both present? A I think so.
- Q Who else was there? A Steve Adams and I and Pettibone.
- Q Anybody else? A No sir.
- Q Yet, this was in a public store? A It was in the back end of the store.
- Q And a store partly rented to other people? A The front part of it was.

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Q Was there any attempt to avoid those people while you were in there?

A Yes sir.

Q What was that attempt? A We used to go in the back end by ourselves.

Q Did you go in the back way? A Some times we did.

Q Or anything of that kind? A Some times we did, and some times in the front way.

Q Did you avoid going in the front way because you did not want to be seen? A No sir.

Q Never tried to conceal yourselves in that store, did you?

A Not at that time.

Q When was the third time Pettibone paid you money? A I don't remember exactly, and I could not say how much we got.

Q When was the second time in reference to the first time? A Soon after I got back from Cripple Creek.

Q When was it in reference to the first hundred dollars you got?

A I could not say.

Q Was it a week after? A It might be, and might be two weeks.

Q You either know or you don't know? A I could not fix the time.

Q Could not give us any idea whether it was a week or two weeks?

A No sir.

Q In the meantime you were gambling? A I gambled some.

Q And drank some? A Yes sir.

Q And ran around with women some? A I might have.

Q You did, didn't you? A I think we did.

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- Q And all those things cost you money? A Yes sir.
- Q Now, that hundred dollars, whatever length of time it lasted you, when it was gone you went back again? A Yes sir.
- Q When was that and how much did you get? A I cannot tell you just how much.
- Q How much did you get at that time? A I think we got four or five hundred dollars during the time we were there.
- Q I want to get the dates and times and who was present. A I cannot give you the dates.
- Q You cannot tell the dates nor about the time you got it, nor who was present when you got it other than it was you and Adams and Pettibone who were there? A Yes sir.
- Q And you don't know whether you got money six times? A No sir.
- Q Or ten times? A I don't think it was ten times.
- Q And you don't know how much you got? A We usually got a hundred dollars.
- Q And all the time you were trying to assassinate Governor Peabody?
- A Yes sir.
- Q I notice throughout your testimony you always use the word "Assassinate;" did anybody tell you to use that word? A No sir.
- Q That is not the word you used at that time? A No sir.
- Q And that is not a word you used before you went to the penitentiary?
- A No sir, I don't think it is.
- Q You did not at that time talk about hiring out to go and assassinate Governor Peabody? A I don't think that was mentioned.

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Q You got that word since you began to associate with McFarland?

A I don't know as I did.

Q But you commenced to use it since you came here on the stand?

A I have used it before I came on the stand.

Q Now, does that cover all the money you got up to the time of the Independence depot trouble? A That is not what I have said we got; I don't know just how much we got during that time.

Q But you have given us all the information you have got on that subject? A Yes sir.

Q Can you give us any date -- any specific date that you ever got any money? A No sir, I don't think I can.

Q Don't think that is possible to do.

Q Well then at no time that you -- no date that you can specifically mention can you tell us about getting any money from any of these people? A No nearer than I have answered.

Q Now, you don't claim that either Mr. Mayer, Mr. Haywood or Mr. Pettibone had anything to do with the Vindicator explosion so far as your planning it or carrying it out is concerned? A No sir, only they paid me some money.

Q You don't claim that they had anything to do with the killing of Lyte Gregory? A No sir, not that I know of any more than what I have told you.

Q You don't claim that so far as the commission of any crime was concerned that they had anything to do with it up to the time of the explosion? A I think they did.

No date

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- Q I am talking about planning and carrying it out? A Mr. Moyer was not there then.
- Q I say, so far as planning and carrying out any of these crimes were concerned, Mr. Moyer, Haywood nor Pettibone had nothing to do with it up to the time of the Independence depot explosion as far as you know? A Not personally, no.
- Q Now, the Independence depot matter we will go into. You came back after you had camped out that night? A Yes sir.
- Q Did you camp out right alongside the road? A Yes sir.
- Q You had a saddle in the wagon? A Yes sir.
- Q And you put that on one of the horses after you had gone to bed? A I don't think I went to bed first.
- Q Did Neville go to bed? A I am not sure whether he did or not.
- Q You did not tell Neville anything about what you were going to do? A I told him I was going back to see a party about a matter I had forgotten.
- Q You did not tell him anything about the crime you were going to commit? A No sir.
- Q There was no reason why you should not? A There was no reason why I should that I know of.
- Q You and Neville were already partners in crime? A Not in that kind of crime.
- Q You was not afraid of him, were you? A No sir.
- Q Was not afraid of anybody, was you? A I was not afraid of Mr. Neville.

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- Q Single-handed and alone, and with an even show you are not afraid of anybody are you? A I don't mean running against anybody particularly.
- Q You don't mean, bumping against anybody? A That is not what I mean.
- Q You are not scared of anybody are you? A Not in particular, no sir.
- Q There was no reason why you should not tell Neville why you had gone back? A There was no reason why I should.
- Q You had him where he could not say anything against you?
A I did not think he would.
- Q You and he had committed a crime together? A Yes sir.
- Q And you had the proceeds of it in your pocket? A I had part of it.
- Q Now, the Neville boy went to bed, didn't he? A I am not quite sure.
- Q And Neville went to bed? A I am not quite sure about that.
- Q And you went to bed? A No sir, I did not.
- Q Did you three people not sleep together that night, the Neville boy on one side, you in the middle and his father on the other side? A We slept in the wagon that night.
- Q Didn't you sleep that way that night? A I did not sleep at all that night.
- Q What time in the morning was it when you got back? A About three o'clock.

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- Q Didn't you go to bed and get up and then go back to the Independence depot? A No sir, I don't think I did.
- Q Didn't you undress at all? A No sir, I did not.
- Q And you did not lie down in the manner I have stated, you in the middle? A No sir, I don't think I laid down.
- Q And the boy went to sleep before you went away? A No sir, I don't think he did.
- Q Didn't the father? A No sir.
- Q They were both awake when you went back to see some party?
- A Yes sir.
- Q Did you tell them who it was? A No sir, I don't think I did.
- Q How many miles were you from the camp at that time? A I think seven or eight miles.
- Q On a mountain wagon road? A Yes sir.
- Q Which runs up hill and down in the valley and so on?
- A Mostly down hill, going down.
- Q Are there any variations where you go up one hill and down another to get to the summit? A I think there are, yes sir.
- Q You have to go up hill and down hill? A Yes sir.
- Q How long did it take you to ride that eight miles? A I think we got there about four o'clock.
- Q I mean when you went back on the saddle horse, how long did it take you to ride it? A I don't know,-- possibly three quarters of an hour.
- Q What time did you leave the camp? A A little after dark; I think

about ten o'clock or possibly a little earlier than that.

Q Don't it get dark there until ten o'clock in June? A I don't think it did.

Q What kind of a night was it? A A little cloudy when I first went back.

Q A starlight night? A No sir, the stars were not out at all until about two o'clock.

Q Any moon? A I think there was a little moon, yes sir.

Q Where did you go when you got back to the camp-- to the Cripple Creek camp, what place did you go? A I went to the cabin where we had this powder stored at Independence.

Q How far was that from the place where you lived? A Possibly half a mile or maybe a little more.

Q When had you put the powder there? A Two or three nights before.

Q This was a cabin that belonged to you, was it? A No sir.

Q Who did it belong to? A It either belonged to Steve Adams, or he had the possession of it-- he had the key to it.

Q How far was it from Steve Adams house? A Just a little ways; possibly three or four hundred feet.

Q How far was it from your house? A I think about half a mile.

Q And there you got this hundred pounds of powder, did you? A Yes sir.

Q What did you do with your horse? A I left him down in the brush below the old Victor mine.

Q Was the horse in pretty bad condition then? A No sir, he was in

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good condition.

Q You had road eight miles in about three quarters of an hour?

A I think it was.

Q And you left him there in the brush? A Yes sir.

Q How far away from the place where you got the powder? A I think possibly three quarters of a mile.

Q How long did it take you to take this powder over to the Independence depot? A Only a few minutes.

Q Was the powder in boxes? A Yes sir.

Q Two fifty pound boxes? A Yes sir.

Q Took it over there and put it under the platform? A Yes sir.

Q Had you rigged up your arrangement before you went over there?

A Yes sir.

Q Isn't it a fact that you calculated to explode that powder before the train got there? A No sir, we did not.

Q Did not? A No sir.

Q You did explode it before the train got there? A When it was just about the end-- about a hundred feet from the station.

Q You exploded that powder when you saw the headlight coming around the corner? A No sir.

Q Isn't it a fact that you did not intend to injure anybody that night?

A We did not intend to injure any of the railroad men.

Q The train was late that night? A I think it was on time.

Q You did not expect anybody to be at that depot at that time?

A Yes sir, we did.

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- Q These were men who came off the Findley mine? A The Findley and the Shurtleff.
- Q It was called the graveyard shift? A No sir, the graveyard shift followed that shift.
- Q Now, these men, did you expect them to be down there before the train got there? A Yes sir, a few minutes before.
- Q You did? A Yes sir, they gathered there.
- Q Had you observed their habits about that? A Yes sir.
- Q When? A A night or two before.
- Q How many nights had you been there to see what their habits were? A I had been there where I could see a couple of nights.
- Q There was nothing to prevent the train stopping and starting up, and a man could start from the mine and get to the depot before the train got away from the depot couldn't he-- before the train would pull out? A He might.
- Q He would not have to be at the depot when it came in to get the train? A That train was usually on time.
- Q That train was not on time that night was it? A I think it was.
- Q That train was three minutes late, wasn't it? A I think it was right on time.
- Q In that trip you had there did you have a gun? A Yes sir.
- Q What did you do with that gun? A What kind of a gun do you mean?
- Q I don't know? A We had a shotgun and I had a six shooter.
- Q Did you have a gun there which was blown to pieces and parts of which were found afterwards? A No sir, I did not.
- Q You did not fasten any gun up there? A No sir.

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Q Did you have any candles there to burn down to the fuse? A No sir.

Q You did not arrange it that way? A No sir.

Q You fixed it with this wire and run the wire down the track?

A We ran the wire down the track around a little spur below the depot.

Q How far away? A I don't think over 150 feet.

Q What did you have on the end of that wire? A An old chair round.

Q Where did you get that? A Steve Adams got it, I don't know where.

Q You never saw it before you got there? A No sir.

Q You think it was taken there for that purpose? A We had the wire around it.

Q Why was it you wanted to save the train men? A There was a man running on that run that Mr. Parker said had been a good witness for him on these trials.

Q And you were to pull that off so as to save the men on the train?

A He asked us to do that, yes sir.

Q Did he tell Steve Adams that? A I think he did.

Q What was the name of this man? A I think his name was Rush.

Q What position did he have on the train? A I think he was an engineer.

Q Did Parker tell you that? A I think Parker told me, and I knew this man. I had heard him testify in the trials over there.

Q You did not know whether Rush was on the train that night?

A No sir, I did not.

Q You do know that Rush was on the train that you wanted to wreck

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before and you were a little bit hot because the boys did not give you the job? A No sir.

Q You heard him testify at the trial? A Yes sir.

Q And then you knew that he was on the train that you was mad because you was not allowed to wreck it? A I don't know whether he was on the train or not. He testified about going overon the train before that.

Q You had not told Scott anything about this wrecking of the train, or of the blowing up of the depot had you? A I told him about wrecking the train.

Q You had not told him anything about not injuring the train that night? A No sir.

Q You calculated all the time to pull this off so as not to injure the train? A I did after talking with Parker.

Q That was the train that belonged to the Company that your friend Scott was working for? A I think it was, yes si r.

Q Isn't it a fact that you did not want to wreck the train on Scott's account? A No sir, I did not care anything about that.

Q Did not have any talk with Scott about that? A No sir.

Q You expected to kill fifty or sixty men that night? A I did not know how many we would kill.

Q The more the merrier? A I did not think about that.

Q And you did not care? A I don't know as I did.

Q Just as soon kill a hundred men as one? A I was not thinking about that.

- Q When you saw the headlight of this train coming around the corner that was when you took action? A No sir.
- Q How far had it come around the corner? A I think it is about half a mile down to the depot.
- Q Well, after the explosion you then got on the track and walked straight down the track? A No sir.
- Q Didn't you say so the other day in y our testimony? A I did not say that we went right down the track.
- Q Did not say that? A I said we were on the spur below the depot and we went a way's below that and struck the track.
- Q I wish you would take a piece of paper and pencil and draw that spur for me. A (Witness does as requested) Here is the spur runs th out there to a little ore bin (indicating).
- Q Show us where you planted the bomb? A We planted it right under the platform. This is the platform here. (Indicating on the chart he has prepared).
- Q You went in under on this side, right under there, and put the powder in there and the wire ran around here-- just draw a dotted line around where the wire went.
- (Witness does as requested).
- Q Now, show us where you ran when you pulled the wire? A We ran over here. (Indicating on the chart)
- Q Where to? A Come right around and up there on the track.
- Q Where did you go after you got on the track? A We ran around until we got to the old Victor mine.

- Benson*
- Q Still on the track? A We left the track and I went down to where my horse was just below there.
- Q Do you know a cabin there known as Al Benore's cabin? A I don't know where it was. His house was over at Independence then.
- Q You did not go over in that direction at all? A No sir, we did not.
- Q Over here where I have marked? A No sir, we did not.
- Q How long did you continue on the track-- how far -- what distance?
- A Not very far. Possibly two or three hundred yards.
- Q And then you went to the bushes and got your horse? A Yes sir.
- Q Where did Adams go? A He went around home, where he lived.
- Q Do you know that? A Only from him.
- Q Only from him? A That is all.
- Q You left him, in any event, there after you pulled off the event?
- A I left him on the track.
- Q And you got on your horse and rode off on the horse? A Yes sir.
- Q You did not touch your feet to the ground, or anything else that belonged to you from the time you got on the horse until you got back to camp? A No sir, I did not.
- Q You got back to camp then on Monday morning? A Yes sir.
- Q At about daylight? A It was just beginning to get daylight, kind of gray.
- Q What were the Neville's doing when you got back there? A They were in the wagon.
- Q Did he ask you anything about what had happened? A Mr. Neville

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did.

Q He heard the explosion? A Yes sir.

Q What did he say? A He asked me what I had blown up.

Q He did know you was going to blow up something. A He asked me if we had blown up the Findlay mine.

Q But you had not told him anything about your going back to blow up anything? A No sir.

Q Now state what you told him. A I told him we did not blow up anything. There was some report there.

Q That you had not blown up anything -- that was all the conversation?

A Yes sir.

Q Then you started down the road to Colorado Springs? A Yes sir.

Q And stopped there and bought a few supplies? A Yes sir.

Q And stopped that night out about four miles from Colorado Springs?

A Yes sir.

Q And went on to Palmer Lake the next day? A Yes sir, about to Palmer Lake.

Q That would be Tuesday? A Yes sir.

Q While you were camped there that first night do you remember of getting up and getting your match safe at the request of Charlie Heville, and your trousers were hanging over a bush? A No sir.

Q No such event as that occurred? A No sir.

Q Sure about that? A Yes sir.

Q The second night you were in the vicinity of Palmer Lake?

A Yes sir.

Q And the next night you got within about six miles of Denver?

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- A Yes sir, I think they called it Petesburg.
- Q And there you could take the horse car or the street car and go into Denver? A Yes sir, or walk over to the electric car.
- Q You could take the horse car and ride over? A Yes sir.
- Q And take the electric car which is at Englewood and then you went on into Denver? A Yes sir.
- Q About six or seven miles, something like that? A I think it is something like that.
- Q Who did you leave your camping outfit with? A In a barn there, we rented a little barn there.
- Q And hired somebody to take care of your horses? A No sir, we could take care of them ourselves.
- Q You could go out in an hour at any time, I suppose? A We did go out the next morning.
- Q And went right to headquarters? A No sir.
- Q Where did you go to? A I went to Jack Simpkins room in the Granite block.
- Q How did you know he had a room there in the Granite block? A Because I had been up there before.
- Q When? A Just after we killed Lytle Gregory.
- Q Who did you find there in the Granite block? A I met Jack Simpkins just before I got up there, out on the sidewalk.
- Q What was he doing? A He was just on the sidewalk.
- Q Did you tell him what you had done? A We talked of it after we got up in the room.
- Q Did you make any plans with Steve Adams as to what he should do?

A No sir.

Q You did not? A No sir.

Q Just simply entered into this arrangement with him to help carry the powder over there and pull the wire? A I did not make any arrangement about what he was going to do.

Q Or know anything about what pay he was to get for the job? A No sir.

Q Who was present when you got to Jack Simpkins room? A Mr. Kirwan was there when I went up there.

Q Did Kirwan stay there? A No sir.

Q How do you remember that? A Because, he went out a little after.

Q Do you say that because you know Mr. Kirwan has been here and because he is a witness? A No sir, because I knew it.

Q And you don't want to involve him? A I don't want to involve any one.

Q Was Kirwan there alone in the room? A I think he was alone.

Q And he went right out? A No sir, not right out, until some other parties came in there.

Q Who were the other parties? A Mr. Haywood and Mr. Pettibone.

Q Did they come together? A I think they did.

Q They did not know you were in town, did they? A I don't think they did.

Q But it just happened that as soon as you got there almost, Haywood and Pettibone came in? A It was a little while after, a few minutes.

Q What was you and Jack Simpkins talking about in the meantime?

A About the depot.

- Q That was the subject of conversation, was it? A We were talking about it.
- Q Were you and Jack Simpkins talking about it before Haywood and Pettibone got there? A Yes sir.
- Q The papers were full of it? A I believe they were.
- Q A dozen different theories were published in the papers as to how it was done? A Yes sir.
- Q And there were some papers there? A I think so.
- Q Were the newspapers read as the subject was discussed? A I don't think so.
- Q Was Kirwan there when Haywood and Pettibone got there? A He went out about that time.
- Q You don't know whether Mr. Kirwan went out before they got ~~xxxx~~ there? A I am not quite sure whether he did or not.
- Q Did anybody else come in? A They did after that.
- Q You did say in your direct examination that Haywood, Pettibone and Jack Simpkins were all there together? A I don't know that I did. I don't say now. But he might have been there when they came in.
- Q You did say just a few minutes ago that Kirwan was there when they came in-- that is, when Haywood and Pettibone came in? A I don't think I did. I said I was not sure whether he was there when Simpkins and I came in.
- Q You said that Haywood and Pettibone were the first ones who came in, didn't you? A I said they were the first ones who came in after

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Jack and I went in.

Q And then you said Kirwan was there after Steve Adams came in?

A No sir.

Q Was Kirwan there when Steve Adams came in? A No sir, I don't think he was.

Q You said he came in after you had been there about half an hour?

A Some little time;

Q Do you know what time it was? A Not positively, no sir.

Q Who else was there besides these parties you have mentioned?

A Nobody.

Q Did anybody come in while they were there? A I don't remember of anybody coming in.

Q Did Kirwan go out with anybody? A I am not sure whether he did or not; I don't remember of anybody else being there only him.

Q How long did you stay there? A I could not say exactly how long; not a great while.

Q Was anything said about the amount of money you were to have for the deed you had done? A Money was talked of, yes sir.

Q Had you learned up to that time how many men you had killed?

A Yes sir.

Q Where did you learn that from? A The papers.

Q You had read the papers when you got to Colorado Springs?

A Yes sir.

Q When? A Before I got there.

Q Where did you get them? A On the road, from an old gentleman

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whom we met.

Q At what place? A Two or threemiles before we got to Colorado Springs.

Q Did you discuss it before the boy? A No sir.

Q So far as you know the Neville boy did not know anything about it up to that time? A He did not know what was done up to that time.

Q Did his father discuss it? A Yes sir.

Q Did he charge it to you? A Yes sir, he did.

Q Before the boy? A I don't know that he spoke right out before the boy, but the boy may have heard it. We tried to talk so he would not hear it.

Q You say that because you know the boy is alive? A No sir, because I know it.

Q Did you make an effort not to let the boy hear it? A Yes sir.

Q And yet you were all three right there together? A We were together but we did not discuss that when we were riding close together.

Q Did you continue to discuss it all the way to Denver? A It was spoken of some times, yes sir.

Q How often did you speak of it? A I don't know just how often.

Q Did you fish any on the way to Denver? A No sir.

Q Or hunt any? A No sir.

Q What had you done with them? A They went somewhere else.

Q They came into Denver town with you? A Yes sir.

Q And you left them somewhere? A Yes sir.

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- Q Where did you leave them? A I cannot say just where; I left them when I got off the street car, I think.
- Q Were these conversations while you were in the wagon on the road?
- A No sir.
- Q You all rode in the wagon, didn't you, together? A Yes sir.
- Q You don't know where the Neville's went? A They stayed in Denver.
- Q You don't know where you left them? A I know where I promised to meet them again.
- Q Where was it you left them? A I think it was at the street car-- the Broadway street car.
- Q Where did you get off the Broadway street car? A I am not quite sure; I think it runs down 16th Street.
- Q How many blocks from the Granite block did you get off the car?
- A I don't know how many.
- Q Did you keep on the Broadway car down to the Granite block?
- A No sir, I think we got off at 17th Street.
- Q Don't you know that the Broadway car don't touch 17th Street anywhere in the City of Denver? A It don't go quite to it.
- Q Did you go down 17th Street? A I think I did, as far as a saloon on 17th street that a man named Moore was running.
- Q Did you get off the Broadway car where it goes into Colfax Avenue?
- A I think it is.
- Q And did you walk down Broadway to 17th Street? A I think I did; I am not sure.
- Q What did you do that for? A I am not quite sure whether I did do that or not.

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Q As a matter of fact you don't know? A I think I walked down to the saloon on 17th street.

Q If you don't know, don't take the time to tell about it, and if you do know say so. A I would not say positively where I went.

Q You really don't know where you got off the Broadway car nor when?

A No sir.

Q And you really don't know where you met the Neville's? A I think I met them at a saloon on 17th Street?

Q Whose saloon was that? A That was a man named Moore.

Q Whereabouts on 17th street is that saloon? A Well, it is, I think somewhere between California and Glenasm, but I am not quite sure.

Q Well, California and Glenasm are three blocks apart aren't they?

A I don't know whether they are or not.

Q Two blocks apart? A Somewhere about there.

Q You cannot tell definitely about that saloon? A No sir.

Q Did you all go in there and take a drink? A I think we did.

Q How old was the boy? A I think 14 years old.

Q And you and Neville and the boy went into the saloon and took a drink? A Yes sir.

Q All took a drink together? A I think we did.

Q But you are not certain about it? A No sir.

Q No complaint made about the boy's age? A No sir, not when he was with his father.

Q And no policeman looking on? A No sir, I didn't see any.

- Q Did you leave the boy and his father in the saloon? A I am not sure whether I left them in the saloon or not.
- Q But they did not go with you to the Granite block? A No sir.
- Q How far is that saloon from the Granite block? A Possibly seven or eight blocks.
- Q What is that? A I think seven or eight blocks.
- Q A little over half a mile then? A I think so.
- Q Did you go that distance alone? A Yes sir.
- Q Or did the Neville's walk with you part way? A No sir.
- Q You don't have any remembrance of them after leaving the saloon?
- A I think I made an appointment to meet them at the saloon.
- Q And that is the only reason you remember that you went to that saloon? A I think we went there, and I think that is the way we went so as I would know where the saloon was.
- Q Where did you make that appointment? A Going into Denver on the street car.
- Q Did you designate the time when you would meet them? A I don't know that I did. I said I would meet them that evening.
- Q You said you would meet them that evening? A Yes sir.
- Q And all they had to do was to sit around the saloon and wait until you got there? A Mr. Neville was well acquainted with this man Moore.
- Q How long were you in the Granite block? A Possibly an hour altogether.
- Q What time of day was it when you got there? A It was in the

- Q That is a pretty broad assertion? A It was after dark.
- Q It was after dark? A Yes sir.
- Q How long had you been there before Steve Adams came in?
- A Possibly half an hour.
- Q Had you made any appointment with Steve to meet you there?
- A No sir.
- Q Who came with him? A There was not any one, I don't think.
- Q No one at all? A There was no one came up to the room with him.
- Q Who were there in the course of the half hour or so that you stayed there besides these parties you have mentioned-- any other delegates?
- A No sir, I don't remember of any.
- Q No other delegate came there? A No sir.
- Q Quite a number of the delegates were rooming in that same building?
- A I think they were.
- Q How many of them? A I don't know how many.
- Q You did not know their names? A I don't know that I did.
- Q You did not know the names of one of them? A I think Mr. Baker roomed there, but I am not sure.
- Q Did you see anybody in the lobby or office that belonged to the Western Federation at that time? A Possibly I did, but I don't remember whether I did or not now.
- Q Did you have any talk with them about it? A No sir, I don't think so.
- Q What was said inside of the bedroom about this Independence depot explosion? A They was telling me what a good thing it was.

Mr. Pettibone spoke up and said it was the finest thing that ever happened.

Q Now, who was the first person you talked with about it? A Jack Simpkins.

Q What did you say to him? A Well, Jack said--

Q No, no, I asked you what you said to Jack. A I don't remember exactly; I think I asked him what he thought, if he thought they was on my trail or looking for me.

Q Was he surprised to see you? A I don't think he was.

Q Had you made any appointment to meet him there? A I don't know that I had.

Q And so far as you know he did not know anything about this until you told him? A I had not told him anything about it.

Q And you did not know that he knew anything about it? A No sir.

Q And yet you went right in there and began to talk to Jack about it?

A Yes sir.

Q What did Jack say to you? A He said it was all right; we done a fine job.

Q Did you tell him what the job was, or did he tell you what the job was? A I told him how we done it.

Q Did he say anything to you about it, about the way the job had been carried out? A Yes sir.

Q Tell all he said about it? A He asked me how we done it and I went through the details and told him.

Q Who was present when you gave him the details you have given us?

A I don't think anyone at first.

Q Well, was it then that he said you had done a fine job? A He expressed himself that way, or something to that effect.

Q What did you say when he told you that? A I asked him if he knew anything about that they was looking for me up there, or if they had followed me with the dogs that had been spoken of in the paper, down our trail.

Q What did he say to that? A He said he did not think so.

Q The dogs had followed down your trail? A I think so, from the description in the paper.

Q You had gotten on a horse? A Yes sir.

Q And that ended your trail, didn't it? A I think so, but they might follow the horse if they got the scent of it.

Q Well, we won't go into that. Did it strike you as queer that every time you had anything to say with any of these people that they always said that you had done a fine job? A They always expressed themselves as well satisfied with it, and some of them said, "a fine job".

Q They all said about the same thing, that it was a fine job?

A They expressed themselves as well satisfied.

Q Now, when Borah-- I was about to say Borah and ^Hewley, but I meant when Haywood and ^Pettibone came in they said it was a fine job?

A Pettibone did.

Q Pettibone said that? A Yes sir.

Q Did Haywood say anything about what kind of a job it was?

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A He said it was all right.

Q Did you rehearse to them what you had done with respect to this job? A I think I talked it over some.

Q Did you take up the newspaper again and read that? A No sir, I did not.

Q You must have been there quite a little while if you went all over that thing? A I don't think we went all over it, only to speak of it in a general way.

Q Did they say anything about your having carried it out according to instructions? A No sir, they did not instruct me.

Q Had not given you any instructions, had they? A No sir.

Q How long did Haywood and Pettibone stay there? A Not very long.

Q Was the subject of your ^{remuneration} conversation discussed? A Yes sir.

Q What was said about that? A Haywood asked me how much money I wanted and told me not to take too much, that I could get more whenever I wanted it.

Q Very nearly every time you talked with him about money he told you you could get more whenever you wanted it? A No sir, he did not.

- Q. Well, every single time you have testified to be always said that to you, didn't he? A. No sir, not every single time I testified to.
- Q. But on this occasion he said how much money do you want, don't take too much, you can have more any time you want it? A. He said I could have some when I wanted it.
- Q. Did he give you any reason why he didn't want you to take too much? A. I don't know as he did particularly.
- Q. You had done this job without any promise of any money whatsoever? A. Without any particular promise any more than I had been getting.
- Q. You didn't know you were going to get a dollar for it so far as any conversation was concerned? A. Yes sir, I thought I would get a dollar.
- Q. I understand you thought so, but you didn't know? A. Mr. Haywood had told me that I could get money any time I wanted it, and I supposed if I done this job I could get more if I wanted it or any amount pretty near.
- Q. Well, you had already had his promise to get money any time you wanted it for what you had already done? Why was it necessary for you to commit more crime to get more money? A. I don't know as it was necessary, but that is what he wanted me to do and I went and done it.
- Q. You hadn't agreed to do this for money nor for any amount of money, had you? A. I hadn't made any particular agreement only from time to time as I done it.
- Q. Nobody promised you any money for the blowing up of the Independence depot who was connected with the Western Federation

of Miners, did they, in advance? A. Not any more so than they had done before.

Q. Well, you have said, haven't you, in the course of this examination and cross examination that there was no arrangement for money so far as the Independence depot was concerned?

A. The arrangements had been made when I first seen Mr. Haywood. He said there would be no work for me only night work for a good while, to go ahead and I couldn't go too swift for them and I could get money any time I wanted it.

Q. Just simply night work? A. Yes sir.

Q. That you could go ahead and be as fierce as you wanted to with respect to that night work? A. Yes sir.

Q. And have money any time you wanted it? A. Yes sir.

Q. So that under that employment and understanding you thought you could go ahead and pull off anything you wanted to and collect whatever you pleased for it? A. I pulled off some things --

Q. You had already pulled off enough so that you was bound to get money any time you wanted it? A. I had got money.

Q. I say you already had pulled off enough so that they were bound to give you money any time you wanted it? A. They did give it to me.

Q. And from that time on you never wanted for money, did you?

A. I got money from them whenever I asked for it.

Q. And you asked them for it whenever you wanted it, didn't you?

A. Yes sir, I did.

Q. Well, was this discussion about money before Simpkins and Pettibone? A. Yes sir, it was before the five of us.

- Q. Before the five of them? A. Yes sir.
- Q. You and Simpkins, Haywood, Pettibone and Steve Adams?
- A. Yes sir.
- Q. Didn't state anything about money until Steve came in?
- A. I don't think we did, no sir.
- Q. How much was Steve to get? A. Steve said -- he asked them for \$300.
- Q. Steve said he had asked them for \$200? A. Steve did ask them for \$200.
- Q. There in your presence? A. Yes sir.
- Q. Had he said anything about money before that? A. Not until Mr. Haywood asked us how much money we wanted.
- Q. So the first thing was Haywood's asking you how much money you wanted? A. Yes sir, he asked what I was going to do and I said I was going on a trip up through Wyoming, and he asked me how much money I wanted and I told him I wanted \$300 anyway.
- Q. You had already planned your trip up through Wyoming? A. Planned the trip, yes sir.
- Q. Planned that with Neville before you started? A. I planned the trip quite a while before I started.
- Q. Had you been up to Wyoming on the same kind of a trip the year before? A. No sir, I had not.
- Q. ^{Had} you ever been up there on that kind of trip? A. No sir.
- Q. Who planned this trip, you or Neville? A. I think Neville wanted to go somewhere to look for a location and we thought of going to Cody.
- Q. When Adams took down \$200 or said that he wanted \$200 for his part in it you were not content to take \$200 for your part?
- A. I told them I wanted \$300 anyway.

- Q. Wanted \$300 anyway? A. Yes sir.
- Q. Did you say anything about wanting more than \$300?
- A. I said I wanted \$300 anyway and Mr. Haywood -- well, before that, when he asked me how much money we wanted he said "Don't take too much, you can get more any time you want it."
- Q. Always started off by saying you could get have all you wanted and not to take too much, you could get more any time you wanted it? A. No, not always.
- Q. Nearly always? A. No, not nearly always.
- Q. You went over with him to get the \$300, did you?
- A. Went over where?
- Q. Over with Haywood? A. No sir, did not.
- Q. Did you get the \$300 then and there? A. No sir.
- Q. Did Steve get his \$200 then and there? A. I don't think he did.
- Q. There was no money passed then on that occasion? A. No sir.
- Q. Well, was that all the conversation that you had at that time?
- A. Practically all; we talked some more.
- Q. Did you tell him how you wanted the \$300? A. I told him I wanted it in money.
- Q. Where you wanted it paid? A. I didn't tell him where I wanted it paid.
- Q. When you wanted it paid? A. I told him I wanted it the next day.
- Q. The next day? A. Yes sir.
- Q. Well, where did you go that night after you got through talking with Mack Simpkins and the rest of these people?
- A. I went back to see Johnny Heville for a while.

- Q. Did you meet anybody, as you went out of the Granite Block, that belonged to the Western Federation? A. I might have; I don't remember anybody now.
- Q. Did you see anybody else there? A. I seen some there; I don't remember who else I did see now.
- Q. Did you see anybody in that place when you went in? A. I seen somebody, I don't remember who it was.
- Q. Did you go through the offices? A. I went through what I think they call the office, down stairs.
- Q. Do you know a man named Charles Phillips? A. I know a man by the name of Phillips.
- Q. He is the man that owned the Granite Building at that time, that is, owned the rooming house there, isn't he? A. I believe he run it.
- Q. Did you meet him there? A. I think I did; I am not sure.
- Q. Not sure whether you met Mr. Phillips or not? A. He sir.
- Q. Give the name of anybody that you saw there other than those that you have mentioned? A. Well, I don't remember; I couldn't give the names of anyone but what I have mentioned.
- Q. Give the number of people that you saw there whose names you don't know. A. I couldn't do that.
- Q. Did you see anybody there other than those names you have mentioned? A. Yes sir, I seen others.
- Q. How many? A. I couldn't say how many.
- Q. Couldn't tell whether there was two or twenty that you saw? A. I don't think it was twenty.
- Q. Was it two? A. I think there was possibly two or more.
- Q. Or ten? A. I couldn't say whether it was ten or not.

- Q. Was it five? A. Might possibly have been five.
- Q. Possibly five? A. Might have been; I wouldn't say positive.
- Q. Well, I know, it might have been nobody and it might have been a thousand? A. Well, that is as near as I can remember.
- Q. Now you say that you think about five people would be as near as you could remember that you saw there in that rooming house other than these people that you saw in the room of Simpkins?
- A. I wouldn't say it was five.
- Q. Don't think there was five? A. Well, I wouldn't say I wouldn't say how many.
- Q. Wouldn't say. That is a very large rooming house, isn't it?
- A. I think it is quite a large rooming house, yes sir.
- Q. There were hundreds of people who were there in Denver at that time who had been deported from the Cripple Creek district, wasn't there, or driven out? A. I don't know that there was anywhere at that time -- deported at that time.
- Q. Don't you know that at the very time that you got in there that the Western Federation people had taken control -- that is, had taken all of the vacant rooms in that building for their deportees or people who had been driven out of Cripple Creek? A. No sir, I don't know it.
- Q. And wasn't there at that very time a very large number of people from Cripple Creek in there and were coming in all the time? A. Not that I know of, no sir.
- Q. And wasn't that place crowded with people from Cripple Creek?
- A. I don't know that it was.
- Q. Western Federation men? A. I don't know that it was.

Q. Don't know that? A. No sir.

Q. Do you know that that is not a fact^{at} that time?

A. I don't remember of seeing very many people there that I knew.

Q. Well you know, don't you, that before you got to Denver that there were hundreds of people who had been driven out of Cripple Creek that belonged to the Western Federation of Miners who had come to Denver? A. I don't know whether it was before I came or not. I knew there was a lot departed sometime about that time or after.

Q. And they were coming in right along all of the time that you were there, weren't they? A. I don't know anything about that. I didn't see any of them.

Q. Coming in by twos and fours and sixes from every direction?

A. I don't remember whether there was at that time or not.

Q. And you know that the Western Federation had the Belmont rooming house and the Virginia rooming house and like a half a dozen other rooming houses already rented to take care of their people, don't you? A. I don't know it, no sir, not at that time.

Q. Never did know that? A. I heard that they had lots of rooming houses -- some rented, after that, not at that time.

Q. They were renting them at that time, weren't they? A. They may have been, I don't know.

Q. Don't know that a lot of the people from Cripple Creek got in there before you did? A. I don't know whether they did or not.

Q. You didn't get in there until Wednesday night late, did you?

A. I think it was Wednesday night.

- Q. Thursday night, wasn't it? Stop and think about that.
Let us see: You blew up the Independence depot Monday night,
didn't you -- Sunday night, didn't you? A. I think it was
Wednesday night we got in there.
- Q. Well, very well. A. I think it was.
- Q. You stopped at Colorado Springs Monday night? A. Yes sir.
- Q. Four miles from Colorado Springs? A. Yes sir.
- Q. You stopped at Palmer Lake on Tuesday night? A. Yes sir.
- Q. And you got to Petersburg on Wednesday night? A. Yes sir.
- Q. And then you went up to headquarters some time during that
night? A. I didn't go up to headquarters at all.
- Q. I mean up to Blenkins' room? A. Yes sir.
- Q. On Wednesday night? A. The night we got into Denver we did.
- Q. When you left Blenkins' room where did you go? A. I went back
to this saloon that I have spoken of.
- Q. Did you find the Nevilles there? A. Yes sir.
- Q. What were they doing? A. They were sitting around the saloon.
- Q. How long did you stay there? A. I can't tell just how long.
- Q. Did you go directly from Blenkins' place to Neville's? To
where you met the Nevilles? A. I can't say I went directly;
I don't remember.
- Q. How long were you on the way? A. I don't think I was a great
while.
- Q. How many places did you stop at? A. I don't think I stopped
at any; I am not sure.
- Q. What time did you get back to that saloon? A. I couldn't say
exactly what time, possibly eleven o'clock.

- Q. Where did you go then? A. I went to a room some little time after that, I don't know just how long.
- Q. Stayed around the saloon there in the meantime, did you?
- A. I stayed there a little while.
- Q. Drinking? A. I drank some, yes sir.
- Q. Playing cards? A. I don't think we played cards, no sir.
- Q. Any games going on in that saloon? A. No sir, I don't think there was.
- Q. Where did you go to when you left there? A. Went and got a room.
- Q. Did you go to any gambling houses that night? A. No sir.
- Q. Where did you go to get your room? A. I have just forgotten where we did get it. Mr. Neville got a room somewheres, had one engaged before I got over there.
- Q. You didn't go over to the Belmont? A. No sir.
- Q. Don't know where this room was? A. It was somewheres I think on California Street or --
- Q. Or some other street? A. Well, it was somewheres around there, I don't know just where the room was.
- Q. It was either on California Street or some other street?
- A. I think it was California or Stout Street, I am not sure which.
- Q. Between what streets? A. Well, I think it was between 15th and 17th Streets.
- Q. You are very familiar with Denver, aren't you? A. Well, I am pretty familiar now with it.
- Q. Well, you was at that time, weren't you? A. Well, not so very much.

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- Q. But in any event Neville had gotten a room? A. Yes sir.
- Q. Did all three of you stay in the same room? A. Yes sir.
- Q. Two beds? A. Yes sir.
- Q. Where did you go the next morning? A. I went over to Pettibone's store.
- Q. Directly? A. I don't know that I went right directly. I went there some time in the forenoon.
- Q. Did you take Neville over there? A. I did take Neville there before I went away, yes sir.
- Q. Did you take the boy there that time? A. Yes sir.
- Q. Well, did they go with you on that trip that morning, that Thursday morning, or did you go alone? A. I wouldn't say whether they went that first time or not.
- Q. Pettibone's store was under the Belmont rooming house?
- A. Yes sir.
- Q. There were a large number of people from Gripple Creek in the Belmont rooming house at that time, wasn't there, men whom you knew? A. There was some of the delegates, yes sir, people that I knew.
- Q. And among them were some old Coeur d'Alenens, weren't there, people who had been in the Coeur d'Alence? A. There was one man that I knew who had been in the Coeur d'Alence.
- Q. And these Coeur d'Alenens were in the habit of going into Pettibone's store, weren't they, because he had been in the Coeur d'Alence in 1892? A. Delegates used to go into his store quite often.
- Q. Well, that was the reason of it, wasn't it? A. Because they knew him.

- Q. Because they knew him because he had been up in the Coeur d'Alene in 1892? A. I don't know that that was particularly the reason, but he was always around there --
- Q. Don't you know Pettibone was not in the Coeur d'Alene in 1899 so far as you knew? A. Not so far as I knew.
- Q. Do you have any reason to think he was? A. I don't think he was.
- Q. And these people who were from the Coeur d'Alene were in the habit of dropping in there at Pettibone's place? A. I don't know as they were more in the habit from the Coeur d'Alene than they was from other places where they come from to attend the convention.
- Q. Lots of people dropped in there to see him? A. There were lots of people, yes sir.
- Q. And he was right under the house that the Federation was running for the purpose of taking care of their people who had been sent out? A. I don't know that they were.
- Q. Don't know? A. No sir.
- Q. There was a large number of people around there whom you had known in the Cripple Creek district? A. I seen some that I had known, yes sir.
- Q. Name them. A. I seen Parker, I seen Davis, I seen a man by the name of Whitney. Those were from the Cripple Creek district, is about all I remember.
- Q. All delegates to the convention, weren't they, those men you have mentioned? A. I think they were.
- Q. And they were all that you saw from the Cripple Creek district? A. It may not be all that I saw, it is all I remember now.

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- Q. The convention was still in session, wasn't it? A. Yes sir, I think it was. I am not sure, though, about that.
- Q. Remained in session for some time, did it? A. No, I am not sure that it was in session. I think it was not in session. I think it had adjourned.
- Q. You know it was in session on Monday, don't you, the day the explosion occurred in Cripple Creek? A. I think it was.
- Q. The day that the Supreme Court decision was rendered in the Moyer case? A. I don't know when the decision was rendered.
- Q. Didn't hear about that at that time? A. I may have heard about it.
- Q. Don't know that the Supreme Court of Colorado rendered its decision in the Moyer case on the very day, the morning of the day that the explosion had occurred? A. No sir, I do not.
- Q. The explosion occurred at 9:30 in the morning, did it?
A. About that time, yes sir.
- Q. And you don't know that the Supreme Court that morning rendered a decision at ten o'clock that Moyer could not have any relief by habeas corpus? A. No sir, I do not.
- Q. That was not discussed in your presence? A. No sir.
- Q. Nor ~~mentioned~~ mentioned? A. No sir.
- Q. Nor a matter of any importance? A. Not that I remember of.
- Q. Well, when you went to Pettibone's store who did you see there? A. I don't remember who I seen there -- I seen Pettibone.
- Q. Was Pettibone there? A. Yes sir.
- Q. But don't remember of seeing another single person in that store that you call to mind? A. No sir, nobody.

- Q. And yet these people who had been delegates to the convention were there and a lot of people who had been driven out of Cripple Creek in the meantime? A. I don't know that they were, no sir.
- Q. Don't know? A. No sir. Some of them had been there. I don't know whether they were there then or not.
- Q. How long did you stay with Pettibone? A. I think I was in Denver two days.
- Q. Well, I mean that time, Thursday morning. A. I couldn't tell you just how long I stayed.
- Q. Did anybody come in while you were there? A. There may have. I don't remember.
- Q. I know they may have, but you don't remember that anybody did? A. I don't remember it particular, no sir.
- Q. Neither people that you knew nor strangers? A. No sir.
- Q. How about these people who had desk room there, were they there at all? A. Possibly they were. I don't remember whether they were or not. There were some there, I don't remember who.
- Q. Don't remember anything about it. Well, you just said a few moments ago, didn't you, that you didn't remember anybody was there? A. I didn't remember of any names I said.
- Q. How many people were there whose names you don't remember? A. I couldn't remember that either. I think there were some there.
- Q. Think there were some? A. Yes sir.
- Q. People going in and out? A. I think so, yes sir.
- Q. When you went in what was the first thing you said to

- Pettibone? A. I told Pettibone there I wanted him to get me some guns, and so forth, I wanted to buy a tent.
- . That was the first thing you said to him? A. Well, I might have said good morning, something like that; but that was the first conversation that I remember about.
- Q. Had you been up to Haywood in the meantime and got the \$200 that you wanted? A. No sir.
- Q. Had not? A. No sir.
- Q. But you wanted Pettibone to buy you some tents, guns, and so forth? A. Pettibone told me he could get them cheaper than I could and he would get them for me.
- Q. Isn't it a fact that you went into Pettibone's store and told him that he could get those things cheaper than you could and you wanted him to buy them for you because you were going on this camping trip? A. No sir, it is not a fact.
- Q. Did you say anything about this camping trip? A. We talked about it the night before.
- Q. Now that is something that you didn't tell us about?
- A. Well, I don't know whether I have or not.
- Q. You had talked the night before with Pettibone about buying those things, had you? A. I had told him about wanting them and he said he could get them cheaper than I could and he would get them for me the next day.
- Q. You knew that from the experience you had had when the two shot guns were bought, didn't you? A. I knew that he bought them.
- Q. And knew that Pettibone was in trade and could get a trade discount, didn't you? A. I knew that he -- he told me that

he had bought lots of guns and could get them cheaper than I could, yes sir.

Q. That was because he was in trade and could get what is called the trade discount, wasn't it? A. I don't know whether that was it or not.

Q. Where was Pettibone when you had this talk with him about getting these things that you wanted? A. I don't remember just where he was, whether it was spoken of up in Simpkins' room -- I think it was.

Q. Very well, when you went in there the next morning then there was an understanding that you were going to come in and get Pettibone to go and buy some things for you that you wanted?

A. Yes sir.

Q. You wanted them to go on a camping trip with, didn't you?

A. Yes sir, I wanted the things.

Q. And you told him so, didn't you? A. Yes sir.

Q. And you gave him a list of the things you wanted, didn't you?

A. I did the next morning, yes sir.

Q. And you went with him to buy them, didn't you? A. Yes sir.

Q. So as to get just the things that you wanted? A. Yes sir.

Q. And Pettibone went with you? A. Yes sir.

Q. And ~~then~~^{you} he went down to Tritch's hardware store, the biggest hardware store in Denver, didn't you? A. We got some of them there, yes sir.

Q. You went there first, didn't you? A. I rather think we did, yes sir.

Q. That is the biggest hardware store in Denver, isn't it?

A. I am not sure whether it is the largest or not. I think it is

as large as any.

- Q. And you got things which were proper and appropriate for going on a camping trip, a hunting and fishing expedition?
- A. Yes sir.
- Q. You got a fish line? A. Yes sir, I did.
- Q. You got a fish pole? A. Yes sir.
- Q. And you got a reel? A. Yes sir.
- Q. And you got a lot of flies? A. Yes sir.
- Q. And hooks? A. Yes sir.
- Q. And you got a shot gun, didn't you? A. No sir, I didn't.
- Q. A rifle? A. Yes sir.
- Q. A rifle, a .22 Savage, was it? A. I think it is .303.
- Q. That is a very proper gun to go on a hunting trip with, isn't it?
- A. A very good gun.
- Q. Did you get any revolvers that time? A. Yes sir.
- Q. How many revolvers did you get? A. Got one.
- Q. One revolver? A. Yes sir.
- Q. What was that? A. .38 Automatic Colt's.
- Q. You hadn't had an automatic Colt's up to that time, had you?
- A. No sir.
- Q. But you had had some other kind of a gun? A. Yes sir.
- Q. And you wanted one of those automatics? A. Yes sir.
- Q. Told Pettibone so? A. I think so, yes sir.
- Q. And you got some other little trinkets besides? A. Yes sir.
- Q. These two guns and the fishing ~~tasks~~ tackle and so forth, didn't you? A. I got some ammunition and so forth, yes sir.
- Q. And Neville's boy got some stuff, too, didn't he, at the same time? A. Yes sir, and Pettibone got him some stuff.

- Q. And Neville's boy was there, wasn't he? A. I rather think he was.
- Q. And Neville himself was there, wasn't he? A. I am not quite sure whether they were there or not.
- Q. Well, there wasn't any concealment about it, was there? A. Not about buying this ~~gun~~ stuff, no sir.
- Q. And you wasn't getting this stuff at that time to commit any crime with, was you? A. No sir.
- Q. No reason on earth why you shouldn't have gone there and bought it? A. I don't know of any.
- Q. Other people were doing the same thing at the same time you were there, weren't they? A. Other people in there I think.
- Q. And then Pettibone took you down on Larimer Street, where the Denver Tent & Awning Company had a store, isn't it?
- A. I went down there somewhere, I am not ~~quite~~ sure it was on Larimer Street.
- Q. And there you bought a very appropriate tent, didn't you?
- A. Yes sir, I bought a tent.
- Q. You didn't have any at that time, did you? A. No sir.
- Q. And then you went around town and bought some other little things, didn't you? A. Yes sir, I bought some things.
- Q. Was Pettibone helping you to buy your outfit? A. He went around with me and helped me to get it, yes sir.
- Q. And you gave him the money to make the purchases with?
- A. He paid it out of the money that he had got for me.
- Q. And he got the trade discount for you? A. I don't know whether -- he did get some discount.
- Q. How had he got the money for you before you came to his store

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- that morning? A. No sir, I don't think he had.
- Q. Don't think he had? A. No sir.
- Q. Did he pay for those things as he bought them? A. I think he did.
- Q. Did he take the money out of his own pocket to pay for them?
- A. I am not sure just how he paid for them.
- Q. Didn't you give him the money yourself, Mr. Orchard, with which to pay for those things? A. No ~~with~~ sir, I did not.
- Q. And didn't you keep just a little bit quiet about who these things were for in order that Pettibone could work this trade discount? A. No sir, I don't think I did. I was with him and picked out what I wanted.
- Q. ~~While~~ ^{While} you appeared to be helping him select he had to tell them it was for him, didn't he? A. I don't know. I think he bought them and paid for them.
- Q. He had to tell them that the stuff was for him to get the trade discount, didn't he? A. He pretended that he was buying them.
- Q. And that was the reason that he was buying them, wasn't it?
- A. He was buying them, yes sir, that was the reason.
- Q. It wasn't because you couldn't have bought them as well as anybody except they would cost you more money if bought that way? A. He said he could buy them cheaper and he went with me to buy them.
- Q. Why did you want to save that little trade discount for, what difference did it make to you? A. I wanted to get the things as cheap as I could, that is the way I always buy them.
- Q. You had unlimited credit, didn't you? A. I had credit to get

some money when I wanted it.

Q. You could get all the money you wanted any time you wanted it?

A. Yes sir.

Q. What was the use of going through all of this fuss with Pettibone for to buy these things to get that little trade discount of a few dollars? A. Pettibone said he would go with me and get them and I didn't object to it.

Q. That whole trade discount wouldn't have amounted on all you bought to \$5, would it? A. I think it would have amounted to more than that.

Q. How much do you think that trade discount amounted to?

A. I don't know just how much it amounted to.

Q. Well, let us take, for instance, that Colt's automatic: How much did you pay for that? A. I don't remember just what we did pay for it.

Q. What do you think? A. I think it was \$17 or \$18.

Q. Don't you know that you could go into any store in the country and buy them for \$18? A. I think they were more than that at that time. I don't know, though.

Q. They are \$14 now, aren't they? A. I don't know just what they are.

Q. And yet you paid for a .38 -- was that the calibre? A. Yes sir.

Q. The .38 Colt's automatic \$17 or \$18? A. I think that is what it was; I am not sure.

Q. What was the price at that time on this gun and what discount did you get on it? A. I don't know what discount, but I think we got it for \$2 less than I could buy it for.

Q. Got \$2? A. I think so. I am not sure, though.

- Q. How much did you save on the Savage rifle? A. I think we saved two or three dollars, I think, but I am not sure.
- Q. Well, perhaps then you saved \$10 on all of the stuff that you bought that day? A. Possibly so.
- Q. What difference did that make to you? A. I always bought things as cheap as I could. I had \$300 and I wasn't going to pay out any more than I needed to.
- Q. Where did you get that \$300? A. Mr. Pettibone gave me the balance of it after he bought this stuff.
- Q. You don't know when he had gotten it then? A. He got it that day I think.
- Q. What had you done with that hundred that you got for burning the building down in Cripple Creek? A. I had some of it with me.
- Q. How much? A. I don't remember just how much.
- Q. When you say you had \$300 then you mean you had more than \$300? A. I had the balance of what he bought this stuff out of, the \$300, after he got it for me, and what I had; I forget just how much I did have.
- Q. How in starting out on this expedition into Wyoming there was no purpose to injure anybody on that trip, was there?
- A. No sir.
- Q. None whatever? A. No sir.
- Q. How long did you expect to be gone when you started away?
- A. Well, I didn't hardly know.
- Q. Didn't you expect to be gone forever from Colorado at that time? A. I didn't know whether I would ever come back or not.
- Q. Weren't you going up to Wyoming for the express purpose of

- looking up a location, and doing some prospecting on it to see whether or not you would ^{it's} stay up there? A. Yes sir, we did.
- Q. Did you leave any money or word with your wife when you started out on that trip -- I am referring now to wife No. 2.
- A. I told her I would write to her, and I left some money, yes sir.
- Q. How much money did you leave your wife when you started away?
- A. I am not sure how much.
- Q. Not sure? A. \$25 or \$30, something like that I think.
- Q. But you have no remembrance of the amount? A. I don't remember exactly, no sir.
- Q. And from that day to this you have never sent her a cent?
- A. I haven't sent any direct myself, no sir.
- Q. How long had you lived with her? A. Nearly a year.
- Q. Have the Pinkertons been taking care of her since?
- A. No sir, not that I know of.
- Q. You said you hadn't sent her any direct: Have you sent her any indirect? A. Mr. Haywood agreed to send her some and take care of her.
- Q. She was on the relief roll there the same as other people, wasn't she, during the strike? A. I think she was.
- Q. Because she was a miner's wife, a member of the miners' union, and she drew relief? A. I don't know that she was a member of the miners' union.
- Q. Well, her husband was, or supposed husband, at that time?
- A. Well, I was a member of the miners' union, yes sir.
- Q. She drew what is called relief the same as other women there, or didn't she? A. She got money besides the relief, too.
- Q. During the strike? A. Yes sir.

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- Q. She got other money besides the relief? A. Yes sir.
- Q. You know about that, do you? A. I know it from hearsay.
- Q. That is the only way that you do know it? A. Yes sir.
- Q. Now what part of Wyoming were you going to? A. We were going to Cody.
- Q. How long did you stay in Denver? A. I think we stayed about three days.
- Q. Three days? A. I think so, or four probably.
- Q. That would take up Thursday, Friday and Saturday and maybe Sunday. A. I am not sure whether we stayed over Sunday or not. We stayed three or four days.
- Q. Did you spend your time in Denver? A. Yes sir, we stayed -- while I was there I did.
- Q. How often did you go out to this suburb where you had left your horse? A. Went out there twice a day.
- Q. Both of you go together? A. I think we both usually went together, yes sir.
- Q. That would take up about four hours of the day, wouldn't it?
A. Might take up about that time.
- Q. What did you do the rest of the time? A. Bought this stuff, knocked around some.
- Q. Gamble any? A. No sir.
- Q. Didn't gamble at all that trip? A. Not there, no sir.
- Q. So that you had \$300 and upwards, did you? A. Yes sir.
- Q. When you left Denver? A. Yes sir.
- Q. And you left Denver either Sunday or Monday? A. I couldn't say, might have left on Saturday.
- Q. Did you have any talk with Haywood or Mayer or Pettibone in the

- meantime? A. I don't think I talked with Haywood again.
- Q. Did you talk with Simpkins again? A. I am not quite sure whether I seen Simpkins -- I think I did; I am not sure, though.
- Q. Not quite sure. Do you remember anything you said to him?
- A. I don't know that I do.
- Q. Do you remember where you saw him? A. I don't remember that I saw him.
- Q. You don't know then whether you saw him or not? A. I am not sure, no sir.
- Q. And if you did there was nothing to impress it upon your memory? A. No sir.
- Q. Did you see Pettibone again? A. Yes sir.
- Q. How many times did you see him? A. I seen him every day I was there.
- Q. Did you make his store your headquarters? A. We used to be around the store quite a little.
- Q. So you saw a lot of people there, did you, going in and out?
- Q. I saw some people.
- Q. In the meantime were any of the Federation men coming in from Cripple Creek who had been driven out of there? A. I didn't see any of them.
- Q. You knew that a large number of men were driven out of Cripple Creek on the day of that explosion, or heard so, hadn't you?
- A. I heard that there was but I don't think they come direct to Denver.
- Q. Don't think they did? A. No sir, I don't think they did.
- Q. You didn't notice any men that come to Denver but yourself and Neville and Steve Adams? A. I may have noticed more, I

don't remember any just now.

- Q. Well, what was Pettibone doing while you were there the balance of that week? A. Running his store.
- Q. Attending to business, wasn't he? A. I think so.
- Q. Didn't spend much time with you, did he? A. Talked to me when I was in there and helped me buy this stuff I have spoken of.
- Q. You didn't eat with him nor sleep with him? A. I may have eat with him. I am not sure whether I did or not. I don't think so. I didn't sleep with him.
- Q. All of the acquaintances then that you kept up ^{with} ~~you~~ Pettibone after his buying this stuff for you was that you dropped into his store every once in a while for the two or three days?
- A. At that time, yes sir.
- Q. There was no conversation on the subject that bears upon your criminal career that you had with him? A. I talked with Pettibone about a ranch at that time.
- Q. Talked with him about a ranch then? A. Yes sir, at that time.
- Q. What did you say about a ranch? A. Jack Neville had a ranch down in California that he wanted to sell and we talked about buying that ranch.
- Q. What did you say about that? A. We talked about it and I told Johnny to talk to him about it and tell him what kind of a ranch it was and I said possibly I might go down and buy it some time.
- Q. That was the time you had the ranch idea in your head?
- A. Yes sir.
- Q. There wasn't any arrangements made about your buying a ranch at that time, was there? A. We talked about buying a ranch.

- Q. Any promise made to you by anybody about buying a ranch for you? A. Yes sir.
- Q. Who was it? A. Mr. Haywood promised to furnish me money to buy a ranch with when we got done with this -- business.
- Q. Then before the Independence depot explosion Haywood had promised to furnish you money to buy a ranch with? A. ~~He~~ talked about it.
- Q. Where was he when he made that promise? A. He was in Denver somewhere, I don't know just where.
- Q. Denver is a good sized town, you know. A. Hadn't talked anything beforehand only about this ranch of Johnny Neville's.
- Q. You hadn't. Now what I want to get at is what Haywood had said to you about your buying the ranch. A. I had spoken to him about this ranch, with Mr. Haywood and Mr. Moyer and Mr. Pettibone.
- Q. When did you speak to Haywood and Moyer and Pettibone, and which one first, and where, about buying this ranch?
- A. I talked with them about it one time when I was down to Denver before that, the winter before.
- Q. Which time was it? A. I am not sure which time it was.
- Q. That was the winter before June of 1904? A. It was that same winter of 1903 and 4.
- Q. Where were you when you had the talk with them? A. I am not just sure. I think that was over at the Federation headquarters.
- Q. What time in the winter was it? A. I can't say what time it was exactly, it was some time, I think, when I was down there when I went to go to the San Juan with Moyer.

- Q. You don't know then whether it was at Federation headquarters or not, and you don't know what time it was if it was at Federation headquarters? A. I think it was the time that I went down there to go with Mr. Moyer to the San Juan, but I am not quite sure.
- Q. Very well, that then was the time. A. I think it was.
- Q. Now where was the place that you talked? A. I think it was at the Headquarters of the Federation.
- Q. Don't you know on a matter of that importance? A. I don't remember.
- Q. You never in all your life had owned as much as a ranch, had you? A. Yes sir, I had owned more than a ranch.
- Q. You hadn't owned one for a long time, had you? A. No sir.
- Q. And you hadn't had money for a long time, that amount of money? A. I had money all of the time.
- Q. Well, you had never had enough to buy a ranch with, had you? A. Yes sir, I had had enough to buy a ranch with.
- Q. At one time? A. Yes sir.
- Q. When was it? A. When I was back in Canada.
- Q. I am talking about since you came out here to this western country. A. I don't know that I ever had enough at once to buy much of a ranch with.
- Q. I suppose the time you had enough in ^{Canada} ~~Kentucky~~ was when you collected the insurance from this ^{case} factory? A. I think I had enough about that time.
- Q. How much money did you collect from that insurance? A. \$300 I think.
- Q. So that arson was a thing that you had practiced before you

practiced it on Johnny Neville's place, wasn't it?

A. I had done it, yes sir.

Q. And collected insurance too, before you got tied up with Johnny Neville? A. I got insurance at that time, yes sir.

Q. Was that \$500 the amount you referred to when you said you had money enough at one time to buy a ranch with? A. No sir, it was not.

Q. You had had money at other times? A. Yes sir.

Q. Was that from ~~selling~~ ^{selling} the cheese ~~that you had stolen?~~ ^{that you had stolen?}

A. No sir.

Q. It wasn't. How much did you get from that? A. Five or six hundred dollars.

Q. Where was it that you had this amount of money that made you so rich that you could go and buy a ranch? A. I never said I was rich.

Q. Well, enough to buy a ranch with, which is comparatively rich for a poor man like me. A. I had a couple of cheese factories at that time that was worth a couple of thousand dollars or more, two or three thousand dollars.

Q. You had these, did you? A. Yes sir.

Q. Did they belong to you? A. Yes sir.

Q. Without any mortgage on them? A. One of them did.

Q. One of them without a mortgage? A. Yes sir.

Q. How much was that one worth? A. A thousand dollars or so.

Q. How much was the other one worth? A. Twelve or fifteen hundred dollars.

Q. How much of a mortgage did it have on it? A. I forget just how much it did have on.

Q. A thousand dollars? A. About that much, seven or eight hundred

I think.

- Handwritten:* Cheese factory
- Q. Where was the cheese factory that you burned? A. Near Brighton.
- Q. What was your age when you burned that cheese factory?
- A. About twenty-eight or twenty-nine years old.
- Q. Was that the first crime that you ever committed?
- A. Yes sir, in that line.
- Q. Well, in that line! Let us go back to the first crime. We want this whole story. You have written it out in your book, haven't you? A. Yes sir, I have.
- Q. Well, you can remember it then, can't you? A. I don't know whether you would call it a crime or not, we used to weigh cheese up sometimes short.
- Q. Well, what do you call it? A. I call it a crime.
- Q. Was that the first crime you ever committed? A. Yes sir, about -- well, it was the first crime that I can remember ~~or~~ that I would call a crime.
- Q. What do you mean by saying it is about the first crime you ever committed? A. Well, I meant that it was in the way I call it a little dishonest business method that I have found in business ever since.
- Q. And practiced in business ever since I suppose?
- A. I have sometimes, yes sir.
- Q. Did you ever commit murder ~~xxxxxxxxxx~~ before you killed these people up here at the Banker Hill & Sullivan mine? A. No sir, I never did.
- Q. That was your first murder, was it? A. Yes sir.
- Q. Were you ever in the penitentiary? A. No sir, I never was.
- Q. Never was? A. No sir.

- Q. Except here in Idaho? A. That is the first place, yes sir.
- Q. Ever in jail before you were up here in Caldwell? A. No sir, I was never arrested in my life until I was arrested in Caldwell.
- Q. In all the things you had done you had escaped, had you?
- A. Yes sir.
- Q. Although you knew that they had been looking for you and you had had to change your name more or less? A. I supposed they was looking for me. I didn't know whether they were or not.
- Q. You knew they ought to be but didn't know whether they were or not? A. I didn't think they was looking for me for burning the cheese factory?
- Q. You did not? A. No sir, I did not.
- Q. You think you got away after that without anybody's knowing anything about it? A. There was a good while afterwards.
- Q. Well, now, you had a conversation then with Haywood and Mayer about buying this ranch in California about the time that you went to Curray? A. Yes sir.
- Q. And you think that conversation was in Federation headquarters, but you don't know, it might have been anywhere else in Denver?
- A. I think it was about that time and I think it was in Federation headquarters.
- Q. Very well, now give us the conversation, who said it and what they said. A. I told them about Johnny Neville having this ranch down there and asked them if we couldn't -- didn't think we ought to have money enough to buy a ranch or have some ranch where we could go and hide at if we had to leave the district or leave the country for some of that work we had

been doing.

- Q. Who were "we"? A. Mr. Haywood, Mr. Moyer, Mr. Pettibone and myself.
- Q. You wanted to have a ranch for Haywood, Moyer, Pettibone and yourself, did you? A. I wanted to have a ranch for some place to go to if I had to leave there.
- Q. For all four of you? A. For anyone that had to go there.
- Q. For anyone. You were the man that suggested this ranch of refuge, were you? A. I told them about this ranch of Mr. Neville's, and what he wanted for it.
- Q. How much did Neville want for it? A. I think it was \$300, I am not sure.
- Q. This was a ranch right in California, was it? A. Down in southern California, yes sir.
- Q. And going to be a place for Haywood, Moyer and Pettibone and yourself to hide? A. I didn't say so, not necessarily.
- Q. Well, was that the subject of the conversation?
- A. I told them we ought to have some place to go to if any of us had to go and hide out instead of running around the country.
- Q. You were the only one who had committed any crimes that you knew anything about, weren't you, at that time? A. I knew that they had others that had committed them.
- Q. You knew that they had? A. Yes sir.
- Q. So you was going to fix it so they could go, and the others could go as well, all you criminals be there together?
- A. We could go there if we had to, yes sir.
- Q. Had you ever brought the subject up again with them?
- A. Not at that time. We talked of it since that time.

- Q. What did Meyer say about that? A. He said it was all right.
- Q. He said it was all right? A. Yes sir.
- Q. What did M. Haywood say about it? A. He said he would put up the money for it if we got the ranch, if it was all right, if we went and saw it.
- Q. All you had to do was to tell him there was a ranch that could be bought, that you thought it would be a good thing to buy and he said it was all right, he had the money?
- A. I told him about that. This was all I said.
- Q. Why didn't you buy the ranch, you could get the money?
- A. I didn't go down to see it.
- Q. Didn't have to go down to see a ranch of that kind, you didn't have to go and see a ranch that was to be used to hide on, you would only have to know where it was so that you could go there when you were ready? A. I wanted to see if it would suit if we did go there.
- Q. But you never followed it up by going down and seeing about it?
- A. No sir, never did.
- Q. And they never said anything more to you about it nor you to them? A. Might have been spoken of afterwards.
- Q. It might have been, ^{but} was it? A. I am not sure that it was or not. I rather think it was.
- Q. Then the balance of the conversation was simply this, you told them that Neville had the ranch out in California somewhere, it would be a good ranch to hide on for them and the other criminals of the Western Federation and that you would like the money to pay for it and they told you you could have it? A. They said if the ranch suited us and we went down and

looked at it they would put up the money to get it.

- Q. That is all there was said about it? A. All that was done about it at that time.
- Q. Who wasn't agreed that they would put up the money?
- A. Mr. Haywood, Moyer and Pettibone.
- Q. All agreed on that there together at that time? A. Yes sir, they did.
- Q. Well, was there anything further said about the Neville ranch between that time and the time that you came up to Denver after the Independence explosion? A. I am not sure whether it was spoken of or not. I think it was spoken of at the time --
- Q. But you don't remember anything, however? A. It was spoken of between Mr. Pettibone and Mr. Neville and myself at the time I came there after the Independence explosion.
- Q. What was said about it on that trip? A. Mr. Neville wanted to know whether Pettibone would buy that ranch. I didn't tell Mr. Neville that Mr. Haywood and Mr. Moyer was into it or they had promised to buy it. I told him Pettibone wanted to buy it and to talk to Pettibone about it.
- Q. I don't care so much about what you told Neville about it unless you said it in Pettibone's presence. If you did, I would like to have it, or in Moyer's or Haywood's presence.
- Q. There wasn't anything in Moyer's or Haywood's presence, but I introduced Mr. Neville to Pettibone. I didn't introduce him then, I had introduced him before.
- Q. When had you introduced Neville to Pettibone? A. When Pettibone was up in the district once.
- Q. When was that? A. It was just after I had been to Denver

to attend the State Federation convention.

Q. In January sometime? A. In January, it was just a few days after I went home from there.

Q. That was when you introduced him to Neville in Neville's saloon, was it? A. Yes sir.

Q. Now there was no business transacted between that and this time, or nothing said about this ranch? A. There was something said about the ranch but there was no business transacted.

Q. When Pettibone was up there in January? A. No, I don't think the ranch was spoken of then.

Q. That is what I want to get at. So far as Neville was concerned it was just a plain introduction, was it, up to that time?

A. Yes sir.

Q. Now what did Pettibone and Neville say in your presence about the ranch? A. I think Neville asked him about the ranch.

Q. What did he ask him? A. He asked him if he wanted to buy it, he said he would sell it.

Q. What did Pettibone say? A. I think Pettibone said he would have to go and see it or send somebody to see it.

Q. What did Neville say to that? A. Well, I forget just what he did say, there was nothing definite -- no definite conclusion come to I don't think.

Q. What did you say about it? A. I don't know as I said anything then.

Q. Did you recommend the ranch? A. I didn't recommend it for I didn't know anything about it.

Q. Pettibone said he would go and see the ranch, did he, to

Neville? A. He said he would have to see it or have someone see it for him.

Q. Well, was there any arrangement about anyone seeing it?

A. No sir, I don't think there was.

Q. Was there anything said about what Neville wanted for it?

A. He told him he wanted \$800 for it.

Q. \$800 for his California ranch? A. Yes sir.

Q. What did Pettibone say about that? A. I am not quite sure what he said. I think he said if the ranch suited he would buy it.

Q. Is that all the conversation there was about the ranch at the time you were in Denver after the Independence explosion?

A. That is all I remember of, yes sir.

Q. Well, was there anything that occurred in Denver while you were there with those three men, or Jack Shapkins, or any other Federation men that you remember of? A. I don't remember of anything at that time.

Q. You have ~~gimm~~ got that all in, have you, the whole thing at that time? A. All I remember of.

Q. Well, then you went out and got your horses and started off to Cheyenne, did you? A. Yes sir.

Q. How long did it take you to get up to Cheyenne? A. I think we were four days on the road.

Q. It takes about four days to get there directly, don't it?

A. I think we were about four days, I am not sure.

Q. You didn't spend any money on the way to amount to anything, did you? A. Nothing to speak of.

Q. Neville hadn't blown in his pile in Denver, had he?

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- A. I don't think he had blown in such.
- Q. Don't think he had? A. No.
- Q. Do you know how much he had? A. No sir, I don't.
- Q. But you do know that he had a big roll of hundred-dollar bills?
- A. I knew he had some hundred-dollar bills, I don't know how much.
- Q. And some other money besides this roll of hundred-dollar bills?
- A. I don't know about that.
- Q. And you left Denver with this \$300 in your pocket plus what you had left of the hundred dollars? A. I left with the balance of the \$300 after I got my things out of it, what Pettibone bought for me.
- Q. Plus what you had out of the other hundred dollars which Neville had given you? A. Yes sir.
- Q. How much money did you have in all when you left Denver then?
- A. I don't remember just how much I did have, I think I had nearly \$300.
- Q. Nearly \$300? A. Yes sir.
- Q. What is the least amount that you are able to say that Neville had? A. I don't know how much Neville had.
- Q. You don't know? A. I think he had somewhere between -- somewhere about seven or eight hundred dollars; I am not sure.
- Q. You think he had that much anyway? A. I think he did. I am not sure about it.
- Q. Had he sold his household stuff or did you burn it up for him?
- A. I don't know of him selling any.
- Q. And you don't know whether he had other resources besides this insurance money? A. I don't know what he had.
- Q. You didn't talk with him about his financial condition then?

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

Q. Don't know where Neville kept his money while you were on the trip? A. I believe he kept it in his pocket book. I seen him have money there.

Q. It was easier for you to get the money from Haywood than it was to get it from Neville, was it? A. I don't know as I could get much money from Neville. I don't know as he had much.

Q. Didn't try to get much from him? A. I might have borrowed money from him somewhere.

Hereupon the jury were cautioned by the court, the bailiffs were sworn and the jury were ordered to retire with the bailiffs.

The witness and the defendant were remanded to the custody of the sheriff.

A recess was taken until 1:30 o'clock P. M.

Boise, Idaho, Monday, June 10th, 1907.

1:30 o'clock P.M.

Parties met pursuant to adjournment.

The clerk called the names of the jurors and announced that all were present.

WITNESS HARRY ORCHARD ON THE STAND.

CROSS EXAMINATION CONTINUED

BY MR. RICHARDSON:

- Q. Where did you stop when you got to Cheyenne? A. I don't remember the name of the hotel we stopped at. We left our horses at a corral also. I don't remember the name of that.
- Q. Did you stop at a hotel? A. We roomed at a hotel, yes sir.
- Q. What time of day did you get there? A. We got there in the evening I think about four o'clock.
- Q. What did you go to doing soon after you got there?
- A. We put our horses up, got a room.
- Q. Did you lose any money at Cheyenne? A. I don't know as I lost any. I spent some there.
- Q. What was the occasion of your sending back to Haywood for more money? A. Because I concluded to not go on the trip and was going on to California.
- Q. You changed your mind then when you got to Cheyenne about going on with the trip, did you? A. I thought I would, yes sir.
- Q. What were you going to California for? A. Well, I was going to get out of the way, to go away from the country.
- Q. Going to get out of the country? A. Yes sir.

*Haywood Co
California
Set Court*

Q. You were already out of the state of Colorado, weren't you?

A. I noticed in a paper where they were looking for me, and
Herville claimed that we --

Q. And you saw that when you got to Cheyenne, did you? A. Yes sir.

Q. So you sent back to Haywood, did you, for some money?

A. I did, yes sir.

Q. And you said you sent back by a man named Pat Moran?

A. I had.

Q. When had you first seen Pat Moran? A. I don't think I ever
seen him before.

Q. You knew that Pat Moran was a man who had been employed for a
number of years by Mr. Haywood in his novelty business?

A. No sir, I did not.

Q. Did not? A. No sir.

Q. I mean Pettibone. Excuse me. You knew that he was a man who
had been employed by Mr. Pettibone in his novelty business
for a number of years? A. Mr. Pettibone told me he had been,
yes sir, had worked for him.

Q. You had never met Pat Moran before? A. Not that I know of.

Q. He was running a saloon in Cheyenne at that time, wasn't he?

A. Yes sir.

Q. Did you go to his saloon? A. Yes sir.

Q. And this man who was an absolute stranger to you you sent
him down to Pettibone's for \$200 more, did you?

A. I sent him down to Pettibone's for \$500 more.

Q. For \$500 more? A. Yes sir.

Q. ~~When~~ ^{And right immediately} when you got acquainted with him? A. Just a
little while after, yes sir.

- Q. Did he demur about going? A. No sir, he said he was going to Denver anyway.
- Q. Said he was going to Denver anyway? A. Yes sir.
- Q. Well, was that the very day that you got there that you sent him for this money? A. I said I sent him the next day when we got in there.
- Q. What time did you get into Cheyenne? A. I think we got there about four o'clock.
- Q. Four o'clock in the afternoon? A. As near as I can remember.
- Q. Did you see Pat Moran that night? A. Yes sir.
- Q. How long did you stay at his place? A. Oh, until eleven or twelve o'clock perhaps.
- Q. Did you go around Cheyenne any that night? A. Went around some, yes sir.
- Q. Go into Harry Heinz's gambling house? A. No sir.
- Q. Any other gambling house? A. No sir.
- Q. Go into Harry Heinz's saloon? A. I don't know that I did. I might have.
- Q. Harry Heinz's restaurant? A. I went into a restaurant, I don't know whether it was Heinz's or not.
- Q. Well, was there a restaurant and saloon and gambling house all in one there known as Harry Heinz's place? A. There may have been. I don't know of it.
- Q. You don't know then whether you went to Harry Heinz's at all or not? A. No sir, I don't.
- Q. But you didn't do any gambling that night? A. No sir.
- Q. It was not then because of gambling that you sent to Haywood for more money? A. No sir, it was not.

- Q. And it wasn't because you were out of money that you sent to him for more? A. No sir.
- Q. You made up your mind you would go to California, did you?
A. Yes sir.
- Q. Well, you sent Pat Moran to Haywood, according to your statement, and got the money? A. No sir, I didn't.
- Q. Or sent him to Pettibone and got the money? A. I gave him a letter to Pettibone.
- Q. Did he come back with the money? A. Yes sir.
- Q. There can't be any mistake about this man Pat Moran, can't there? A. No sir.
- Q. Pat Moran, a saloon keeper in Cheyenne, and a man who had worked for some years for Pettibone? A. That is what I understood, he had worked for him.
- Q. And you only know one Pat Moran in Cheyenne? A. That is all, yes sir.
- Q. And only one saloon keeper by that name in Cheyenne?
A. That is all I know, yes sir.
- Q. Where is his saloon or was it at that time? A. It was about a block from the Union Pacific depot.
- Q. On what street? A. I don't know the streets.
- Q. The street that leads directly from the center of the Union Pacific depot to the Capitol? A. The street that he was on was nearly direct from the depot, north I think.
- Q. Does it go up toward the capitol or parallel with the depot?
A. No sir, it goes up toward the capitol.
- Q. Up toward the Capitol? A. Yes sir.
- Q. Do you know where the Inter Ocean hotel is in Cheyenne?

- A. I don't believe I do.
- Q. On the second square to the left where you leave the depot, a big hotel called the Inter Ocean hotel. A. I might know where it is but I don't know the name.
- Q. The biggest hotel in Cheyenne. A. I wasn't there that I know of.
- Q. Well, can you tell me then where it was from the depot by the number of blocks? A. I think it is in the first block after you get across the street leading from the depot.
- Q. Well, there is a street that runs right between the depot and the first buildings in town, isn't there? A. Yes sir.
- Q. Now you cross that street and it is in the first block?
- A. Yes sir.
- Q. Was it on the left hand side or on the right hand side?
- A. It is on the left hand side.
- Q. Whereabouts in the block? A. I think about the middle right next to the alley.
- Q. Then there will be no mistake about Pat Moran's saloon, I don't think. How old a man was he? A. I think he was a man forty or forty-five years of age.
- Q. Can you give us any further description of him? A. He is quite a heavy set man, quite a large head, a little gray.
- Q. Did you ask him if he was going to Denver? A. I asked him if he would go.
- Q. Did you have any letter of introduction to him from Pettibone?
- A. No sir.
- Q. Just simply went in and stated that you knew Pettibone, did you? A. I went in and told him that Pettibone told me if I stopped in Cheyenne to stop and see him.

- Q. Pettibone had said to you to stop and see Pat Moran?
A. Yes sir, he had.
- Q. And told you who Pat Moran was? A. He did.
- Q. And then you asked him to take a letter down to Denver to Pettibone, did you? A. I did.
- Q. And you told him what the contents of the letter were?
A. No sir.
- Q. Did not? A. I told him possibly he would get an answer to it, and if he would, to bring it back to me whatever he got.
- Q. How did you get Moran to do that for you? A. I asked him if he would go to Denver and take this letter.
- Q. Didn't cost but two cents to send it by mail, did it?
A. I didn't want to send it by mail.
- Q. Didn't want to send it by mail? A. No sir.
- Q. Did Moran ask you why you didn't want to send it by mail?
A. No sir, I don't know that he did.
- Q. Did he tell you that he wanted a one pay for going to Denver?
A. I don't know that he said he wanted any. I gave him some.
- Q. Did you ask him to go to Denver or did he tell you he was going to Denver? A. I asked him to go to Denver.
- Q. And you paid him for going, did you? A. I did.
- Q. How much did you pay him for going? A. I gave him \$10.
- Q. Gave him \$10 to go to Denver on? A. Yes sir.
- Q. And he took this letter and went away with it? A. Yes sir.
- Q. And came back and brought you \$500? A. Yes sir.
- Q. Did he say anything to you when he brought the money back?
A. He said there was a package for me.
- Q. Did he bring any letter? A. There was a letter in it, yes sir.

- Q. There was a letter in the package? A. Yes sir.
- Q. And he just simply handed you the package? A. Yes sir.
- Q. Have you got that letter? A. No sir.
- Q. Who was the letter from? A. Mr. Pettibone.
- Q. Mr. Pettibone? A. Yes sir.
- Q. What did it cost ~~you~~ to go from Cheyenne to Denver and back, do you know? A. I don't know what the fare is. I suppose it would be five or six dollars.
- Q. So you really didn't give him money enough to cover his railroad fare to Denver? A. I think I did, I gave him \$10.
- Q. Five or six dollars for the round trip you mean? A. Yes sir.
- Q. You gave him \$10 to cover his railroad fare and expenses?
- A. Yes sir.
- Q. One hundred and five miles from Denver to Cheyenne, isn't it?
- A. I think it is something like a hundred miles. I don't say what the railroad fare was exactly. I am only guessing at that.
- Q. Don't say? A. No sir.
- Q. In any event, \$10 was all you gave him? A. That is all I gave him, yes sir.
- Q. Did you say anything to Mr. ^{Horn} ~~Horn~~ as to why he should go to Denver for you, give him any excuse for going? A. I asked him to go and take this letter was all.
- Q. Did you tell him who you were? A. I told him, yes sir.
- Q. Did you tell him what you had done? A. No sir.
- Q. Did you give him any idea you were a criminal? A. No sir.
- Q. That you were fleeing from justice at that time? A. I might have told him that I was coming from Cripple Creek; I think I

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did.

Q. But you didn't tell him there was anything suspicious about you? A. I don't think I told him. He showed me the piece in the paper, the first where I seen it, in the evening Post.

Q. Pat Moran was the man that showed you that, was he? A. Yes sir.

Q. Did you tell him your name was Harry Orchard? A. I told him my name was Hogan I think.

Q. Told him your name was Hogan? A. Hogan or Dempsey, I am not sure which.

Q. In the paper there wasn't anybody named by the name of Dempsey or by the name of Hogan either? A. There was no one by the name of Dempsey or Hogan.

Q. How did he come to show you this article in the paper about you? A. He read that and Johnny Neville's name was there, and he was going by his right name, and he says "This looks like a pretty good description of your fellows, don't it?"

Q. Did you introduce Johnny Neville to him? A. Yes sir.

Q. ~~He~~ ^{And} introduced the boy to him? A. Yes sir.

Q. What did you say when he asked you if that didn't look like a pretty good description of your fellows? A. I turned it off in some way, said I didn't know, or something like that.

Q. What did you say? A. I don't remember just what I said.

Q. And yet at the same time you turned around and asked him to go to Denver for you? A. Yes sir.

Q. And this man who knew nothing about you, with nothing but just your request started off for Denver with your letter?

A. The next morning he did.

Q. Did you spend the evening in his place? A. Until quite late, yes sir.

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- Q. See any officers there? A. I don't remember that I did.
I might have.
- Q. Where did you room, what street? A. We roomed around in the
next -- we went out of that block where this saloon is going
north -- I think it is north, or toward the capital --
and we roomed about half way on the block that turns to the
left on the right hand side, about half way I think.
- Q. That is around about the side entrance of the Inter Ocean hotel
on that street. A. That I don't know.
- Q. Well, it would be in the same block but around on another
street, half way around the block. A. It wasn't in the same
block. It was on the opposite side of the street from there.
- Q. On the opposite side of the street from there? A. Yes sir.
- Q. Who rented that room? A. I have forgotten whether I rented
it or whether Mr. Neville did.
- Q. Did you see anybody else in Cheyenne that you know? A. Yes
sir.
- Q. Who? A. I seen Mr. Davis, W. F. Davis, and D. C. Copley.
- Q. Where did you see Davis and Copley? A. I seen them in Pat
Moran's saloon.
- Q. Met them there in that saloon, did you? A. Yes sir.
- Q. How did they happen to be there, do you know? A. They were
getting away from the country they said.
- Q. They were? A. Yes sir.
- Q. You knew Copley, did you, or Copeley as you call him?
A. Yes sir.
- Q. How long had you known him? A. I had known him from about the
time the strike started in, about 1903, in Cripple Creek.
- Q. He was a member of the executive board of the Western Federation

- of Miners at that time, wasn't he? A. I don't think he was at that time. I think that he wasn't elected at that time.
- Q. He had been a member just the preceding term? A. He had been, yes sir.
- Q. And he was leaving the country? A. Yes sir.
- Q. Where did he say he was going? A. He said he was going to Kansas.
- Q. Where did Davis say he was going? A. Davis was undecided where he would go.
- Q. Did you go to Pat Moran's saloon in order to meet these two men? A. No sir, I didn't know that they were there.
- Q. Didn't know that they were there? A. No sir.
- Q. And they didn't know that you were there? A. They didn't until I got there, no sir.
- Q. Had Copley known you in the district? A. I am not quite sure whether he did or not. I think I had met him there.
- Q. Had you ever had any conversation with them upon the subject of any of these matters we have been talking about here?
- A. No sir.
- Q. Never had anything to do with Copley? A. No sir, not at that time.
- Q. Except just simply to meet him? A. Yes sir.
- Q. When you and Davis got together I suppose you and Davis talked over things, didn't you there? A. Yes sir.
- Q. Before Copley? A. No sir.
- Q. Why not? A. Well, because Copley didn't know anything about them to my knowledge.
- Q. Didn't know whether he knew anything about them? A. I don't know that he did no sir.

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- Q. Did you and Davis go in a corner to talk about ~~ex~~ that or in another room? A. Went back in a little room.
- Q. What did you do with Copley while you was doing that?
- A. I don't know what we did do with him. Copley left that night on the midnight train.
- Q. Did you stay with him until midnight? A. Well, we was there until somewhere about midnight or maybe a little after.
- Q. Was it then that you talked with Davis after Copley had gone?
- A. I talked with him some then and some the next day.
- Q. Where was Neville and his boy while you were talking with Davis? A. Out in the saloon.
- Q. Did you talk in their presence at all? A. I talked to Davis some in their presence, yes sir.
- Q. What did you say in the presence of Davis and Neville, or what did you say to Davis in the presence of Neville about your affairs? A. I didn't mention any of these affairs before Davis and Neville.
- Q. Was the boy present? A. He was there, yes sir.
- Q. What did you talk about? A. I don't know exactly what we did talk about. We talked about some things, I don't remember what the subject was.
- Q. A sort of a general talk, was it? A. Yes sir.
- Q. And not about any crime which you and Davis had committed or connived at together? A. No sir.
- Q. At no time while you were in Cheyenne? A. I never talked them before anybody else.
- Q. Did you tell Davis where you were going to? A. I told him where I thought of going.

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- Q. And he told you where he was going, did he? A. He was undecided where he would go.
- Q. How long had ~~you~~ he been in Cheyenne, if you know or heard?
- A. I don't know. I think he came in that same day. I am not sure, though, about that.
- Q. Do you know where he came from? A. He said he came from Denver.
- Q. What were you doing while Moran was going to Denver to get this \$500? A. I waited around there. I was in the saloon part of the time. I was over in a room that his bartender had a part of the time.
- Q. That Pat Moran's bartender had? A. Yes sir.
- Q. What were you doing over there? A. Keeping a little out of the way.
- Q. Keeping out of the way? A. Yes sir.
- Q. You didn't circulate around Cheyenne then much that day?
- A. Not much, no sir.
- Q. Were you disturbed in any way while you were there?
- A. No sir.
- Q. Pat Moran got back that night, did he, from Denver?
- A. Yes sir.
- Q. What time did he get back there? A. It was after dark. I don't know just what time.
- Q. Well, was it early in the evening or late in the evening?
- A. It was quite early in the evening I think.
- Q. You don't know how the trains ran then? A. No sir, I don't remember.
- Q. The train didn't get in from Denver, did it, until between

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- ten and eleven o'clock that night? A. I don't think it is that late.
- Q. That is, a man couldn't go to Denver from Cheyenne in one day and get back before ten or eleven o'clock at night, could he, at that time? A. I think he could if the trains run. I don't know what time they run. I don't think it was that late.
- Q. I am talking about the way the trains ran then. A. I don't know how they ran. I don't think it was between ten and eleven o'clock that he got back. I think it was about nine o'clock.
- Q. Did you leave that night? A. No sir.
- Q. He just handed you that package, did he? A. Yes sir, he gave it to me.
- Q. Didn't say anything about its contents nor his having any knowledge of the contents? A. He didn't tell me that he had, no sir.
- Q. Didn't tell you he had? A. No sir.
- Q. You took the package and went away with it, did you? A. I took the package, yes sir.
- Q. What did you say to him when he handed it to you? A. I thanked him for it and asked him if he had had enough -- if he had enough to pay his expenses out of the \$10, and he said yes.
- Q. And that is all there was of it? A. Yes sir.
- Q. So far as Pat Moran was concerned? A. Yes sir.
- Q. Where did you go then? A. I stayed in Cheyenne that night. I think the next day we started on the trip and went up an

far as ~~the~~ Crow Creek.

Q. Started right out of Cheyenne the next morning, did you?

A. I don't think we started out until afternoon.

Q. The same outfit that you had brought up from Cripple Creek?

A. Yes sir.

Q. How far did you go that day? A. We went out as far as Crow Creek, up where the den was building up on Crow Creek.

Q. Did you say that Pat Moran and W. F. Davis came to see you that very day? A. No sir, I don't think they did.

Q. I thought you said that they came out the next day to see you?

A. I don't think they did come that day; the next day.

Q. Oh, now you think it was one day after you started, do you, from Cheyenne? A. I think that is what I said, one day after.

Q. How long did you stop at Crow creek? A. I think we stayed there two days.

Q. Two days? A. I think we did. I am not positive.

Q. Don't you know whether you stayed more than one day or not?

A. No, I am not sure whether we did or not. I think we stayed two days.

Q. What time of day did Davis and Moran come to see you out there? A. I think they got up there about noon or a little before.

Q. What did Davis and Moran come up there for? A. Come up to fish I think.

Q. They came up to fish? A. Yes sir.

Q. They had no knowledge that you were up there at all?

A. Yes sir, they had.

Q. They did have? A. Yes sir.

Q. Well, they followed up you up there, did they?

- A. We told them we were going to camp up there.
- Q. Did they come up to see you people that you know of?
- A. I think Davis did.
- Q. Think he did? A. Yes sir.
- Q. What did he say about it? A. Well, he wanted to know if he couldn't go on through with us.
- Q. Well, did you let him go through with you? A. I told him we didn't have room in the rig.
- Q. Didn't have room in the rig for him to go? A. No sir.
- Q. Did he come out horseback or on the train? A. No sir, he drove out.
- Q. You wouldn't let him go with you? A. We couldn't let him go, we didn't have no room -- didn't want him anyway.
- Q. Did Pat Moran know anything about Davis? A. Not that I know of.
- Q. What objection did you have to Davis? A. I thought he was too well known.
- Q. He wasn't any bigger criminal than you were, was he? A. I thought he was known to be a bigger criminal at that time.
- Q. And it was because he was more widely known than you that you didn't want him to go with you? A. Yes sir.
- Q. So you turned him down, did you? A. I told him we didn't have no room for him to go.
- Q. How long did he stay there in camp with you? A. I am not sure that he stayed there that night or not.
- Q. Do you know where he went after he quit there? A. I don't know any more than he started back to Cheyenne as I understood him.

- Q. You went on to Thermopolis, did you? A. Yes sir.
- Q. How long did it take you to get to Thermopolis? A. I think about two or three weeks.
- Q. There you left Mr. Neville? A. Yes sir.
- Q. And his son? A. Yes sir.
- Q. Did you and Neville have any quarrel in the meantime?
- A. No sir.
- Q. There was no trouble between you and him at all? A. No sir.
- Q. You left him with the wagon and the team? A. I left him with the wagon and one horse.
- Q. And you took the other horse and put a saddle on it and went away to Cody? A. I went to Metestee with the horse.
- Q. How long did it take you from Thermopolis to Metestee?
- A. One day I think.
- Q. And from Metestee you went into Cody? A. Yes sir.
- Q. And that is in the western part of Wyoming? A. I think so, yes sir.
- Q. What day was it when you got to Cody? A. I don't remember.
- Q. Now you say at Cody you got a letter, did you? A. Yes sir, I did.
- Q. Who was it from? A. I got a letter from Pettibone.
- Q. A letter from Pettibone telling you that they were looking for you in Beaver? A. That they were looking all over for me.
- Q. And thereupon you made up your mind to go to Montana, did you?
- A. I didn't make up my mind to go to Montana then.
- Q. Didn't you say yesterday or some time here in the course of your examination that you made up your mind when you got that letter to go to Montana? A. No sir, I didn't say I made up my

mind to go to Montana.

Q. Well, you said you thought of going to Montana then?

A. I don't know as I said I thought of going either at that time.

Q. Now that letter told you to keep away from Denver, did it not?

A. No sir, it did not.

Q. Told you they were looking for you in Denver? A. Yes sir.

Q. And everywhere else? A. Said they were looking for me and I better get into the tall timber.

Q. Well, there is some tall timber west of Cody, isn't there, and lots of it? A. I don't know, I haven't seen very much timber around Cody.

Q. No, there isn't much on the east side, ^{how about} but ~~over~~ toward the Yellowstone Park? A. I don't know. I never was over there.

Q. That isn't so very far away from Cody, is it? A. I never was over there.

Q. Instead of taking the advice to go to the tall timber you got on the train and went back to Denver, didn't you? A. Yes sir.

Q. Right at once? A. I went back. I think I stayed in Cody a day or two.

Q. Was that because you thought the only safe place on earth for a man was where he was wanted, where they were looking for him? A. No sir. It was because I went broke in Cody, I didn't have any money, only enough to get back there on.

Q. Had you been practically broke in Thermopolis and Metcete?

A. I lost a little money in Metcete.

Q. Lost a little in Cheyenne, didn't you, too? A. Nothing only what I spent, I spent some there.

710 Q. How much did you spend in Cheyenne? A. Maybe ten or fifteen or

twenty dollars.

- Q. You called money lost at gambling, -- do you call that spent or is that lost, which way do you term that? A. I call that lost.
- Q. And money which you get some equivalent for you call that spent, do you? A. I don't know, that is the way I call it.
- Q. Then you didn't lose any money in Cheyenne but you spent some? A. Yes sir.
- Q. And you did lose some money on the way across to Cody? A. Yes sir.
- Q. And when you got to Cody they finish you out? A. They did.
- Q. Well, how did you get back to Denver if you were busted? A. I borrowed \$50.
- Q. Who did you borrow it from? A. I borrowed it from a man by the name of Hall that run this gambling house where I lost this money.
- Q. He let you have \$50 to go back to Denver to get some more money with? A. He let me have \$50.
- Q. Give us that man's name? A. His name was Hall.
- Q. H-a-l-l? A. I think that is the way you would spell it.
- Q. Runs a gambling house in Cody, Wyoming? A. Yes sir.
- Q. How much did you lose in Hall's gambling house? A. I think I lost somewhere near \$500.
- Q. Was \$500 all you had left out of the \$800 and over or about \$800 that you started from Denver with and got to Cheyenne with? A. Yes sir.
- Q. Did Neville come on to Cody? A. No sir.
- Q. He didn't come to Cody? A. No sir.

- Q. At all so far as you know? A. Not as far as I know, he didn't.
- Q. How did you come from Cody to Denver? A. I went on the train, on the Burlington around by -- through Nebraska.
- Q. Up by way of Palouse? A. I don't know whether it is by way of Palouse or not.
- Q. Well, down the Crow Creek valley, that is what you mean, went east? A. Yes sir.
- Q. Went east. How long was it after you had left Denver before you got back there again with this \$80 that Hall had given you?
- A. I think I got back there some time in July.
- Q. Did you take any of Neville's money before you left him at Thermopalis, at the hot springs? A. No sir, I didn't.
- Q. You didn't get any of it at all? A. No sir.
- Q. You got back there some time in July? A. Yes sir.
- Q. How long had it taken you to go from Cheyenne over to Cody?
- A. I couldn't say just how long.
- Q. About a three days' trip, isn't it? A. Between three and four weeks.
- Q. You spent a good deal of time on the road then unnecessarily I suppose. You could get there a good deal quicker than that, couldn't you? A. No sir, not that I know. I don't think so.
- Q. You couldn't? A. We might have with a different rig but not with the rig we had.
- Q. How far is Cody from Cheyenne the way you travelled?
- A. I think it is about four hundred miles; I am not sure though.
- Q. Think so? A. Yes sir.
- Q. Did you pay Hall back this money when you got back to Denver?

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A. No sir.

Q. Have you ever paid it back yet? A. No sir.

Q. Never have? A. No sir.

Q. You thought as long as he got \$500 from you he was still \$450 ahead of you? A. I didn't think much about it.

Q. Didn't think much about it or care, did you? A. No sir.

Q. Didn't regard that as a debt of honor or dishonor, either one?

A. I didn't pay it back.

Q. How you got back to Denver some time in July? A. I think it was sometime in July.

Q. Of 1904, that is right, isn't it? A. Yes sir.

Q. Who did you see when you got back there? A. I seen Mr. Pettibone first.

Q. Where did you see him? A. Over at his residence.

Q. At his residence? A. Yes sir.

Q. What time of day did you get into Denver? A. I got in there about noon, if I remember right.

Q. What is that? A. I got in there about noon I think.

Q. Went right up to his store directly, did you? A. I didn't go to his store, no sir.

Q. I mean went up to his house directly? A. No sir.

Q. Where did you go that afternoon? A. I went and got a room out on Broadway.

Q. Out on Broadway? A. Yes sir.

Q. Did you go out on the street car? A. I don't remember whether I did or not.

Q. Didn't try to conceal yourself in any way, did you?

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off at the depot.

Q. When you got off at the depot I want to know where you did go, that is, how you got to your room? A. I got off at the depot and went up 18th Street I think, out around that way, I mean 18th or 19th.

Q. Did you walk or ride? A. I think I walked.

Q. There is a street car running right up 17th, isn't there?

A. I think there is.

Q. But you didn't go up on that? A. No sir.

Q. You went out on Broadway somewhere and found a room?

A. Yes sir.

Q. That is out somewhere in the neighborhood of Pettibone's house, isn't it? A. It isn't very close to Pettibone's house.

Q. How far is it from it? A. Well, I think I went out to Broadway before you cross Cherry Creek, and ^{just} before you cross is where I got a room, and Mr. Pettibone is down on Evans Street, probably four or five blocks away.

Q. Did you stay in your room all that afternoon? A. Yes sir.

Q. You went over to Pettibone's house in the evening? A. Yes sir.

Q. Was that the first time you had ever been to Pettibone's house? A. No sir.

Q. Been there before, had you? A. Yes sir.

Q. You didn't tell me about that, when that was? A. I had been down to his house during the spring of 1904 when I was there.

Q. Do you remember when? A. No, I do not.

Q. Do you remember what the occasion was for your going?

A. I remember once of going down to his house to ask his wife to go out to the grave where Mr. Davis's wife was buried.

- Q. When was that? A. Well, it was some time in the spring of 1904.
- Q. At whose solicitation did you do that? A. Mr. Pettibone's.
- Q. Did you find Mrs. Pettibone there? A. Yes sir.
- Q. Did she go out to the grave with you? A. Yes sir -- didn't go out with me particularly, she went out there.
- Q. Did you go with her? A. No sir.
- Q. Did Mr. Pettibone go with her? A. I am not sure that he went right with her or not.
- Q. You don't know then whether she went out there at all or not?
- A. Yes sir, I do know.
- Q. Why? Did you go out? A. Yes sir.
- Q. You went out but you don't know whether you went out with her or not? A. I didn't go out with her.
- Q. Did you go on the same car that she did? A. Perhaps I went on the same car.
- Q. Was that after Davis's baby was buried? A. No sir, it was before it was buried.
- Q. Before it was buried? A. Yes sir.
- Q. Then do you know when Davis's baby was buried? A. Yes sir.
- Q. When was that? A. Just a day or two after.
- Q. Was the baby dead at that time? A. Well, I think it was. I am not quite sure. It died very shortly after its mother.
- Q. And the woman had been buried and the baby was shortly afterwards buried? A. Yes sir.
- Q. And Mrs. Pettibone went out to put some flowers on the grave?
- A. She went out to put some flowers or things at the grave, something.
- Q. Did you solicit her to do that at Mr. Pettibone's request?

A. I went over and asked her, yes sir.

Q. Well, was that the only time you had ever been to Pettibone's house? A. The only time I remember of now.

Q. Was Pettibone home when you got there in July? A. Let's see -- I don't remember of being over there any other time; I might have been.

Q. Was Pettibone home when you went there in July? A. He was home that evening when I went there.

Q. Was he surprised to see you? A. Yes sir, he said he was.

Q. What did you say to him? A. I told him I had come back there to see what was the matter.

Q. You had come back to find out what the reason was that he wrote you such a letter as you say he wrote you, did you?

A. Yes sir.

Q. What did he say? A. He said that he believed they was looking for me.

Q. Well, they was? A. Yes sir.

Q. Did he get frightened when he saw you? A. I don't know as he did.

Q. Invited you into the house? A. I went into the house, yes sir.

Q. And sat down in the house, did you? A. Yes sir.

Q. Met Mrs. Pettibone there, did you? A. I rather think I did.

Q. Don't you know whether you did or not? A. I am not quite sure whether I did or not.

Q. Did you talk in the presence of Mrs. Pettibone? A. I may have talked a little in her presence. I am not quite sure whether I did or not. If she was there we talked before her.

Q. And you don't know whether she was or not? A. No sir.

- Q. Did you talk about the crimes that you and Pettibone had committed together? A. Not in her presence.
- Q. She didn't know anything about it? A. No sir.
- Q. So far as you know? A. I don't know as Mr. Pettibone and I had committed any crimes together.
- Q. Notwithstanding the fact that you had talked with Pettibone about the Independence depot matter before and was planning it and notwithstanding the fact that you had blown it up and killed fourteen men, and notwithstanding the fact that Pettibone had procured money for you for doing it?
- A. You asked me about the crimes we had committed together.
- Q. Don't you call that committing a crime together? A. I suppose so; he wasn't with me no time, though.
- Q. Then you do know what I mean when I refer to the crimes you have committed together, do you? A. I think I know what you mean now.
- Q. Did you talk about that? A. Yes sir, we did.
- Q. What did you say about it? A. We talked over it in a general way, and Pettibone asked me what I had done while I was gone, and so forth, and I told him some things.
- Q. What did you say about it in a general way? A. I told him I had been up to Cody and that I had bought some lots up there and spent all the money I had, and was just about to start in -- Johnny and I was going to build a saloon there, and when I got his letter that I had those lots bought and I didn't know what to do and I come back there to see.
- Q. How many lots did you buy? A. I didn't buy any.
- Q. You didn't buy any? A. No sir.

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- Q. You just lied to Pettibone about it? A. Yes sir.
- Q. Why? You wasn't afraid of Pettibone, was you? A. I didn't want to tell him that I had lost this money gambling.
- Q. Didn't want to tell him that you had lost this money gambling?
- A. No sir.
- Q. Hain't any objection to going out and blowing up fourteen or fifteen men, but you didn't want to tell Pettibone that you lost this money gambling? A. No sir, I didn't want to tell him that I lost it gambling.
- Q. Well, what did Pettibone say about these imaginary lots that you had bought up there? A. Pettibone said I had better write up and let Mr. Neville -- have them turned over to him and let him go on and build the saloon and not go back there.
- Q. That is what he said about the imaginary saloon as well as the imaginary lots, is it? A. That is what he said about it.
- Q. What did you say to that? A. I said I supposed I had better do it.
- Q. Whatever Pettibone said you immediately agreed to, did you?
- A. I agreed to that.
- Q. Notwithstanding the fact that what you was back there for was to deceive Pettibone and strike him for some more money?
- A. I went back for some more money, yes sir.
- Q. That is what you went back for? A. Yes sir.
- Q. So instead of hitting the tall timber you hit Pettibone?
- A. Yes sir, if you call it that way.
- Q. How much did you hit him for that time? A. I got \$150 from him.
- Q. Did you get it rightthen? A. No sir.
- Q. You asked him for it, did you?

- A. I didn't ask him for it that night.
- Q. Did you tell him how much you wanted? A. I didn't tell him that night, no sir.
- Q. Did you tell him what you wanted to do with it? A. No sir, not then.
- Q. What did you say about it that night? A. Well, I didn't say anything. I tell you I didn't ask him for any money that night. I had a little money left.
- Q. But you told him you had made this investment and had spent all your money? A. About all I had, yes sir.
- Q. And yet you didn't suggest that night that you wanted more? A. Not that night, no sir.
- Q. Did Pettibone say anything about you could have all the money you wanted? A. No sir, did not.
- Q. All you had to do was to ask for it? A. No sir, didn't say anything about it that night.
- Q. Well, you had a visit then with Pettibone that night?
- A. Yes sir.
- Q. Which is about all there was of that, was it? A. Yes sir.
- Q. You were just visiting there that night? A. Yes sir.
- Q. Nothing that was said was of any importance you think?
- A. We talked over some of the past things, that is all.
- Q. Did you say anything further about money matters?
- A. I didn't ask him for any money that night, no sir.
- Q. What were the past things that you talked over? A. We talked over about the depot and Pettibone told me about the men that had been deported out of there, and had a lot in the bull pen, and so forth.

Q. There had been a bull pen created at that time, had there?

A. That is what he called it.

Q. And a lot of men who had been deported out of there?

A. Yes sir.

Q. Did he say who they had been deported by? A. I don't know but he did.

Q. And you didn't know? A. I knew some of them that the papers said had deported them.

Q. You had read the papers in regard to it, had you? A. Yes sir.

Q. Knew that general situation just as well as Pettibone did, did you? A. Yes sir.

Q. How long did you talk with Pettibone there that night?

A. I think about an hour or so, possibly a little more.

Q. He was home when you got there? A. Yes sir, he was there when I got there.

Q. And prepared to stay for the evening apparently, wasn't he?

A. I think so, yes sir.

Q. Didn't invite him to go out anywhere? A. No sir, not that night.

Q. Didn't go out anywhere that night until you went home?

A. I went back to my room.

Q. What time did you go back to your room? A. I don't know; possibly ten o'clock or half past ten, and maybe a little later.

Q. When did you next see any one of these three men, Moyer, Haywood or Pettibone? A. I seen Mr. Pettibone and Mr. Haywood the next evening; I think it was the next evening.

Q: Did you see either one of them the next day at all? A. I don't think I did.

Q. Where did you stay the next day? A. I stayed in my room and

out around in that vicinity.

Q. You didn't come down town at all? A. No sir.

Q. Anybody else around where you was rooming that stayed in their room that day? A. Not that time.

Q. Was it a rooming house? A. Yes sir.

Q. A large number of people there? A. I don't know how many there was there. It was a rooming house.

Q. Anybody look on you with suspicion for staying around there all day? A. I don't think so.

Q. Where was it that you saw Haywood and Pettibone the next day or the next evening? A. I am not sure it was the next evening. I seen them over at Pettibone's residence.

Q. Well, was it the next evening but one, if it wasn't the next evening? A. I think it was, but I wouldn't say positive about that.

Q. Maybe you stayed at and your room there a couple of days before you saw either one of them again? A. No sir; I seen either Pettibone or Haywood the next evening. I think I seen both of them.

Q. And where did you see them? A. Over to Pettibone's residence.

Q. Well, in any event, you went to Pettibone's residence?

A. Yes sir.

Q. And you saw one and probably both of them on that occasion?

A. Yes sir.

Q. Can't you say whether it was one or both? A. I can't. I don't remember whether it was then or not.

Q. Why not? A. Well, I don't remember.

Q. Don't remember? A. I am not sure about it.

- Q. No method in this avoiding telling me how many people you met at a specific time and the specific place, is there? You aint afraid to be tied down to any specific date? A. I aint afraid to be tied down to anything, but I don't propose to tell anything I don't know.
- Q. Don't propose to tell anything you don't know? A. That I aint sure about.
- Q. So you don't know whether you met the two of them or the one of them? A. I am not sure, no sir.
- Q. And you don't know whether Mrs. Pettibone was there or not? A. I am not sure about it.
- Q. Don't know whether she heard anything that you said or not? A. I don't know that she did. I don't think she did.
- Q. What was the first thing that you said when you went in there? A. Passed the time of day.
- Q. How long was it before Haywood came? A. Haywood come when?
- Q. When you were in there, or was he there before you got there? A. I don't know anything about Haywood coming then.
- Q. Don't know? A. I am not sure whether he was there or not.
- Q. You said that you saw Haywood the next evening? A. I didn't say it was the next evening. I said I wasn't sure about it.
- Q. Well, let us take the evening that Haywood was there. Was there an evening that you are sure he was there? A. Yes sir.
- Q. Did you come before him or he before you? A. I came before he did.
- Q. How long had you been there when he came? A. I don't remember just how long.
- Q. Did you send out for him to come? A. Mr. Pettibone went over

after him.

- Q. At your request? A. Well, in a way, yes.
- Q. What had you and Pettibone talked about before he came, if anything? A. I don't remember particularly what we talked about. Pettibone told me about Art Boston being there and wanted me to meet him.
- Q. Had you struck Pettibone for any money? A. I don't think I had then, no sir.
- Q. Did he say Art Boston was there at his house? A. No sir, he didn't.
- Q. Did he say he was over at Haywood's house? A. No sir, he did not.
- Q. Just said he was in the city? A. Yes sir.
- Q. Had you ever met Art Boston? A. Not at that time, no sir.
- Q. You know who Art Boston was, you say? A. Yes sir.
- Q. Where had you first heard of him? A. Steve Adams told me of him.
- Q. When? A. Some time during that spring when we was in Denver.
- Q. Where? A. Down in Denver I think.
- Q. But you don't know where? A. We roomed together a good while, and some of them times he told me about it.
- Q. Did Art Boston come there that night? A. No sir.
- Q. When was it that you met him? A. Well, I met him shortly after that.
- Q. Well, let us not get away from that night until we have it disposed of. Now the first part of the evening, as I understand you then, Pettibone and you talked together and then Pettibone went over after Haywood and brought him over there?

- A. The evening that Haywood came over. I am not sure what evening that was, whether it was the second evening or not.
- Q. What had you and Pettibone talked about before Haywood came?
- A. I don't know just what we did talk about. We talked about everything, I suppose, in a general way.
- Q. You suppose that you did: Don't you know? A. I don't remember just what we talked about, no sir.
- Q. How many evenings did you see Pettibone alone before you saw Pettibone and Haywood together? A. Well, I think it was two evenings, but I am not sure.
- Q. So that it might have been the third evening then before you saw Haywood? A. Yes sir, it might have been.
- Q. Or the fourth evening? A. It might have been the fourth but I don't think it was.
- Q. Your talk with Pettibone always on the same general subjects?
- A. That was the largest part of our talk.
- Q. Wasn't you anxious about being arrested at all, or didn't you care? A. Yes sir, I cared.
- Q. You cared? A. Yes sir.
- Q. Did you talk about concealing yourself? A. I wasn't showing up down town much.
- Q. Or going away anywhere? A. Yes sir, talked about going away
- Q. How up in Cheyenne you had conceived the idea all by yourself of going to California, hadn't you? A. I had talked about going to California before Pettibone and I had.
- Q. You had? A. Yes sir.
- Q. I understood you to say that when you got to Cheyenne you had changed your mind about going on that Wyoming trip?

A. Yes sir.

Q. And had made up your mind to go to California? A. Yes sir, I thought of it.

Q. Well, was that the first time you had thought about going to California? A. No sir, it wasn't the first time.

Q. Was that the first time you had made up your mind to go to California? A. I hadn't exactly made up my mind then.

Q. When you came back and talked with Pettibone did you say to him that the object and purpose of your coming back was to get money to go to California on? A. No sir; I don't think I did, no sir.

Q. Did you suggest going to California or did he suggest going to California, or neither of you? A. We didn't at that time, neither of us.

Q. Then there wasn't any talk at that time about your going to California at all? A. No sir.

Q. Well, when Haywood came over what did he say and what did you say? A. Well, Haywood talked about -- wanted to send Art Boston and I up to Utah.

Q. Going to send you up to Utah? A. Wanted to know if I would go up there with Art Boston.

Q. That was a conversation that you didn't tell us about in your direct examination? A. I think I did.

Q. Did you? A. Yes sir.

Q. All right, I had overlooked it, maybe.

MR. BORAH: Yes, it seems so.

MR. RICHARDSON: You needn't get funny about it. I am perfectly willing to admit it. From all this stuff he has given

us here I can't be supposed to remember it all.

MR. BORAH: Then you oughtn't to assume to.

- Q. Did you talk about going to Utah then? A. Yes sir.
- Q. Did you go to Utah as a result of that talk? A. No sir.
- Q. The talk didn't come to anything then? A. No sir.
- Q. Did you want to go to Utah? A. Not particularly, no sir.
- Q. Who suggested that you go to Utah? A. Mr. Haywood.
- Q. What did he suggest you go to Utah for? A. To assassinate Andy Maybury.
- Q. He wanted you to go to Utah to assassinate Andy Maybury?
- A. Yes sir.
- Q. Who was Andy Maybury? A. Superintendent of a mine up at Bingham.
- Q. Bingham, Utah? A. Yes sir.
- Q. What did he say the reason was for assassinating Andy Maybury?
- A. He said he had fired all of the union men that was working at the mine because they had laid off for some labor demonstration, I don't know just what it was, or some demonstration.
- Q. There had been a labor day parade or something you mean?
- A. I am not sure it was a labor day parade -- some kind of a parade they had gone off to.
- Q. He didn't tell you what it was? A. He said something to that effect.
- Q. They laid off for one day? A. I think it was one day.
- Q. Therefore Andy Maybury had fired them? A. That is what he said.
- Q. And thereupon the penalty of death was imposed and you were to be sent to execute it? A. Yes.

- Q. By Pettibone and Haywood there in that house? A. Yes, and Art Boston. I don't say we did talk of that at that time.
- Q. Oh, you don't? A. No sir.
- Q. Well, I want to finish up the talk that you had with Haywood and Pettibone at that time? A. Well, the talk that we had when I first met Haywood was with Haywood, Pettibone and myself, and Haywood wanted to know if I would go to Utah with Art Boston, and Pettibone made an appointment for me to meet Art Boston the next ~~day~~ night.
- Q. Was that all that was said there that night when Haywood came over? A. That was the talk we talked about there, yes sir.
- Q. Don't you know that Andy Maybury and Mr. Haywood are and have been for years warm personal friends? A. That may be.
- Q. Didn't you know that? A. No sir, I did not.
- Q. Didn't know it at that time? A. No sir.
- Q. Didn't you know that he and Haywood had worked together side by side? A. No sir.
- Q. In the Ohio mine? A. No sir, I knew nothing about it.
- Q. In Nevada? A. No sir.
- Q. Didn't you know that Mr. Maybury had taught Mr. Haywood assaying? A. No sir, I did not.
- Q. And didn't know that they were friends? A. No sir.
- Q. And had been for years? A. No sir.
- Q. Never heard anything of that kind? A. No sir.
- Q. All that you know about it was that this man said that he wanted you to go and kill -- to assassinate this man Maybury?
- A. Yes sir, he did.
- Q. Did he use the word "assassinate"? A. I don't think he did.

- Q. Wanted you to go and kill him? A. Yes sir.
- Q. Because he had discharged some union men? A. Yes sir.
- Q. Had he discharged any union men that you know of? A. I didn't know any other than what Mr. Haywood told me.
- Q. Why didn't you go and do it? You didn't stop at the assassination of one man, did you? A. Mr. Haywood made other arrangements before we went.
- Q. Before that he made other arrangements? A. After that I mean.
- Q. After that meeting do you say Mr. Pettibone introduced you to Art Baston? A. Yes sir, he did.
- Q. When was that? A. It was one evening just after that.
- Q. Had you seen Haywood in the meantime? A. I seen Haywood at that time.
- Q. Had you seen Pettibone in the meantime? A. I seen Pettibone that night.
- Q. At that time? A. Yes sir.
- Q. Now where was it that you and Haywood and Pettibone and Art Baston met? A. I don't know that we all met -- Pettibone and Baston and I met down to his store.
- Q. Well, didn't you all four meet together? A. No sir, I don't think so.
- Q. Don't think so? A. I don't remember of Mr. Haywood being present.
- Q. Did you go into the store and find Pettibone and Baston there? A. No sir.
- Q. Did Pettibone send out for Baston after you came into the store? A. I think he seen Baston in the daytime, and Baston came down there; I am not sure whether Baston was at the store first, whether ~~they~~ ^{he} ~~was~~ there first.

- Q. Now you weren't afraid to come down town, were you? A. I wasn't going around down town in the day time.
- Q. Pettibone's store is right square in the middle of the town, isn't it, as near as any place is? A. Pretty near in the center of the town.
- Q. Right opposite the Albany hotel at that time, wasn't it? A. Yes sir.
- Q. One of the big hotels of the city? A. Yes sir.
- Q. And on one of the streets where a great many people pass? A. Yes sir.
- Q. So you went down there, did you, to that store? A. I did it in the evening, yes sir.
- Q. Art Boston came in while you and Pettibone were there, did he? A. I am not sure whether he came in before or after we did.
- Q. In any event when you were introduced to Art Boston what was the subject of discussion? A. Well, we didn't talk much about that. He said that they had him working trying to get Governor Peabody.
- Q. What did you say to him? A. I didn't talk much to him much about that that night; I talked to him the next day.
- Q. What did Art Boston say? A. Well, we didn't talk much about these things that night.
- Q. Was it that time that he said he had been working trying to get Governor Peabody, or was that what Pettibone told you? A. Pettibone told me, and he told me the next day himself.
- Q. What did he tell you that night? A. I don't know that we talked about these things that night.
- Q. Well, then you just simply met that night and there wasn't

any conversation that amounted to much of anything?

A. Yes sir.

Q. That is your idea about it, is it? A. Yes sir.

Q. Do you remember what night in the month it was? A. No sir, I don't.

Q. Nor of the week? A. No sir, I don't.

Q. But you know it was in the year of 1904? A. Yes sir, it was in the year 1904.

Q. And some time in the month of July? A. I think it was July; I wouldn't be positive about that.

Q. You wouldn't be positive even of the month it was in?

A. No sir, I wouldn't.

Q. But the place you are positive about? A. Yes sir, I am.

Q. That was Pettibone's store? A. Yes sir.

Q. Was the store open for business? A. No sir.

Q. It was after the hour for closing, was it? A. Yes sir.

Q. What time in the evening was it? A. I think it was nine or ten o'clock.

Q. What time did the store close? A. I think it closed up at six or seven o'clock; I am not sure what time.

Q. Very well. The next day did you four people all meet together?

A. No sir.

Q. How many of you met? A. I think just Baston and I.

Q. Just Baston and you met together? A. Yes sir.

Q. Where did you and he meet? A. He came down to my room I think.

Q. Had you appointed a meeting place the night before?

A. Yes sir, I told him where I was rooming.

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- Q. What time of day was it when he came down there? A. I couldn't tell exactly what time of day it was.
- Q. Did you know he was coming? A. He made arrangements to come the night before, yes sir.
- Q. You know he was coming then? A. Yes sir.
- Q. He was there to keep an appointment, was he? A. He came there, yes sir.
- Q. Did Pettibone hear that appointment made? A. Well, I think perhaps he did. I am not certain.
- Q. Don't know whether he did or not? A. I am not sure about it.
- Q. Why wasn't Pettibone there? A. Because I don't know that he had any business there.
- Q. Don't think that he had any business there? A. Well, he wasn't there.
- Q. Although he knew about the fact that you were getting ready to go out and kill this man Maybury? A. Now we were talking about it.
- Q. Well, you and Art Easton had a conversation on that subject there in the room, did you? A. Yes sir.
- Q. And that room was out somewhere near Cherry Creek on Broadway? A. Yes sir, just a little this side of Cherry creek.
- Q. You know that you and Art Easton talked that matter over? A. We were together pretty near all day.
- Q. Were you in the room alone? A. We wasn't in the room long, no sir.
- Q. Well, I say were you alone? A. I roomed alone, yes sir.
- Q. And were you talking alone or was there anybody else there? A. There was nobody else there while we were talking.

- Q. Any other Federation men or anybody else that heard you talk, that you know of? A. No sir.
- Q. Or that took part in the conversation with you? A. No sir.
- Q. Just you and he discussed alone about going out and killing Andy Maybury? A. Yes sir.
- Q. What was there about it that required any discussion?
- A. Talking about going out there, that is all.
- Q. Were you in any disguise while you were in Denver? A. No sir.
- Q. Didn't disguise yourself at all? A. Not any more than I had shaved my mustache off since I had been there before.
- Q. You have always had your mustache shaved off? A. No sir.
- Q. This mustache has acquired its growth since you got in the penitentiary, hasn't it? A. Yes sir.
- Q. Didn't have it when you went in, did you? A. No sir.
- Q. During the time you were committing these crimes you were without a mustache, weren't you? A. Part of the time I was, a part of the time I wasn't.
- Q. You was out of a mustache when you committed the Independence crime -- Independence depot? A. No sir.
- Q. You had one then, did you? A. Yes sir.
- Q. When did you shave it off? A. When I was at Cheyenne.
- Q. You had shaved it off in Cheyenne? A. Yes sir.
- Q. Is that all the beard you ever wore, just the mustache?
- A. Yes sir.
- Q. What were you and Art Baston discussing about this killing of Maybury? A. Discussing going up there.
- Q. How about the ways and means to kill him? A. May have spoken about that. I don't think we decided on anything.

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- Q. That wasn't a matter of so much importance as to get where he was? A. I don't know. I don't think we talked about that matter.
- Q. What did you conclude to do about going there? A. Well, we concluded we would go.
- Q. What way were you going to go? A. Going to go on the train if we went.
- Q. You say you discussed it that day and discussed it at length. I want to get at the discussion. A. Well, I don't know any more than we had concluded we would go as soon as they was ready to send us.
- Q. Did you say Maybury was at Bingham, Utah? A. Yes sir.
- Q. You had been at Bingham before that in 1902, hadn't you?
A. Yes sir.
- Q. You know this man Maybury? A. Yes sir.
- Q. ~~Had~~ worked for him, had you? A. No sir.
- Q. Had not? A. No sir.
- Q. But know him quite well? A. I know him when I seen him. I had talked to him.
- Q. He was an old resident there at Bingham, was he, been there for some time? A. I believe he was. I am not sure about that.
- Q. Did Baston know Maybury? A. No sir, I don't think so.
- Q. Didn't know him? A. No sir.
- Q. Were you going to commit the deed or was Baston going to commit it? A. I don't know. It wasn't decided, I think, which one would do it.
- Q. Didn't care -- whichever came handy, was that the idea?
A. I suppose so.
- Q. Was there any discussion as to whether it should be done by

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bomb or by strychnine or by sawed-off shot guns?

A. No sir, I don't think we discussed that.

Q. What did you spend so much time on with Baston? A. Oh, talking about old things, what he had been in and what Adams had told me about him, and so forth.

Q. The old things that he had done? A. Yes sir.

Q. Did you tell him about any of the old things that you had done?

A. I told him about some of them, yes sir.

Q. Was this the way you passed that day? A. Yes sir.

Q. Discussing who was the larger criminal of the two?

A. You may call it; I don't know.

Q. Is that your idea about it? A. I don't know as it was at that time.

Q. Were you bragging a little about your exploits, or a good deal?

A. I don't know that I was.

Q. Well, the next day you saw some of the rest of the boys, did you, after you had talked with Art Baston? A. I don't know whether it was the next day or not.

Q. When did you see any one of them, any one of these three men that are indicted here? A. The next time I met them I met Mr. Haywood and Mr. Pettibone.

Q. Where? A. Over in Pettibone's back yard.

Q. In Pettibone's back yard? A. Yes sir.

Q. In the summer of 1904? A. Yes sir.

Q. In broad daylight? A. Yes sir.

Q. What day of the week was it? A. It was on Sunday.

Q. On a Sunday? A. Yes sir.

Q. What time of the day was it, in the afternoon? A. It might

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- Back Yard*
- have been about noon, I think it was in the afternoon though.
- Q. You sat out there in the back yard, did you, with Haywood and Pettibone? A. Yes sir, I did.
- Q. Do you know what month it was that you sat there? A. I am not sure, July or August, it might have been the first of August.
- Q. But you do know it was a Sunday noon or a Sunday afternoon?
- A. Yes sir, it was Sunday.
- Q. Did you sit there all that afternoon? A. No sir.
- Q. Did you discuss crimes out there in the back yard?
- A. Yes sir, some.
- Q. You did? A. Yes sir.
- Q. Now isn't it a fact that that place where Pettibone lives on Evans Street, the houses are just as thick as they can be put?
- A. They are pretty thick.
- Q. There is hardly room enough to go between one house and another, to go from the front to the back yard, isn't that right? A. They are pretty thick.
- Back Yard*
- Q. Yet you sat out there in that back yard where the houses are built as thickly as you have stated -- their houses have a back yard? A. Yes sir.
- Q. And there discussed these crimes? A. Yes sir, we did.
- Q. Openly and above board? A. We talked about them so that we could hear one another all right.
- Q. Was this back yard fenced in? A. Yes sir, there was a fence around it.
- Q. Just a little ordinary low fence, isn't it? A. Not an ordinary, I think it is quite a high board fence.
- Q. Do the boards stand up and down or are they lengthwise?

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- A. I mean at the back yard there is quite a high board fence, what goes into the alley. There is a little vacant lot alongside of his house, I should think about twenty or thirty feet wide perhaps, there is a high board fence between his lot and the one next to him on one side, and the other I think is a wire fence; I am not sure about that.
- Q. You sat out there in that little lot about twenty-five feet wide and discussed the crimes with Haywood and Mr. Pettibone?
- A. It would be about fifty feet lot, the two lots.
- Q. There are two lots there, are there? A. Yes sir.
- Q. There is a house on each one of these lots, isn't there?
- A. No sir, there is no house on one lot.
- Q. Is there a vacant lot by the side of the Pettibone house?
- A. Yes sir.
- Q. Was there at that time? A. Yes sir.
- Q. And extending from the street clear back to the alley?
- A. Yes sir.
- Q. Did you look to see if there was anybody back of the fence, did you see anyone there or anyone out in the alley?
- A. I didn't see anyone.
- Q. Well, did you look to see anyone? A. We would have seen anyone if they was there I think.
- Q. Did you get your heads together, try to conceal yourselves in any way? A. Not particularly so, no sir.
- Q. That block is filled with people who have children, isn't it?
- A. There may be some children there.
- Q. Well, there are some there, aren't there? A. I think there is, yes sir.
- Q. Streets full of kinky kids, isn't it? A. I don't think it

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is full of them.

Q. Pretty nearly so? A. I don't think it is nearly so either.

Q. There isn't scarcely a house there that hasn't got children in it? A. I don't know about that.

Q. Don't you know that the next door neighbor to Pettibone has got ten children? A. No sir, I don't. I know they have got some children.

Q. Got a bunch of them? A. I knew there was some of there.

Q. Knew there was some? A. Yes sir.

Q. And all up and down the street were children playing and people walking up and down? A. There may have been.

Q. And people driving through the alley? A. Perhaps there is sometimes people drive through the alley.

Q. And in the warm summer when the windows of the houses were all open? A. Yes sir.

Q. Upstairs and down? A. There may have been.

Q. And you three people sat there and discussed crime and criminals? A. Yes sir, we did.

Q. How long a time did you three sit out there talking those things? A. I think we were there an hour or two.

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Q What is that? A An hour or two I think.

Q What did you say about this agreement? A I don't know as I said anything about that agreement; we talked about that in a general way.

Q Well, you took an hour and a half there and you can tell us a part of what you said in that time-- tell us a half an hour of it.

A I told them about the trip up there.

Q What did you say? A I don't know only in a general way what he did say.

Q You don't know what you did say? A Only in a general way, no sir.

Q You don't know what crime you discussed? A We talked about the Independence depot.

Q Did you give a history of your life? A And talked about Gregory.

Q What did you say about the Independence depot? A Talked over it in a general way.

Q I asked you what you said? A I don't know as I can say what we said.

Q What did you say about Gregory? A They said they did not think any one was looking for us.

Q I asked you what you said about Gregory? A I don't remember what I did say.

Q What were you holding this rehearsal for, what was the object for it? A I just came over there and Mr. Haywood came over to pass away an hour or two and I wanted some money.

Q Was that a casual meeting? A In a way.

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- Q All you had to do was to ask for money? A I wanted some money, and they thought I better get out of there.
- Q Did you tell him you wanted some money? A Yes sir.
- Q Had you drawn any money up to that time? A I think I got a little money from Mr. Pettibone.
- Q How much? A I think only five dollars.
- Q When? A A night or two before that.
- Q Where? A I don't know whether it was at his store or at his residence.
- Q Who was present? A I don't think anyone but him and I.
- Q You are not certain of the amount? A I think it was \$5.00; I am not sure.
- Q So, in that general discussion you were having there on a Sunday afternoon in July of 1904 the principal thing that interested you was getting some more money? A Yes sir.
- Q You were broke, were you? A Practically so.
- Q Had you spoken to Pettibone about money before Haywood came over? A I asked him for some money a night or two before that.
- Q What did you say to Haywood before that? A He wanted me to go to California.
- Q I asked you what did you say to Haywood before that about money? A I don't know that I said anything right then to him about money; I told him I was broke.
- Q Then you did say something about money, didn't you? A Yes sir.
- Q What did he say? A He said to send down my partner and get some.

- Q Send down your partner? A Yes sir.
- Q Meaning Mr. Pettibens? A Yes sir.
- Q And you can have all you wanted, or didn't he say? A He said to send down and get some money.
- Q Did he abandon this project of killing Andy Maybury? A Yes, he did.
- Q He revoked the death sentence on him? A He did not want me to do it.
- Q What did he say about Maybury? A I don't know that he said much more about Maybury.
- Q You kind of lost Maybury in the shuffle that afternoon, did you? A I don't know about that.
- Q Was that the first time that this California trip was mentioned? A Yes sir, it is.
- Q Was Maybury ever killed or molested in any way, shape or form?
- A Not so far as I know.
- Q You never knew of it if he was? A No sir.
- Q Then he said he wanted you to go to California? A Yes sir.
- Q That was Haywood? A Yes sir.
- Q Did you ask him what for? A Yes sir.
- Q And what did he say? A I asked him what he wanted me to go to California for, and he said he wanted me to go down and get Mr. Bradley.
- Q What was Bradley's offense,-- what did he say about that?
- A He said Bradley was at the head of the Mine Owners Association

of California and was raising a fund there to drive the Federation out of California.

Q You knew Bradley better than he did, didn't you? A No sir, I didn't know him.

Q Didn't you know that he was the manager of the Sullivan and Bunker Hill mine at the time you blew it up? A Yes sir, but I didn't know him.

Q He just switched you off from Haybury onto Bradley? A Yes sir.

Q And he said he was the Manager of the Mine Owners Association in California? A I think so; he said he was raising a fund there to drive the Federation out of California.

Q And there was nothing doing in California except getting up that fund, was there? A There was some strikes on in California.

Q There was no serious trouble in California, was there?

A I don't know how serious they were.

Q Where were these strikes? A There was a strike at Sandburg.

Q Where is that at? A I don't know where it is.

Q Do you know whether or not there was any other place?

A Yes sir, there was a strike on Anador.

Q Do you know whether Bradley had anything to do with either of those places? A No sir.

Q You were taking orders from your chief? A I don't know about his being chief.

Q You were executioner extraordinary?

MR. HAWLEY: We object to that as not proper. There is nothing to warrant any such a question.

Q What did Haywood say about Bradley further than you have related?

A He said he had been fighting the Federation.

Q When were you to go to California? A Right away.

Q How long had you known of Bradley in the Coeur d'Alene?

A I had known of him ever since I was up there.

Q Bradley was the man who handled matters in the Coeur d'Alene in 1889 for the Mine Owners Association? A I don't know about that.

Q Do you know that he was connected with the Dunbar Hill and Sullivan then? A Yes sir.

Q And that was the mine that the fight was waged about? A Yes sir.

Q And the very mine which you yourself had blown up the transformer house— or mill house? A I helped to, yes sir.

Q You helped to? A Yes sir.

Q Well, did you tell him you knew Bradley? A I told him that I knew of him.

Q Did you say it would be a pleasure to go out there and kill him? A No sir, I did not.

Q You did not say it would be a pain to you to go out and do that, did you? A I don't think I said anything about it.

Q Don't think you said anything about it? A No sir.

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- Q When he said he would like to have you go out and assassinate Mr. Bradley, what reply did you make? A I said I would go.
- Q Did you make any terms? A I made arrangements to get some money the next day.
- Q How much did you want to assassinate Bradley? A I did not say.
- Q How much was Haywood ready to give? A He did not say.
- Q And he did not say anything to you about money? A He said I could get it.
- Q That was the same old statement that you could get it when you wanted it? A Yes sir.
- Q There was nothing said about how much? A No sir.
- Q You did not know whether you was going to get \$5.00 for assassinating Bradley or five thousand? A I did not know how much I was to get.
- Q You did not have a scale of prices for mine superintendents?
- A No sir.
- Q Or for scabs? A No sir.
- Q Or for non union men? A No sir.
- Q What did Pettibone say when Haywood made that statement about getting Bradley? A I don't know what he did say, or that he said anything more than he wanted to have it done.
- Q Pettibone had never had anything to do with Bradley that you know of? A Not that I know of.
- Q You never heard him say that he had, did you? A I never heard him say that he had himself.

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- Q Bradley was not in the Coeur d'Alenes in 1892, was he, when Pettibone was there? A No sir.
- Q And there was no personal grudge on Pettibone's part against Bradley was there, that you heard expressed there? A Not that I heard myself.
- Q And no personal grudge on Haywood's part? A No more than I spoke of.
- Q You was the only man of the three? A I had no personal grudge.
- Q Notwithstanding the fact that you had been run out of the mountains of northern Idaho? A I did not think any more of it than it was my own fault.
- Q You just went down there and blew up that mill for the fun of it? A I went because everybody else went, and if a man did not go at that time where the others went he had better go the other way.
- Q You had only been in the union a month when you went down and blew up that mill? A About that time, yes sir, in the Western Federation.
- Q And you had lived there in that country up there for three or four years without belonging to the union? A I belonged to another union up there, after I went up there to live.
- Q There was another union there besides the Western Federation was there? A Yes sir.
- Q What was that? A The Knights of Labor.
- 744 Q And you belonged to that up to the time you joined the Western

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- Federation? A From the time I went to Burke and went into that coal yard.
- Q And you joined the Western Federation when you went to work in the Tiger and Peerman's mine? A Yes sir.
- Q But you did not have any personal grudge against Mr. Bradley?
- A No sir.
- Q And did not have any because of the fact that you had been driven out of northern Idaho? A No sir.
- Q You recognized the justice of being driven out? A I don't know as I thought anything about it.
- Q Did you have any animosity at that time toward the mine owners in general? A I might have some, yes.
- Q Do you think you did? A I rather think I did have some, yes.
- Q Think you did? A Yes sir.
- Q Well, how long were you discussing the subject of killing Bradley there that afternoon? A I think about two hours.
- Q And did you define the ways and means by which his murder was to be accomplished? A No sir.
- Q No one suggested strychnine to you? A No sir.
- Q No one suggested a bomb to you? A No sir, I don't think they did.
- Q No one suggested a shotgun? A I don't think any method was suggested to me.
- Q The only thing was that you wanted some money and you was told that you could have some? A Yes sir.

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- Q What did Haywood say during that two hours on that subject?
Give us every word that you can remember? A He said that
Bradley had been fighting the Western Federation of Miners and
he was at the head of the mine owners association in Cali-
fornia and was raising a large fund to drive the Federation
out of California.
- Q That is not all he said? A That is the substance of it.
- Q I don't hear anything about killing in that, so far? A The
killing part came afterwards.
- Q He made a general statement of who Bradley was? A He wanted me
to go down and bump Bradley off.
- Q Then he wanted you to go down and bump Bradley off?
- A Yes sir.
- Q That is the language he used, was it? A I think possibly it
was.
- Q I think that is quite an important matter, Mr. Orchard, when
you are sentencing a man to death. A It was some such words
as that: Bump him off, or get him, or put him out of the way.
- Q You don't remember the words he used when he pronounced the
death sentence upon Bradley? A No sir, I don't.
- Q How soon was it after that that you saw Haywood again?
- A I don't think I saw him again before I went away.
- Q You did not have any talk with Moyer about it? A No sir.
- Q Nor see Moyer in respect to it at all? A No sir.
- Q Nor you didn't see Haywood after that little conversation?
- A I don't think I did, no sir.

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- Q Well, where did Haywood go? A I don't know where he went; I suppose he went home or down town.
- Q All the talk you had was in the back yard there? A All about that.
- Q Did Haywood go into the house at all? A I don't think he did. I don't remember.
- Q Was Mrs. Pettibone around there? A I did not see her.
- Q Was anybody else around there? A There may have been others there. I don't remember.
- Q Were you sitting where you could see the street? A Yes sir.
- Q Out in the vacant lot then? A Yes sir.
- Q Right where you could see the people as they passed by on the sidewalk? A Yes sir.
- Q You were inside of Pettibone's back yard? A We were just over the fence, I think. He had part of his garden in there in that lot.
- Q And you could see everybody passing along the sidewalk you say? A Yes sir.
- Q How far were you away from that sidewalk? A 75 or 80 feet, I think. I think these lots were about a hundred feet deep.
- Q How deep are the lots? A I think they are a hundred feet, but I am not sure.
- Q A hundred feet? A I think a hundred feet, but I am not sure.
- Q You think you were about 35 feet from the alley? And 75 feet from the sidewalk? A I think so; some proportion like that.

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- Q You say Haywood went home, you supposed ? A. He went away.
- Q Did you and Pettibone go into the house ? A. I think so.
- Q Did you eat dinner there ? A. I ain't sure whether I did or not.
- Q Did you know Mrs. Pettibone at that time ? A. Yes sir.
- Q Did you eat there that day ? A. I don't know whether I did or not.
- Q How long was it before any steps were taken about your going to California ? A. I went the next day I think.
- Q Where did you go ? A. I went to San Francisco.
- Q You went to California the next day ? did you ? A. I started through to San Francisco.
- Q Well, you had to do something before you started to California?
- A I got some money the next day.
- Q Where did you get that ? A. From Mr. Pettibone.
- Q How much did you get ? A. I got \$150. that he got all together, and he got me a ticket and a grip I think.
- Q Did Pettibone buy your ticket ? A. Yes sir.
- Q Now, did he help you pack the grip ? A. No sir.
- Q That was not the time you spoke about his helping you pack your grip ? A. No sir.
- Q You started for California that night, did you ? A. No sir.
- Q That next night ? No sir, the next morning after that.
- Q So you had one whole day in Denver after Sunday ? A. Yes sir.
- Q And you went Tuesday morning ? A. Yes sir.

150 for California

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- Q What road did you go on? A On the Union Pacific.
- Q Straight through on the Southern Pacific? A Straight through to Cheyenne and Ogden and so on down.
- Q What day of the month was it you started for San Francisco?
- A I think it was Tuesday.
- Q Tuesday was the day of the week; what day of the month? A I don't know what day of the month it was.
- Q Was it in August or September? A I think it was July or August; it might be the first of August or the last of July.
- Q Did you go straight through to San Francisco? A Yes sir.
- Q You had no talk with Mr. Moyer? A No sir.
- Q No talk with him at all about that? A No sir.
- Q And no talk with Haywood except out in the back yard? A Not about that trip.
- Q And you got your money of Pettibone who bought your ticket and you started off? A Yes sir.
- Q Without any directions whatsoever except to get the man?
- A That is all.
- Q How long was it before you landed in San Francisco? A I think it takes about three days to go down there.
- Q Did you go straight through? A Yes sir.
- Q Did not stop anywhere on the road? A Only when the train stopped.
- Q And where did you go in San Francisco? A I went to the Golden West Hotel.

- Q Where is that? A On Ellis Street, I think-- I am not positive.
- Q What part? A Just off of Market Street.
- Q Who was the proprietor? A I don't know.
- Q Ellis comes into Market about where the old Phelan Building used to be? A Somewheres near that.
- Q Or the Baldwin hotel? A I don't know about that, I am sure. This hotel was on Ellis Street, I think.
- Q Was it on a street that ran from Market out to the Golden Gate park or one of those cross streets? A This strikes off, angling off that way (motioning with his hand) and I don't know which, but it ran off on a slant this way (again motioning with the hand) coming up.
- Q One running toward the west? A I don't know the directions there.
- Q Who ran that hotel? A I don't remember the proprietor's name.
- Q Was it a regular hotel or a rooming house? A Yes sir, a regular hotel.
- Q You had to register there, did you? A Yes sir.
- Q And they kept transient guests? A Yes sir.
- Q How long did you stay at that hotel? A I think about two weeks.
- Q That was some time probably in August? A I think it would be.
- Q Where did you go then? A I went down in a private rooming

house down on the west side somewheres; I have forgotten the number of the street.

Q That was still farther away from Bradley's house wasn't it than where you were at the hotel? A Yes sir.

Q The first place you went was not very far from Bradley's house?

A Quite a ways.

Q How far? A Probably ten or fifteen blocks.

Q Where did he live? A At the corner of Washington and Leavenworth streets.

Q In a flat? A Yes, I guess it was.

Q It was a series of buildings, a block? A Yes sir, it was residence flats.

Q Did he have the downstairs or upstairs flat, or both?

A He had the upstairs flat on one side.

Q How many stories high was his flat? A There was a basement, under it; it was on a side hill; there was three stories of flats, and there was another one-- I don't think they would call it a regular flat up at the top.

Q Which one did he live in? A He lived in the third residence flat.

Q The third door from the corner? A Where they entered the front entrance off from Washington street he lived in the third flat up.

Q That is the third story? A Yes sir.

Q Now, did all the people who lived in that flat go in at that

one entrance? A I think they did, and there was six families lived in there; and there is an entrance in the basement on the side.

Q And the front entrance is the common entrance for all six families in that flat? A Yes sir, but each have a private entrance.

Q After you go in through the outside door? A Yes sir.

Q Was this outside door on the outside, on the porch? A You went into a porch---the flat was built right up flush with the street and this door went back in there probably six or eight or ten feet.

Q Did you go into an outside door flush with the street ?

A No, there was no door -- there was just an archway.

Q And when you went in there you found these doors along there that took you up to these various flats ? A. Yes sir, there were three doors to the flat.

Q Now, was there a door which opened into an entry where the three doors entered the various flats ? A. You entered the flats by separate doorways from the porch.

Q So that in going out Bradley's door you did not have to go into any outside door at all ? A. No sir.

Q He would go in there and go up the two flights of stairs to his flat? A Yes sir.

Q Now, when you got there you proceeded to get acquainted with Bradley's family did you? A I proceeded to find where he was.

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- Q You got acquainted with Mrs. Crowe, didn't you? A No sir, not at that time.
- Q How long was it before you got acquainted with her? A I think perhaps two months.
- Q First you got acquainted with Guibinni the grocer? A No sir.
- Q Who did you get acquainted with first? A I did not get acquainted with him for two months I think it was.
- Q What was you doing during those two months? A I was up at Caliente's Springs two or three weeks.
- Q What for? A I was putting in the time until Bradley came back.
- Q He was gone to Alaska? A Yes sir, up to Nome, Alaska.
- Q Didn't try to find out before you started from Denver whether he was there? A No sir.
- Q But you got there and waited until he came home? A Haywood said that he lived there.
- Q You did not look up the circumstances under which he lived or where he lived until you got there? A No sir.
- Q Well, did you maintain your room there while you was at Caliente's Springs? A No sir.
- Q Gave that up? A Yes sir.
- Q When you came back was that when you moved to this other place?
A Which place do you mean?
- Q You said you moved to a rooming house? A I went to a rooming house before I went to Caliente's Springs.

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- Q You had not got acquainted with Bradley or any of his family for two months after you got there? A No sir.
- Q Did you ever have any letters from Haywood while you was there?
A No sir.
- Q Or from Moyer? A No sir.
- Q You got letters from Pettibone while you were there? A Yes sir.
- Q How many? A I think two or three.
- Q All of which you destroyed after you got there? A Yes sir, after I read them.
- Q At once, right then and there? A I don't know; I might have taken them to my room and destroyed them.
- Q Why didn't you keep them so as to have a hold on Pettibone if he should fly the track? A I did not want to hold him.
- Q Didn't think that the day might come when you would want to hold these fellows? A I did not think anything about it.
- Q Did you gamble any while you were waiting for Bradley to come back? A I did some.
- Q Did you drink any? A Yes sir, some.
- Q You left Denver with \$100. less than the money it took to get you to California? A I left with \$150. than it took to get me there.
- Q How much did it take to get you to California? A I think the ticket was \$35. and the birth was \$5. perhaps.
- Q Pettibone got that for you? A He got my ticket.

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Q And \$150. besides? A No sir.

Q Did he tell you where he got the money, or didn't you have any talk about it? A He got it from Bill; he said he would go to Bill and get it.

Q And you started off on a trip to San Francisco to murder this man with \$150. less than the cost it cost you to get there?

A Yes sir, I did.

Q Well, it did not take you long with your habits to go through with that hundred dollars, did it? A Not very long.

Q How long? A A couple of weeks.

Q It was only two weeks before you were sending back for more money? A I don't know as it was quite two weeks.

Q How did you send back, by letter or wire? A I wrote a letter.

Q Didn't you know that \$150. would not last you very long?

A I did not think it would, but it was all I got.

Q Why didn't you strike then for more? A Pettibone said to wire him any time.

Q Why didn't you wire? A I wanted to explain things to him that I could not wire.

Q What did you explain? Tell us about it? A I told him that the party I came to see, to work for, was not there, that he had gone to Alaska and would not be back for three months.

Q That is what you told him in your letter? A Yes sir.

Q And you said, please remit? A I told him he better send me a hundred dollars.

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Q And he sent it promptly? A Yes sir.

Q How did he send that money? A By registered letter.

Q You know that, do you? A Yes sir, I do.

Q You had the letter, did you? A I got the letter from him,
yes sir.

Q What did the letter say? A It told me that things were
getting pretty warm up there.

Q Up where? A Up around Colorado.

Q Up around Colorado? A Yes sir. He said that Johnnie Neville
had been arrested and was on his way to Cripple Creek and I
had better lay pretty low and keep quiet.

Q And the longer time went by, the warmer things got in Colo-
rado? A That is what he said.

Q It was not warm while you were in Colorado a few weeks before?

A He said they had arrested Neville and his boy.

Q Did Pettibone sign that letter? A He did not sign his own
name.

Q You know it was Pettibone's writing? A Yes.

Q How do you know that? A I had seen his writing.

Q And you had written a letter to him? A I had.

Q And you got this letter back saying it was pretty warm in
Colorado? A Yes sir.

Q And it said, "Enclosed find a hundred dollars, if you can"?

A It said "Enclosed are a hundred dollars."

Q What was it in? A Twenty dollar bills.

Q It was not a postoffice money order? A No sir.

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Q Actual currency of some kind? A Yes sir.

Q And these twenty dollar bills were enclosed in a registered letter? A Yes sir.

Q What name was signed to the letter? A I think it was Pat Bone.

Q The letter was signed Pat Bone? A Yes sir.

Q That was a deep disguise, wasn't it?

MR. HAWLEY: We object to that.

Q Was that the disguise that he used? A I don't know. That was the name that was signed to it, and they called him Pat Bone.

Q Then there was not any disguise about it? A I had heard him called that.

Q He was commonly called that, wasn't he? A I had heard some call him that around the store.

Q All his friends around the store called him Pat, didn't they?

A I don't know that they did.

Q How many people had you heard call him that? A I don't know as I could say how many.

Q Enough so that you know it was a common thing? A I heard some call him that.

Q Now, you know that this letter was signed "Pat Bone"?

A Yes sir.

Q And that contained a hundred dollars? A Yes sir, it contained a hundred dollars.

757 Q How long did that last you? A I don't know; a month or so I

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think.

Q Well, that would take it up to what time? A Along some time in the first of October.

Q Along the first of October? A No sir,--I don't think it would be that way.

Q Then you had to send in again, did you? A I did send in again.

Q Did you make a request that time? A How is that?

Q Did you make a request for money that time? A The next time?

Q Yes sir. A Yes sir.

Q How? A I think I wrote a letter.

Q Who to? A To Mr. Pettibone.

Q What did you say? A I asked him for some more money; for a hundred dollars more.

Q Was that all there was in the letter? A That was about all I think. I think I said the party had not come back yet, or something like that.

Q This first letter, you had to send a registry return card for it, didn't you? A Yes sir.

Q You did? A Yes sir.

Q Who was the registry return card directed to? A I don't understand you quite.

Q When the postmaster, or postman, gave you the letter you had to sign one of those red cards? A Where was it signed, do you mean?

Q It comes all directed to you and you have to sign it, don't you?

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A That came to Peter L. Huff.

Q I want to know who it went back to? A I don't quite understand what you mean.

Q What was the address on the red card which you signed?

MR. BORAH: Who it went back to in Denver.

A Oh, well, I signed the name of Hogan or Dempsey, I don't remember which, to get this money.

Q Now, whose name was on the other side that it was going back to Denver to? A Which went back to Denver?

Q Don't you know that when you get a registered letter that you have to sign a red card and that is sent back to the sender?

A I signed the name of Hogan or Dempsey, whatever I seen there.

Q Who was that thing that you signed directed to? A I don't remember.

Q Who was supposed to have sent the money? A In whose name was it sent? A It was sent in the name of Huff.

Q Was the return card directed back to Huff, or don't you know?

A I don't remember.

Q What was the first name of Huff? A I would not say positively.

Q How was the name-- A Oh, it was sent back to Wolff.

Q How was the name of Wolff spelled? A I think it was Wolff; I am not positive about that.

Q You are not positive about that? A No sir.

Q You wrote him at first stating that you were out of money and wanted some more? A Yes sir.

Q How much did you get that time? A A hundred dollars.

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Q How did you get it? A By Postal Telegraph.

Q That came from whom? A From Pat Bone.

Q Pat Bone? A Yes sir.

Q Now, while that money was coming you got hard up, didn't you, and entirely broke? A I don't know that I did.

Q Did you ever tell Steve Adams at any time or place, wait a minute. Did you ever tell Steve Adams or any one else at any time or place that you got broke out there?

MR. HAWLEY: We object to that as improper. If it is competent at all, it is only for impeachment.

Q Well, were you broke while you were out there before the money came? A I was pretty near.

Q Did you ride out on an Ellis street car---cross out Ellis street; did you ride out on a car to the end of any car line and hold up a street car conductor to relieve your necessities?

A No sir, I never did.

Q Did you ever tell anybody so? A No sir, I don't think I ever did.

Q You never did? A No sir.

Q But you were confessing to crimes that you did not commit?

A Yes sir.

Q And you have confessed to other crimes which you did not commit? A Yes sir, I have told such things.

MR. HAWLEY: We object to that.

THE COURT: The objection will be overruled.

Confesses other crimes

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Q Some times you have confessed to committing crimes that you had read about in the papers and told how you committed them? A No sir.

Q You have confessed to the commission of crimes that you never did commit? A I have told some people about things I have dont that I never did.

Q You have a mania for telling such things? A I don't know as I have a mania; I havetold such things when I was with others that were telling about such occurrences.

Q Do you know a man named Huff? A Yes sir.

Q Who was a union man? A Yes sir.

Q Were you with him in San Francisco? A Yes sir.

Q Did you tell Huff while in San Francisco that during the time you was there you got out of money and that you went out to the end of a street car line and held up a street car conductor and got twelve or fifteen dollars?

MR. BORAH: We object to that as too general.

THE COURT: I think your question is too general.

MR. RICHARDSON: I cannot make it more specific, for I cannot tell the date.

MR. BORAH: If counsel don't know it, it is manifestly unfair to the witness.

MR. RICHARDSON: We are doing the best we can--

THE COURT: The court has ruled with you Mr. Borah.

MR. RICHARDSON: I am doing the best I can on that at this time. I may be able to get the date before we get through.

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- Q Did you ever have any talk with Huff at any time or place upon the subject of a street car conductor? A No sir, I never did.
- Q Never did? A No sir.
- Q You did not? A No sir.
- Q Was Huff with you in San Francisco? A Some, yes sir.
- Q Where had you known Huff before? A I had never known him before.
- Q You got acquainted with him out there? A I went to his office there, yes sir.
- Q Now, this second money that you got from Pettibone, you say you got by Postal Telegraph? A Yes sir.
- Q How long was that after you got the first money? A I could not say exactly; possibly a month.
- Q How much did you get? A A hundred dollars less what it cost to send it.
- Q Who was that sent by? A Sent by Pat Bone.
- Q The man who sent it took out enough from a hundred dollars to send it? A I think it was less \$2.50 if I remember right.
- Q How do you know that it was a hundred dollars less than the amount to send it? A That is what they said there.
- Q They took the money out on you then at that end? A Yes sir.
- Q \$2.50? A I think it was.
- Q So you got \$97.50? A Yes sir, I think so.
- Q Who was it sent to? A Harry Green.
- Q And who did it purport to be sent by? A Pat Bone.

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Q Were you going by the name of Harry Green at that time?

A When I got that money.

Q You said that Pettibone gave you the name of Harry Green?

A Yes sir.

Q Where and when? A In that first letter.

Q He said it was a good enough name for anybody and you would have to go by that after that? A He said he would address me by that name.

Q When did you last see Huff? A Just before I left San Francisco for Colorado, the time I came up there in 1904.

Q Can you give us his first name? A Yes sir.

Q What is that? A Peter L. Huff.

Q What was his place of business? A He was Secretary of the Bartender's union and had an office at 211 Taylor Street.

Q Did you have any business with him? A Only to get him to go and identify me so as to get this letter.

Q You knew of his being there in San Francisco? A I learned it afterwards.

Q And he identified you so you could get this money? A He did.

Q That was the money that came with this second telegram?

A With the first and second also.

Q Well, you have not told us about any first money sent so that you needed to be identified? A I had to be to get that letter out of the postoffice.

Q He identified you at the postoffice? A Yes sir.

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- Q And also at the telegraph office? A Yes sir.
- Q How long did that bunch of money last you? A I ain't sure how long it was. I got more money after that.
- Q How much did you get? A I think I got \$250. in all the while I was there; a hundred dollars twice and fifty dollars once.
- Q You had \$150. to start with? A I was not counting that.
- Q Then you got a hundred dollars by registered mail, did you?
- A Yes sir.
- Q That made \$250? A Yes sir.
- Q Then you got a hundred by the Postal Telegraph? A Yes sir.
- Q That made \$350? A Yes sir.
- Q When did the next come? A Some little time after that.
- Q Did you write for that? A Yes sir.
- Q Who to? A Mr. Pettibone.
- Q How did you get it? A By Postal Telegraph.
- Q How much did you get? A \$100.
- Q Less the charges? A Yes sir.
- Q That made \$450., did it? A Yes sir.
- Q Then, when did you get the next? A Well, I got-- I am not sure how much more I got, whether one hundred and fifty more or only fifty.
- Q You got one more instalment, did you? A I might have got two more; I am not sure.
- Q How did you get that? A By Postal Telegraph.

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Q And was it all from Pat Bone? A Yes sir.

Q No change in the way of disguising it was seen? A No sir.

Q In each instance did this particular witness go to identify you? A I think he went twice and then I did not need to have him.

Q This man was not a bartender? A He was the secretary of the Bartender's Union.

Q You got in all \$550? A I think it was something like that.

Q He had to be a bartender to be the secretary of that union?

A I think so.

Q Well, either \$500. or \$550., this was the amount you got while you were there? A I think I got \$400. or \$450. while I was there.

Q And that is what you got for the proposed assassination of Mr. Bradley? A That was what I got.

Q And you spent it as fast as you got it? A I spent it.

Q Spent it to pay your expenses? A Yes sir.

Q How long were you there before Bradley came back? A I think he came back the last of October or first of November.

Q Did you get busy on that business before he came back? A No sir not before he came back.

Q When he got back what did you do? A I tried to watch him and learn his habits.

Q You got acquainted with his family? A Yes sir, some of them.

Q Mrs. Crowe, the cook, you got acquainted with her? A Yes sir.

Q How did you get acquainted with her? A The grocer introduced me.

Q Didn't you go into Bradley's house and call on her and sit in the kitchen? A No sir.

Q Was you in the parlor? A No sir.

Q Was you in any room in that house? A I think I was up in the sitting room once.

Q What business did you go on? A Why, I knocked on the door when I first went there and they opened the door and I started out; I went up in there to see what ~~the~~ number it was. I knew the number that was in the directory but I could not see it on the outside without going up in this porch.

Q You knocked at the door you say? A I rung the bell and they opened the door and I went up, and they asked me if I wanted something.

Q Who was it asked you if you wanted something? A One of the girls.

Q Miss Bell? A It was one of them.

Q There were two Miss Bells? A Yes sir.

Q Were they servants? A I think so.

Q Up in this third story of this flat? A They lived in the third flat, yes sir.

Q Did you meet the two Miss Bells on this occasion? A No sir.

Q That was the only time you ever saw them? A No sir.

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Q They invited you up, did they? A Yes sir.

Q Invited you, an absolute stranger to them at that time?

A Yes sir.

Q Did you know Mrs. Crowe at that time? A No sir.

Q You got acquainted with one of the Miss Bell's first?

A I was introduced to her afterwards.

Q You introduced yourself at that time, didn't you? A I told them I was somebody.

Q What did you tell her you was there for? A I wanted to see Mr. Bradley.

Q You went up the two flights of stairs and told them you wanted to see Mr. Bradley and was invited into the sitting room?

A Yes sir, that was the excuse I made.

Q You met Mrs. Bradley? A Yes sir.

Q There in her home? A Yes sir.

Q And these other parties were there? A Yes sir.

Q Did you know that Mr. Bradley was not there? A Yes sir, I knew that he was at his office.

Q What did you want there if you knew he was not there? A I wanted to see what time he was coming home.

Q You wanted to see what time he was coming home? A Yes sir.

Q You knew that Mr. Bradley had an office in San Francisco? A

A Yes sir.

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Q But you did not go there? A No sir.

Q You went right to where he lived? A Yes sir.

Q Were there any children there? A I don't know that there were any children; I think she had a child-- a small one.

Q It was Mr. Bradley's child, wasn't it^{too}? A I think so.

Q How many children did they have? A I think only one.

Q What was it a boy or a girl? A I don't know.

Q You did not see the child? A No sir-- I have seen the child out in a baby carriage.

Q You saw a small child out in a baby carriage which you supposed belonged to Mr. Bradley? A Yes sir.

Q At that time did you intend to dynamite them? A I did not think about it.

Q You was there to kill Bradley? A Yes sir.

Q And after getting acquainted with Mrs. Bradley and finding out that there was a baby there and three servants in the house, you waited for Bradley to come home did you? A Yes sir.

Q And you got some strychnine and put it in the milk on the back porch? A I did put some in, yes sir.

Q In the meantime you had got acquainted with the Bell girls?

A One of them, yes sir.

Q Go around with her any? A No sir.

Q Court her any? A No sir.

Q Call on her at all? A No sir.

Q How did you get acquainted with the Bell girls? A Mr. Jubini introduced me to one of them.

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Q And the other you got acquainted with in the flats? A No sir, I never spoke to her at all.

Q Did you use to call on the cook? A No sir.

Q Did you take her out anywhere? A Yes sir.

Q Around to places of amusements-- around to theaters? A To the theater once.

Q How many times did you go out with the cook? A Just once.

Q Did you learn their habits? A I don't know that I did.

Q You learned where the milk was set after it was brought?

A Afterward, yes sir.

Q How did you learn that, from the cook? A No sir, I saw the milkman take it up there.

Q And you knew there was a family of a woman and baby, three servant girls and a man? A Yes sir.

Q And they took milk for family purposes? A Yes sir.

Q Did you tell this cook to look out for the milk and not use any of it? A No sir.

Q Or take care of the baby and see that it did not get any of it? A No sir.

Q Then you intended to poison the whole family? A I thought that he would get it first-- Mr. Bradley, when he went to his breakfast, before any of the rest of them.

Q Where did you learn that he ate his breakfast first? A He ate very early in the morning. I had a room where I could look in and see him.

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Q Why didn't you take a shotgun and shoot him? A It was too far away, and then it was daylight.

Q And that was the only reason? A No sir, it was in the daytime and I did not want to do that.

Q So, in order to get Bradley you was perfectly willing, although you hadn't any instructions to that effect, to kill his innocent wife and daughter and his three servants? A I did not think about that.

Q Didn't think about it? A No sir.

Q Great heavens! You knew when you put strychnine in the milk- -

MR. BORAH: We object to that as argumentative.

THE COURT: The objection is overruled.

A I had gone so far in that business that I did not think or care much.

Q You were perfectly willing to kill the whole bunch of them?

A I did not think about that.

Q How long was it after the night you took the cook to the theater that you put the strychnine in the milk? A It was before that.

Q After you had tried to kill her with strychnine you took her to the theater to see the show?

MR. HAWLEY: We object to that as not founded on fact, and there is no rule of evidence that permits it.

THE COURT: I will overrule the objection.

Q Did you answer that? A Yes sir.

THE REPORTER: There has been no answer.

Q Read the question.

The question was then read.

A I took her to the theater.

Q How long was it after you tried to poison her with strychnine?

A Did I say I took her after or before that?

Q You said after that? A I think I took her before that.

Q You want to change that, do you? A Yes sir.

Q And after taking her to the show you tried to poison her?

A Yes sir.

Q Was that because she did not appreciate the show? A I did not think about her.

Q Was that the cause of it? A No sir, I don't think it was.

Q How long was it before you tried to poison her? A I don't know just how long it was.

Q You went to some drug store and bought this strychnine did you? A Yes sir.

Q In a powdered form? A No sir.

Q What form was it? A It was kind of crystals, about the size of gun powder, I think.

Q It was not liquid? A No sir.

Q How much did you buy? A I bought a dime's worth.

Q What time was it that you attempted to poison the Bradley family with reference to the time you dynamited them? A I think it was a couple weeks before.

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- Q About two weeks before? A I think so, I am not positive about that-- possibly not so long.
- Q You went to the drug store and got this strychnine? A Yes sir.
- Q Did you have any trouble about buying it? A No sir.
- Q What did you inquire for? A I inquired for strychnia.
- Q You said strychnine, didn't you, the other day? A I guess I said strychnine.
- Q You wasn't so careful about pronouncing it then as you was to use it? A I think they call it strychnine.
- Q How much did you buy? A I think ten cents worth -- maybe two-bits worth.
- Q Had you ever used this kind of strychnine before? A No sir, I never had.
- Q Did the druggist ask you what you wanted it for? A No sir, I don't think he did.
- Q He went right behind the counter and got it and handed it out to you? A Yes sir, he did.
- Q Was it an old man or a young man? A I don't ~~remember~~ remember.
- Q Did he put a poison label on it? A Yes sir, on the bottle.
- Q You had a bottle, did you, how large? A Possibly a drachm or a drachm and a half bottle, I think.
- Q Well, as compared as to one of those ink bottles, what do you say? A It is nothing like as large as them.
- Q What? A It is nothing like that; it is about as big around as your finger.
- 772 Q As big around as your finger and you indicate your thumb; and

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how long? A Oh, an inch and a half or two inches.

Q And how near full was it? A I think it was about half full.

Q And then you took that around to where you saw the milkman deposit the milk? A Yes sir.

Q You had observed that from your window morning after morning?

A I had seen him coming up there.

Q So that that was up on the third story? A It was the back entrance up to the third story.

Q So that when you followed the milkman over you had to climb two flights of stairs? A I had to climb three flights of stairs.

Q That would put you on the fourth story, don't it? A The back end is a story higher than the front; the house was on a side hill.

Q So you had to go up three flights of stairs? A I think it is three flights.

Q How long had the milkman been gone when you got there?

A I was there when he came there. There was a flat roof on his back story and I got over on there before daylight.

Q You went out before daylight and laid in wait for him there?

A Yes sir.

Q Were there other milkmen coming there? A I think so, to other places.

Q Any other people besides milkmen showed up there that morning?

A I don't think there were.

Q This was some time the latter part of October or fore part of

November? A Yes sir.

Q What time in the morning was it you got there? A A little before daylight.

Q And you laid on a flat roof there somewhere? A I laid on a flat roof three or four or five feet above the roof on the back part.

Q What kind of bottles were they? A They were glass bottles.

Q And how large? A I think that two were pints and two were quarts.

Q And all these people who came up there entered at the door to Bradley's apartments? A Yes sir, I think so.

Q And as soon as the milkman went away you took out the stoppers of those bottles and distributed your strychnine among them?

A Yes sir, I did.

Q Knowing at the time that if that milk was used it would probably poison that entire family? A I think so; it would poison some of them.

Q Expected it and wanted it to do so? A I wanted to poison Mr. Bradley.

Q Did you know that strychnine would dissolve in milk? A I did not know.

Q Did you know what effect it had on milk? A No sir.

Q Did you know what effect milk had on strychnine? A No sir. I found out afterwards that it was bitter.

Q How did you find that out? A Mr. Jubini told me.

Q How did he come to tell you that strychnine was bitter? A They

fetches a bottle of that milk over and wanted him to have it analyzed and he told me he tasted of it and it was bitter.

Q When was it you had the conversation with him? A That morning that I put it up there.

Q That same day? A Yes sir.

Q Did Jubini have anything to do about it? A No sir, not so far as I put it in.

Q But you got your information from Jubini about the milk, did you? A No sir, I did not. I got my information about its being bitter from him afterwards.

Q You did not know anything about its being bitter except what Jubini told you? A No sir.

Q Mr. Jubini told you this about strychnine making the milk bitter in connection with one of those bottles that you put the strychnine in? A No sir, he told me nothing about strychnine being bitter.

Q Who did he say had brought the bottle over to the store?

A I think he said one of the girls or Mrs. Bradley, I don't know which; they brought it over and wanted him to get it analyzed, and wanted to get some milk of him.

Q What was done with it, did he tell you? A I don't know that he did tell me; he said they fetched it over and wanted him to take it and get it analyzed.

Q Did he take it and get it analyzed? A I don't know.

Q But he said some of the Bradley people had brought it over to get him to get it analyzed? A Yes sir.

- Q How did he come to tell you that? A I was in there in the morning after I got up? I used to go into his place in the morning after I got up and he had a bottle of milk on the end of the bar and I asked him if he was selling milk, and he told me about this thing.
- Q You was over there to get a drink, was you at the bar? A I used to go over there and get a drink, yes sir.
- Q What is this man Giubinni's first name? A Lawrence, I think.
- Q How do you spell that second name? A I cannot spell it.
- Q How was it on the door, you saw it? A I may have.
- Q You pronounce it Jubeeny? A Yes sir.
- Q Where was his place of business? A At the corner of Leavenworth and Washington streets.
- Q Does his name commence with J or G? A With an L; his name was Lawrence.
- Q I mean his second name? A Oh, G.
- Q Gubeeny, do you think would spell it? A I don't know.
- Q What was Mrs. Crowe's first name? A I don't know that.
- Q Although you took her to the theater you did not get acquainted with her to that extent? A Yes sir.
- Q What aged woman was she? A About 35.
- Q Was she a widow or a married woman? A She said she was a widow.
- Q Did you go to bed after poisoning this milk? A I think I did, yes sir.
- Q And when you got up you went over to Giubinni's to get a drink?
- 776 A Yes sir.

Q And lo and behold, there was one of the bottles of dangerous milk there on the counter? A Yes sir.

Q Did you go to sleep after you put this poison in the milk?

A I think I did.

Q You went to bed and went to sleep and had part of a night's rest ~~before~~ before you got up and went to Giubinni's for your drink? A Yes sir.

Q I want to see if I can refresh your recollection any by a little extemporaneous spelling; one of my friends here spells it Giovini? A I don't know anything about it.

MR. BORAH: We will give you that spelling after we adjourn and tell you where he is.

MR. RICHARDSON: All right. We will not bother you any more about the spelling then; we will take Mr. Borah's statement about it.

Q You got no result from the poisoning? A No sir.

Q What were you doing after you had failed to succeed in poisoning Mr. Bradley? A Went and made a bomb to see if I could not put it at his door.

Q Why didn't you abandon it just as you had the Peabody matter when you failed to succeed in that?

THE COURT: This is the hour of adjournment; do you wish to go ahead?

MR. RICHARDSON: It don't make so much difference to me; probably we better not break the rules.

Thereupon the court admonished the jury in accordance with the statute, the witness and defendant were remanded into custody, the jury retired in charge of the bailiffs, and court adjourned until 9:30 o'clock A. M., Tuesday, June 11th, 1907.

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Boise, Idaho, Tuesday, June 11, 1907.

9:20 o'clock A. M.

Parties met pursuant to adjournment.

Minutes of the session of June 10th read and signed by the court.

The clerk called the names of the jurors and announced all were present.

WITNESS HARRY ORCHARD ON THE STAND.

CROSS EXAMINATION CONTINUED

BY MR. RICHARDSON.

- Q Where was your room with reference to Bradley's house?
- A That room do you mean? I had several different rooms.
- Q I mean the room that you had at the time you started in to poison Bradley and afterwards to cyanide him? A It was on Washington street about -- not hardly the middle of the block from Mr. Bradley's residence on the same street.
- Q And on the opposite side of the street? A No sir, it was on the same side of the street.
- Q So that you looked along down the street, or down the alley to see the back part of Mr. Bradley's house? A The room I had was on higher ground than his house was and I could see from my room about the middle of the building-- perhaps I could see the whole side of his residence where he lived.

- Q Were you in the same flats where he was? A No sir, I was not. I was in the block opposite that and about, I think it was about No. 26 in the opposite block from where he lived.
- Q It was on the same street, was it? A Yes sir.
- Q Not farther up the street, going up the hill? A Yes sir.
- Q And in the same block? A No sir.
- Q In the next block? A Yes sir.
- Q In the second block-- that is, the first block from the block where Bradley's house was? A Yes sir.
- Q Were you on the side towards the corner-- were you so you could look down on his corner-- that is, was his corner nearest you or on the other end? A No sir, the whole side of the house where he lived I could see where I was.
- Q You had a room in the rear of the house, did you? A It was about the center, I think.
- Q Was it a rooming house? A They kept a few roomers; I think there were two or three there.
- Q But you could look right over the buildings between you and him? A I don't think there was any buildings, but if there were I could look over them.
- Q There was a vacant lot there, or the buildings were not as high as your roof? A Yes sir.
- Q Was this a rooming house you were in? A There were a few rooming there, I think-- two or three.
- Q How long did you have your room there at that place? A I think, four, five or six weeks.

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- Q You had made no preparations toward dynamiting Bradley until your strychnine plan failed? A No sir.
- Q None whatever? A No sir.
- Q And you had brought no material from Denver with you with which to make your bomb? A No sir.
- Q None whatever? A No sir.
- Q So you had to get the whole outfit there in San Francisco?
- A I had the powder I had got some time before that.
- Q You had got the powder before you got the strychnine? A Yes sir.
- Q About when was it that you got that powder? A I think it would be in October.
- Q You think it was in October? A Or some time the last of September.
- Q Are you able to give us any definite date on that, or anywhere near a definite date? A I think it was the last of September or the first of October; that is as near as I can give it.
- Q Say within two or three days, one way or the other, of the first of October? A I would not say that.
- Q Well, within a week of the first of October? A I cannot say that.
- Q Well, within two weeks of the first of October, one way or the other? A Possibly that, but I would not say positive.
- Q You cannot give it definitely then within a month, or two weeks each way from the first of October? A I would not fix

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the date, but I think it was about the last of September or first of October-- I am not positive.

Q You went down on Market street to get that powder? A Yes sir.

Q Do you know of more than one store in San Francisco where powder was sold? A No sir, I don't, but I found that one where I could get it.

Q How did you find it? A I was looking for some place where I could get it.

Q And that was the Judson Powder Company? A I think it was.

Q And that was four or five blocks from the Ferry house on Market Street? A I don't know where the Ferry house is.

Q You know where you take the Ferry to go over to Oakland?

A Yes sir.

Q And you know where the Chronicle office was? A Yes sir.

Q And it is only four or five blocks from the Ferry up to the Judson Powder Company? A I don't know; I think it is more than that.

Q It was nearer the Ferry than it was to the Chronicle office, wasn't it? A I think it is nearer the Chronicle office.

Q Was it on the north or the south side of the street? A It is on the same side as the Chronicle office.

Q That is the north side of the street? A I thought it was the east side; I am not sure.

Q And there was a hardware store where the Judson Powder Company had their place of business? A No sir, there was no hardware store that I remember.

- Q You are quite certain it was the J. J. Powder Company? A I think it was.
- Q Don't you know? A That is as near as I can recollect.
- Q Well, to the best of your recollection then, we will say, it was the J. J. Powder Company? A Yes sir.
- Q What time of day was it that you went in there? A I cannot say what time it was, but I ordered it one day and went and got it the next day or day after.
- Q You had to place your order for it and they had to send and get it for you, did they? A Yes sir.
- Q What kind of a locking was it that you bought this powder from? A I would not be able to remember.
- Q Can you describe him at all? A No sir, he was on one side looking through a little window like a back place, and I don't remember.
- Q Was that a big office? A No sir.
- Q More than one man in it? A Yes, there was more than one man there.
- Q Just a little bit of an office in one of those buildings where the streets come down entry-corners? A Yes sir.
- Q And in all these buildings where the streets come into Market Street the buildings run into a corner? A Yes sir.
- Q And this was a small office room? A Not a very large one.
- Q You cannot say whether there was more than one person there or not? A Yes sir.
- Q How many? A I remember seeing two.

- Q How large a place did the customers have when they came in there? A Not very large; probably six or eight feet in front of the counter.
- Q How many customers were there in there? A I don't remember of any while I was there.
- Q None at all? A I don't remember of any.
- Q What did you say to the man behind the counter? A I told him I wanted ten pounds of dynamite.
- Q Can you give us any estimate of his age? A No sir, but he was a youngish man.
- Q Were a beard? A No sir, I don't think so.
- Q He did not wear a full beard? A No sir.
- Q Can you give us any description of him? A No sir, I would not be able to.
- Q You don't know whether he was tall or short? A No sir.
- Q Fat or thin? A No sir.
- Q Big or little? A I couldnot tell, you, I don't remember.
- Q Was that the first powder you had ever bought in a regular powder store? A No sir.
- Q It was not? A No sir.
- Q You had had lots of experience, had you, buying powder?
A I had had some.
- Q What other stores had you ever bought dynamite in? A I had bought some in Salt Lake City.
- Q When was that? A When I was working out at the mouth of

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Little Cottonwood Canon.

- Q You had been into a store and bought dynamite at that time?
- A Yes sir.
- Q Nitro Salitine powder, or whatever you call it, or nitro glycerine? A I think it was Hercules powder.
- Q It is all dynamite? A Yes sir, it is dynamite.
- Q At what other places had you ever bought dynamite? A I don't remember now that I ever bought any anywhere else.
- Q At Salt Lake were you obliged to give your name and address and residence when you bought dynamite? A I think we ordered it there and the men we were contracting for went and for it.
- Q How you went in, an absolute stranger, into this place on Market Street, the Judson Powder Company, and ordered ten pounds of dynamite? A Yes sir.
- Q Nothing said about your identity? A They asked us what I wanted it for and wanted a name.
- Q What name did you give them? A Well, I don't remember exactly.
- Q Why not? A Because I gave them some fictitious name.
- Q Where did you get this name? A I just thought of it when they asked us for it.
- Q You did not go to the directory and pick out the name of some man in San Francisco? A No sir.
- Q And you have had so many names that you don't remember which one that was? A I don't remember now.
- Q This was a new name entirely that you used for that occasion alone? A Yes sir.

- Q Did they ask you where you lived? A Yes sir.
- Q What did you tell them? A Outside the city a little.
- Q What was the name of the place you gave them as the place where you were living? A I don't remember.
- Q You don't remember that? A No sir.
- Q Why not? A I don't know why; it was because I was not telling them the truth, I suppose.
- Q In what direction was the place which you told them? A I don't remember that.
- Q What places are there around the city there? A There are lots of places around the city.
- Q I want to get at the number of places that you know of that you might have given them? A I don't remember that I gave them the place exactly. I told them I resided outside of the city on a little ranch, I believe.
- Q On a little ranch? A Yes sir, I believe so.
- Q Then you did not give them the name of any place outside of the city? A I have forgotten whether I told them or not.
- Q Do you mean you don't remember whether you gave them a post-office address or not? A No sir, I did not give them any post-office address.
- Q You are sure about that? A Yes sir.
- Q And all you told them was that you lived on a ranch outside of the city? A Yes sir.
- Q Why didn't you tell me that in the first place? A I think I did.

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- Q You said you told them that you lived on at some little place outside the city? A I think I said on a ranch.
- Q You remember that you told them that you lived on a ranch outside of the city? A Yes sir, I think I did, and they wanted to know what I wanted of this powder and I told them I wanted to use this powder to pull out some stumps with, and told them something about a ranch.
- Q And that is the best you can give? A Yes sir.
- Q And that is all they asked you? A They asked what I wanted to use it for, and I told them, to blow out some stumps.
- Q And did they ask you where this ranch was? A I don't know as they did.
- Q Don't you know there is not a stump within a hundred and fifty or two hundred miles of San Francisco? A Yes sir, I know there is lots of them.
- Q Where? A All around, up in the Sacramento Valley, there are lots of them.
- Q Where is the nearest place, outside of the parks in San Francisco, that you know of any trees growing? A Oh between San Francisco and Caliente Springs, for sixty miles there, within the city limits.
- Q Of San Francisco? A Yes sir.
- Q Where is Caliente Springs? A Up the bay from San Francisco.
- Q North or south? A I am not sure what direction it is.
- Q Do you mean the city limits of Caliente Springs? A No sir,

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of San Francisco.

Q San Francisco has city limits sixty miles out, has it? A I don't know about that.

Q Which direction is Gallente Springs from San Francisco?

A I think it is north.

Q You cannot go north from San Francisco a minute without walking on the water, can you? Now stop and think of that.

A I don't know, but there is a airline that runs up there.

Q That is up towards Sacramento? A No sir.

Q Is it down towards San Jose? A No sir.

Q Is up past Santa Rosa? A Yes sir, I think so.

Q Now, you cannot get out of San Francisco on the north, east or west except by going on the water, can you? A You can go out the way we went.

Q How did you get to the electric road? A Go across the bay.

Q That is what I said, that you cannot possibly get out of San Francisco in that direction without going on the water?

A I misunderstood you. You go across the bay and get this electric road.

Q So the road is at least ten or fifteen miles out of San Francisco? A I don't think it is that far.

Q And then you do get some timber, do you? A Yes sir.

Q Were you ever on a ranch out there? A I was on a ranch out there, yes sir.

Q Were you residing at this place, on the same street that

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- Bradley was on when you bought the powder? A. No sir.
- Q. Where were you residing then? A. Out near the Precinct.
- Q. What was the name of that place? A. Near the Precinct, right near Harbor View, a place they call Harbor View.
- Q. Give us the name of the street. A. I don't know the name of the street. It is a street that runs right into the Precinct.
- Q. Don't know the name? A. I think it is Blake, but I don't know.
- Q. Don't know who ran the house? A. I know if I can think of his name. His name was Mathias.
- Q. What was his first name? A. I don't remember. The place to call him Mat.
- Q. Do you know how long you lived there? A. I don't know exactly how long.
- Q. How long did you live there after you got the powder?
- A. Well, I was there some little time after.
- Q. Let us get these places that you lived. The first place that you lived was at the Golden West Hotel? A. Yes sir.
- Q. How long was that? A. I think I was there about two weeks.
- Q. Where was the second place you lived? A. It was down on the west side. I forget just what street it was on.
- Q. What name did you go under at the Golden West Hotel?
- A. I went under the name of Hagan or Humphrey, I am not sure which.
- Q. When you talked about the west side what do you mean, over toward Golden Gate Park? A. No sir, I mean on the opposite side from there. I mean on the left hand side of Market Street. I am not sure that it is the west side, I think it is.

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- Q. That would be the south side, wouldn't it, of San Francisco?
- A. I am not sure about the directions in San Francisco.
- Q. Tell us the street you lived on there? A. I can't remember the street.
- Q. Do you remember the number? A. No sir, I do not. It was a private place.
- Q. Do you know how long you lived there? A. I lived there I think three or four weeks.
- Q. Do you know the names of the people you lived with?
- A. No sir, I do not.
- Q. Do not? A. I do not remember that.
- Q. What was your name while you lived there? A. I think I went by the name of Hagan or Dempsey, I am not sure of that.
- Q. That is the same name that you went by at the Golden West Hotel? A. Yes sir.
- Q. You are not sure whether you went by either of those names?
- A. No sir, I am not.
- Q. Those names have a sort of a familiar sound to you, is that the reason you use them? A. I went by them.
- Q. How large a family was in this place on the south side?
- A. There was two girls and the old man and his wife, I think that is all there was in the family.
- Q. Other rooms there? A. Yes sir, I think there was one or two.
- Q. Do you remember the first names of the girls? A. No sir, I do not.
- Q. How their last names either? A. No sir.
- Q. How the old man nor the old lady? A. No sir, they were German people.
- Q. Don't know the names of any of the people who roomed there with

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- you? A. Nobody round there with me -- in the room I occupied.
- Q. Well, in the same house? A. No sir, I didn't become acquainted with them.
- Q. Although you think there were two or three there? A. I think there was, yes sir.
- Q. What kind of a looking house was it? A. A frame house back from the street a little bit.
- Q. Can you tell what kind of architecture it had? A. No sir, I don't think I could describe it very well. It was a frame house, quite high, a two story house.
- Q. A bay window on the house or a plain front? A. I think it was a plain front.
- Q. That is as near as you can tell? A. Yes sir.
- Q. Don't know how far it was off from Market Street?
- A. It was about five or six blocks off from Market Street.
- Q. Five or six blocks off of Market Street then is the nearest description you can give of the place or anybody associated with it? A. As near as I can give I think it was about five or six blocks off of Market Street to the -- and about 10th Street, and I am not positive about that.
- Q. Where is 10th Street with reference to the city hall?
- A. City hall?
- Q. I mean the San Francisco city hall out on Market Street at the corner of -- A. Oh, yes, I know where it is now.
- Q. All right. A. Well, it was pretty near opposite that I think down -- across Market Street in the opposite direction of what I call the west side.
- Q. Was it on a street car line? A. There was a street car line west past there, yes sir.

- Q. In front of the house? A. Yes sir.
- Q. Did that street car line run up back of the city hall?
- A. I don't think it did. The street car line that I speak of went the opposite way from that.
- Q. Where did you next go? A. I went from there to Colliente Springs.
- Q. How long were you gone to Colliente Springs? A. Three or four weeks I think.
- Q. Do anything towards your acquainting up there? A. No sir.
- Q. Did you carry the powder along with you or didn't you have it there? A. I didn't have it there.
- Q. Who did you see up at Colliente Springs that you know, if anybody? A. I didn't see anyone up there that I knew then. I got acquainted with a man up there, this Watkins that I spoke of.
- Q. Watkins was up there at Colliente Springs, was he? A. Yes sir.
- Q. Was that the reason you went back to room at his house?
- A. Yes sir.
- Q. When you went back to San Francisco? A. Partly the reason when I went back.
- Q. How long did you and Watkins stay up there? A. I think I was up there three or four weeks. Watkins came back before I did.
- Q. Was Watkins up there when you got there? A. Yes sir.
- Q. Is there any other person that you got acquainted with up there? A. I got acquainted with a man by the name of Williams up there, too.
- Q. Keep up your acquaintance with him after you came back?
- A. I see him a few times.

- Q. Who was Williams, what did he do? A. He was a soldier out at the Presidio.
- Q. And that was also near Michler's place, was it? A. Yes sir.
- Q. Well, are these all of the people you got acquainted with?
- A. I got acquainted with others, but I don't remember the name of any of the others.
- Q. What did you do up there at Caliente Springs? A. I didn't do anything only around the springs like everybody else that was there in the summer time. It was a kind of a summer resort.
- Q. Any gambling going on? A. No sir, I didn't gamble up there.
- Q. None at all? A. No sir.
- Q. Any card playing in the hotel? A. Yes sir, card playing.
- Q. Did you join in the card playing? A. I think I played some cards for drinks.
- Q. You are a handy man with the cards, aren't you, Mr. Orchard?
- A. I don't know what you mean by "a handy man" hardly.
- Q. What is commonly known as a card sharp?
- A. No sir, I am not.
- Q. Aren't you an expert in handling cards?
- A. No sir, I am not.
- Q. And haven't you been for a good many years?
- A. No sir.
- Q. Haven't you claimed to be? A. No sir.
- Q. Haven't you practiced that ever since -- A. I have played cards but I never became an expert, what I would call an expert.
- Q. You commenced playing cards and gambling before you left Canada, didn't you, when you was a boy? A. I gambled very little before I left Canada.
- Q. Well, you commenced it in a small way, didn't you?
- A. I played cards but I never gambled \$20 while I lived in Canada.

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- Q. Did not? A. No sir.
- Q. But you played cards and became known as an expert at cards before you left Canada? A. I don't think I became known as an expert.
- Q. You was the best card player in that neighborhood, wasn't you? A. No sir, I don't think so.
- Q. When you played you played to win, and you were a winner? A. When I played I played to win. When playing cards I done in Canada was for parties or possibly for drinks occasions.
- Q. Well, you spent a little time then playing cards up there at Saliente Springs, did you? A. I played some for drinks, yes sir.
- Q. About all the amusement there was up there, outside of getting ^a bath once in a while, wasn't it? A. No, there was other games there, too.
- Q. What were the other games? A. Croquet and tennis.
- Q. Did you play croquet? A. No sir, I did not.
- Q. Play tennis? A. No sir.
- Q. You stuck to the cards so far as you played any games? A. I may have shook dice for drinks besides that.
- Q. Did you do any gymnastics while you were up there? A. No sir, I did not.
- Q. Did you have any gymnastic along with you? A. No sir, I did not.
- Q. Or any kind of paraphernalia to commit murder with? A. I had a six shooter I think and a shot gun.
- Q. Had them along, did you? A. Yes sir.
- Q. Go out hunting any while you were up there? A. ^{no} Yes sir.
- Q. Well, you came back to San Francisco after three weeks, did you,

and went out to this place near the Presidio? A. About three weeks.

Q. Do you remember the name of that street or the number of the place? A. I don't remember the number; I am not sure about the name. I think it was Mike Street, but I am not sure about that. It was a street -- it was on the corner of the street that drove right into the Presidio that came out on Van Ness Avenue, that is called the drive.

Q. A good many streets there that run into the Presidio, isn't there? A. There is only two from there.

Q. And this was the one that was called the Drive? A. Yes sir.

Q. You lived on the drive in San Francisco by way of Van Ness Avenue to the Presidio? A. I lived on the corner of this street that you drove into the Presidio on and a block away from the Presidio, and the street that runs down the other way near the Harbor View.

Q. Was the street you lived on the one that is called the Drive?

A. On the corner of it, yes sir.

Q. You know that that street is called the Drive, do you?

A. That is what I heard it called.

Q. Who did you ever hear call it that? A. Oh, different ones called it that.

Q. Is there any street in San Francisco that is called the Drive?

A. I don't think it is called that as a street.

Q. Don't think so? A. No sir.

Q. While you were up there did you do anything towards your assignment? A. I got the apartment where I was there.

Q. While you was out there? A. Yes sir.

- Q. You took it out there, did you? A. Yes sir.
- Q. How long did you have it out there? A. I possibly had it there a week or two, about that I think.
- Q. Did you get anything else to go along with the dynamite while you were out there? A. I am not sure whether I got some giant caps or had some. I have forgotten which.
- Q. Where did you get your giant caps? A. I think I had them with me. I think they were some caps that Floyd Miller got me at the same time he got the powder in Cripple Creek.
- Q. I thought you said you hadn't carried anything from Denver with you at all looking toward dynamiting? A. I think possibly I had a box of caps.
- Q. When you want to connect your testimony in that respect, do you? A. I wouldn't say for sure, but I think I had those caps.
- Q. And you think you bought those too, did you? A. No sir, I didn't buy them if I had them myself.
- Q. Well, I presume that that is true, but I want to know whether you did buy them or whether you had them. I would like to have you think about that and let me know. A. I am not positive whether I had them with me or whether I bought them when I got the powder in San Francisco.
- Q. If you bought the giant dynamite caps did you buy them of the Jackson Powder Company? A. Yes sir, if I bought them there.
- Q. If you bought them in San Francisco did you buy them of the Jackson Powder Company? A. Yes sir, I did.
- Q. In any event, you don't remember of buying any giant dynamite caps at any other place? A. No sir, I do not.
- Q. What else did you buy? A. I don't know as I bought anything else in that line.

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- Q. Had to have some salutaris acid, didn't you? A. Yes sir, I bought some acid.
- Q. Had to have some potash, didn't you? A. Yes sir.
- Q. Had to have some sugar, didn't you? A. Yes sir.
- Q. Where did you get these utensils? A. I bought them at a drug store, if I bought them.
- Q. I know if you bought them you bought them probably at a drug store, but did you buy them? A. I think so. I bought them at a drug store in San Francisco, I am quite sure.
- Q. Which drug store? A. I couldn't tell you which drug store.
- Q. Couldn't tell not? A. No sir.
- Q. The nearest you can say is you are ^{quite} sure you did buy them and you bought them somewhere in the city of San Francisco?
- A. Yes sir.
- Q. There is more than one drug store there, I presume?
- A. I think there is.
- Q. You don't know which one of them? A. No sir, I do not.
- Q. Did anybody ask you about what you was going to use salutaris acid for? A. There was one man asked me in a drug store when I went to buy some, yes.
- Q. Did you tell him? A. I told him I was going to do some experimenting with it.
- Q. What did he say to you? A. He wanted to know what I was going to do with it.
- Q. What did you say to him? A. I told him I didn't think it made any difference to him.
- Q. What did he say then? A. He said he couldn't sell it to me.
- Q. Then you told him you was going to experiment with it?

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- A. I did tell him that before.
- Q. Thereupon he refused to sell it? A. He refused to sell it to me.
- Q. He refused to sell it to you. Then you went to another place and bought it, did you? A. Yes sir.
- Q. Have any trouble to get it any other place? A. No sir.
- Q. What form of potash was it you used? A. It was in a powder, or little chunks, chloride of potash.
- Q. Chloride of potash? A. Yes sir.
- Q. A little powder? A. It is sometimes in a powder and sometimes in little chunks, usually in chunks.
- Q. Have any trouble to get that? A. No sir.
- Q. No trouble? A. No sir, I never had any trouble to get sulphuric acid, but that place.
- Q. Was it chloride or chloride of potash? A. Chloride I think.
- Q. Chloride of potash? A. That is the way I pronounce it. I don't know how to spell it, or pronounce it right maybe.
- Q. Now it is chloride of potash, is it? A. That is what I call it.
- Q. Well, there was no trouble about getting that? You could get that anywhere? A. I never had any trouble getting it.
- Q. And you got it? A. Yes sir.
- Q. And got it at some store in San Francisco? A. I think I got it there. I don't think I had any with me. I might have had some with me.
- Q. Then you really don't know whether you got that potash in San Francisco or not? A. I am not real positive whether I had it with me or whether I bought it there.
- Q. Where did you get your sugar? A. I think I got it at the

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restaurant where I was eating.

Q. You could get that without trouble anywhere? A. Yes sir.

Q. Didn't require much of that? A. Yes sir.

Q. Took it off the table and put it in your pocket, did you?

A. I think I did, yes sir.

Q. Was lump sugar or fine sugar or don't you remember?

A. I pulverized it as fine as I could.

Q. If you pulverized it you took it off the table then in the form of lumps I presume? A. No sir, I don't think I took it in lumps.

Q. It was already crumbled probably when you took it from there?

A. Yes sir.

Q. And you pulverized it after that? A. Yes sir.

Q. But you don't know about that. Don't know where you got it?

A. I couldn't say just where I got it, no sir.

Q. How when you got it? A. I couldn't say just when I got it either.

Q. As far as the potato then is concerned and the sugar and the sulphuric acid you are not certain absolutely that you got them in San Francisco at all? A. I am certain I bought the sulphuric acid in San Francisco.

Q. Not one of the other things? A. No sir, I am not.

Q. And as to the eggs you are not certain that you got them in San Francisco? A. I am not, no sir.

Q. But as to the sulphuric acid and dynamite there can be no mistake about that? A. No mistake, no sir.

Q. And as to the dynamite you are certain of the place that you got it? A. I am, yes sir.

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- Q. And the time within a month? A. Somewhere about that, yes.
- Q. Somewhere about a month. How long did you have those out-lets out there at your room near the President? A. I think I had the dynamite there at all a week or possibly a little more, maybe two weeks.
- Q. Where did you room then? A. I roomed out there on what I think was Blake Street within a block of the President.
- Q. I know, but I say how long did you remain there, how long before you moved to somewhere else? A. I am not sure just how long. I think it was three or four weeks.
- Q. Where did you go to then? A. It might not have been that long. I went over on Washington Street.
- Q. That is the street that Mr. Bradley lived on? A. Yes sir.
- Q. How long were you living on Washington Street? A. I am not sure just how long I was living there? A. I think three or four or five weeks, possibly more.
- Q. What was the number of the building that you lived in?
- A. I think it was 1336.
- Q. What was the number that Bradley lived in? A. I think it was 1402 or 4, I am not sure which.
- Q. About a full block and a half or about a block and a half way? A. No sir, it wasn't a block and a half way.
- Q. A block and a quarter? A. No sir.
- Q. A little over a block? A. No sir.
- Q. Less than a block? A. Yes sir.
- Q. He was in the 14 block and you were in the 13s, or didn't they break with the first numbers there at the end of the street? A. I couldn't say just how it is. I think that his

- was 1405 and this run up to 1800, that would be about a difference of 25 or 30 numbers between where he lived and where I lived.
- Q. About a half a block then? A. Less than a half a block.
- Q. How did you bring that powder with you from this place near the Precinct? A. Yes sir.
- Q. And all your other paraphernalia? A. Yes sir, everything I had.
- Q. That was all before you arranged to be strychnine in the milk, was it? A. No sir, it was not.
- Q. Didn't have all of the staff? A. Yes, it was before I arranged that, yes sir.
- Q. Then you had all of the staff then when you was over at the Precinct to dynamite his wife? A. I had the dynamite, yes sir.
- Q. Then you changed your plans and concluded to poison him and his family? A. Yes sir, I did.
- Q. Then was it you made up your mind to abandon the dynamite and use the poison? A. When I noticed this milk come in there.
- Q. That is what changed your plan in regard to that, was it? A. Yes sir.
- Q. How long was it after you failed in the poisoning that you started in with your dynamiting? A. Just shortly after.
- Q. Didn't have to buy any materials then, you were already fixed all right, weren't you? A. I bought this lead case afterwards.
- Q. Then was it that you attempted to poison Mr. Bradley? A. It was just before I used that bomb.
- Q. How long? A. I don't know just how long. It wasn't very long.

- Q. Do you know the day that you used the bomb? A. No sir, I don't know the day. It was on a Monday morning, I know the day of the week.
- Q. Was it November 10, 1934? A. I think it was at the middle of November, yes sir.
- Q. Well, can you tell us whether it was a week or ten days or two weeks before that that you had attempted to poison Mr. Bradley? A. I think it was less than a week.
- Q. Less than one week? A. I think so, but I wouldn't say positively.
- Q. Why won't you say positively? A. Because I don't remember.
- Q. You said it was about two weeks a minute ago, didn't you?
- A. I don't think I said any two weeks, no sir.
- Q. Don't think you did? A. No sir.
- Q. Anyway you can't say whether it was one week or two weeks?
- A. I wouldn't say.
- Q. Or ten days? A. I wouldn't fix the day, no sir.
- Q. But your best recollection now is it was less than a week?
- A. I think it was less than a week.
- Q. Haven't you looked up the notes on these writers since you have been out here in the penitentiary? A. No sir, I haven't.
- Q. Nor read anything with respect to it? A. No sir, I haven't read nothing with respect to that.
- Q. Had something about it since this case commenced, haven't you?
- A. No sir.
- Q. Not a word? A. No sir.
- Q. None of the interviews that purported to appear in the newspapers with any of these people out in San Francisco, haven't you read any of them? A. I have seen some of the articles,

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you a Jr.

Q. Then you have read something about it since this case started?

A. I thought you said in regard to the dates of it when it happened. I haven't seen any dates of when it happened.

Q. But you have read what was in the newspapers in regard to it?

A. I have read some of them, yes sir.

Q. Your recollection of it now is it was within one week of the time, that the dynamiting was within one week of the attempt to poison Bradley and his family? A. I wouldn't say it was a week. I don't think it was longer than that.

Q. What is your best opinion on it? A. I wouldn't say exactly what time it was. I don't think it was very long.

Q. In the book you have written you have got down all of those dates, haven't you? A. No sir, I haven't.

Q. Why not? A. Because I didn't think it was necessary.

Q. Don't your book show any of the dates? A. No sir, I don't think it shows a date.

Q. It wasn't because you didn't know the date but because you didn't think it necessary? A. I could have got them I think if necessary.

Q. For the purpose of the book? A. Yes sir.

Q. I would like to have this date now if you can get it for me.

A. I couldn't fix the date.

Q. Didn't see any pocket memoranda of your movements? A. No sir.

Q. Or anything of that kind. Why was that? A. I didn't think it was necessary to.

Q. Was it because you was afraid you might be identified by so doing, and that you might be caught and identified, is that the

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- reason you didn't want to do it? A. Perhaps that was one reason.
- Q. And yet you went into a house where people were taking care of your room and used this different stuff that you speak about around the room without any concealment, didn't you?
- A. I kept it in my grip or aimed to keep it in my grip.
- Q. You experimented there with it? A. Yes sir.
- Q. Put a screw-eye in the door of the closet, didn't you?
- A. Yes sir.
- Q. Put a string on that? A. Yes sir.
- Q. And attached that to a bottle? A. Yes sir.
- Q. And went off down town and left it? A. I didn't leave no bottle there.
- Q. Well, you left the string and the screw-eye, didn't you?
- A. Yes sir.
- Q. And you left a lot of stuff around there, didn't you, different things, a cork? A. I left the cork and the screw-eye.
- Q. The cork and the screw-eye and the string, didn't you?
- A. Yes sir.
- Q. And they were all in the closet, weren't they? A. In the door.
- Q. So that if anybody opened the door to the closet they would be sure to see the string, the screw-eye and the cork?
- A. They wouldn't necessarily have to open it to see them, I don't think; they were on the outside next to the room.
- Q. And you went off down town and left them there all day long while you were experimenting in the room? A. I left it there one day, yes sir.

- Q. Was that because you forgot it? A. Yes sir.
- Q. About to engage in a gambling and not wishing to get caught, and yet in a room that you occupied in San Francisco you left that screw eye in the door with the string and the cork on it?
- A. Yes sir, I forgot it there one day and left it there.
- Q. Was any explanation demanded of you by the landlady when you got back that night? A. No sir, there was not.
- Q. Herer said anything about it? A. No sir.
- Q. For aught you know to the contrary they never saw those things in the room? A. I don't know whether they did or not.
- Q. You were so careless that you forgot that those things might lead to your identification that in case any crime should happen?
- A. I ~~forgot~~ forgot it there.
- Q. She did you first tell that you had left that screw-eye in the door and that string and that cork? A. I have forgotten just who I did tell.
- Q. Did anybody talk with you about it? A. The first I think I told about it was when Steve Adams was arrested and brought up there. He said he saw an account of it in the paper before he got in there where there is a woman had recognized my picture and told about the string.
- Q. That was the first that you ever heard of it after you left San Francisco? A. I think it is the first I talked about it, spoken of it.
- Q. I asked you who you first told it to. A. I might have talked about it to Mr. Adams before that and I might have spoken to Mr. Pattibone and Mr. Hayward. I don't know whether I did. I remember of finding that there when I came back and thought it was kind of careless of me to leave it there.

- Q. Do you ^{know} a man by the name of James McFarland? A. Yes sir.
- Q. You told him about it? A. I have told him about it, yes sir.
- Q. Why didn't you tell me about that? A. You didn't give me a chance to tell you else I had talked to about it.
- Q. Then of all the men that you know you have talked to about it you didn't mention him, all you mentioned was the three men who are defendants in this case and one in another case?
- A. Well, usually you asked him who he first talked to.
- Q. You did talk to Mr. McFarland about it? A. I did, yes sir.
- Q. And you know that you talked to him? A. I do.
- Q. And you don't know that you talked to any of those others whose names you have mentioned but think you might have?
- A. I think I might have. I have talked to Mr. Adams about it, I know.
- Q. Ever talk to Mr. North and Mr. Hestley about it? A. Yes sir.
- Q. Frequently? A. Yes sir.
- Q. Did they tell you about it or did you tell them about it?
- A. They asked me about this.
- Q. When did you first learn that the woman regarded with suspicion the fact of this narrow eye and the string and cork in your room?
- A. When Mr. Adams told me about it when he was brought up to the penitentiary.
- Q. That was the first you knew about it? A. That was the first I knew about it.
- Q. Mr. Adams is a man whom you have known for some time?
- A. Yes sir.
- Q. A man who hardly ever reads the paper, isn't he?
- A. I think he reads it quite often.

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- Q. He isn't a very learned man and doesn't take much interest in public affairs, does he? A. He usually reads the paper, has since I have known him.
- Q. And yet he is the first man that mentioned this thing to you? A. He mentioned it, said he had seen it in the paper, when he came up to the penitentiary he said he had seen it in the paper that this woman whom I rescued there had recognized my picture and spoke of the little screw-eye being left in the door, and wanted to know if I remember about it.
- Q. Well, you stated that to us before, didn't you? A. That is what you asked me this time.
- Q. Well, while you were in your room in San Francisco you commenced to conduct experiments, did you? A. I was experimenting with that, yes sir.
- Q. Where did you get the plaster of paris that you had there? A. I didn't have any.
- Q. Didn't you tell us the other day that you had some plaster of paris in your room? A. I don't think so.
- Q. Don't think so? A. I don't remember of it.
- Q. Didn't have any anyway? A. No sir.
- Q. Well, it might have been another room, I don't know. Did you have anything else besides the things that you have mentioned? A. I had some things in my grip, yes sir.
- Q. What were they? A. I had some -- I had a shot gun, I had some clothes, sulphuric acid --
- Q. How much sulphuric acid did you have? A. I had a little bottle, about ten cents' worth.
- Q. How much powder did you have? A. I think I had about ten

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cents' worth of potash.

Q. How much would that be? A. Probably an ounce or so.

Q. How many giant eggs did you have? A. I had a box of giant eggs.

Q. Did you have those things out in the room where they could be seen? A. Not the giant eggs, no sir.

Q. A box of giant eggs, that means one hundred eggs I suppose?

A. I think so, yes sir.

Q. Well, now, did you take a whole box of giant eggs with you from Denver? A. I am not sure whether I took them from Denver with me or not.

Q. Doesn't the fact that you had a box full of giant eggs help to refresh your recollection as to whether you bought them in San Francisco or not? A. No sir, it does not.

Q. Just as liable to have taken a full box from Denver as to have bought a full box in San Francisco? A. If I did take them it was a full box.

Q. Was it more than you had left? You wouldn't buy more than a box at a time? A. Sometimes I bought two boxes.

Q. Sometimes you did? A. Sometimes I had two boxes bought.

Q. When had you ever bought two boxes or had two boxes bought?

A. Floyd Miller bought two boxes for me at the time we were at Cripple Creek.

Q. That you used to blow up the Independence depot with?

A. Yes sir, I used only one box.

Q. And the other box you think now that is the box that you had with you, and so you? A. I am not sure about it. I think it was. I am not sure whether it was or was not.

Q. How long were you conducting these experiments in your room?

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1. Not very long.

2. What reason was there for your going away and leaving this screw-eye in the door? A. I just forgot it, that was all.

3. Just forgot it? A. Yes sir.

4. You didn't have any business in San Francisco other than that, did you? A. No particular business, no sir.

5. No particular business: Did you have any at all?

A. Nothing any more than I was loafing around and putting in my time.

6. What were you doing loafing around putting in the time?

A. Walking around the streets sometimes, sometimes out at the park. Sometimes I went out fishing.

7. Sometimes gambling? A. Yes, sometimes I gambled some.

8. And did other things? A. Yes sir.

9. Now you wasn't ~~at all~~ ^{at all} anybody, when you was conducting these experiments, suddenly by anybody, were you? A. No sir.

10. Nothing to interfere with your setting your traps away after experimenting? A. No sir.

11. How long did you experiment in your room? A. It wasn't very long, possibly a day or two.

12. You experimented for a day or two? A. Well, I don't know that I experimented for a day or two, possibly it was two or three times in a day or two.

13. Well, there was no occasion for you to experiment with the bomb itself, was there? You know all about bombs, didn't you?

A. I know how to set it off, but I wanted to see whether -- how hard a jerk it would take to pull the cork out when the door would open.

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- Q. Every time you made a bomb did you experiment to see how hard a jerk it would take to pull a cork out? A. It was according to the way I was going to set it off.
- Q. Was this the first time you had ever set a bomb off by pulling out a cork? A. I think it was the first one that I ever had go off like that.
- Q. I asked you if it was the first one that you had ever set to go off by the pulling of a cork? A. Yes sir, I think it was.
- Q. That was the first one? A. I think so, yes sir.
- Q. The Independence bomb was not set off by pulling a cork? A. No sir, it was not.
- Q. So you put this screw-eye in the cork, a string, and a pin for that purpose, did you — the pin in the cork? A. I think there was a screw-eye in the cork that time.
- Q. You had a screw-eye in it? A. Yes sir.
- Q. Did you have the cork in the bottle? A. Yes sir.
- Q. Did you leave the bottle out, when you went down town, as well as the cork? A. No sir, I did not.
- Q. Why did you pick up the bottle and not pick up the rest of the stuff? A. The bottle was fastened onto the bomb.
- Q. It was? A. Yes sir.
- Q. And you put the bomb away, did you, before you went down town? A. Yes sir.
- Q. Was your bomb already packed? A. Yes sir.
- Q. Made, loaded? A. Yes sir.
- Q. When had you loaded it? A. I loaded it just before that, a day or so maybe.
- Q. Where in that room? A. Yes sir.

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- Q. Or don't you remember? A. I loaded it in that room.
- Q. Now you had to buy some material in order to load the bomb, didn't you, in addition to what you already had? When and where did you buy the C? A. I bought a lead case.
- Q. Where did you get it? A. I got it in a plumbing shop.
- Q. The front? A. I don't remember where it was from.
- Q. The proprietor or the clerk? A. I couldn't say which; I rather think it was the proprietor.
- Q. A large plumbing shop or a small one? A. A small one.
- Q. Where? A. I don't remember where, it was somewhere down near Taylor Street, though, but I don't remember just where.
- Q. Somewhere down near Taylor Street? A. Yes, in about the 300 block, somewhere near there.
- Q. There is Taylor Street with reference to Market Street?
- A. I think Taylor Street runs into Market Street, but I am not sure. It isn't far off of Market Street, I know, where I mean.
- Q. Was it on Taylor Street or on some other street? A. It was on some other street.
- Q. You can't give the name? A. No sir, I can't.
- Q. Nor the name of the man that you bought it off? A. No sir.
- Q. Nor the place where you bought it except it is a plumbing shop?
- A. Yes sir, that is all.
- Q. That is as near as you can remember as to it? A. Yes sir.
- Q. Anybody else there when you bought it besides yourself, my other customers? A. I don't remember anybody being there only the man I bought it from.
- Q. What did you buy there? A. I bought a piece of lead pipe,

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of five-inch pipe, and about twelve or fourteen inch in long.

Q. Have you ever taken any steps to locate in a place or any of these other places where you were confined to McFarland?

A. No sir.

Q. You have not? A. No sir.

Q. Do you know whether McFarland has? A. I don't know that he has, no sir.

Q. He hasn't reported to you on any of these facts? A. No sir.

Q. If he has investigated it, why, you don't know anything about it; that is right, is it? A. The only place he has reported to me that he investigated was the place where I bought the powder.

Q. He reported that to you, did he? A. Yes sir.

Q. What did he say about that? A. He had a list of the powder that was bought there during two or three months and wanted to know if I could pick out the name that I give.

Q. Could you? A. I picked out a name that I thought that I gave.

Q. What name was that? A. It was "A. Debbis".

Q. Why didn't you tell me when I was asking you so particularly about that name that you thought you gave the name of A. Debbis?

A. Because you didn't ask me about it at that time.

Q. That is the reason you didn't tell it to me? A. Yes sir.

Q. Notwithstanding I was trying very hard to get the name that you used when you bought the powder? A. I told you that I didn't remember it, and I don't remember that that was the name now. I think that that was the name.

Q. You think that that is the name? A. Yes sir.

Q. Your best recollection is that it was A. Debbis? A. Yes sir.

Q. Don't you know that Mr. McFarland went out there and got the list of all the powder that was sold and that there was only one or two 10-pound sale orders that year by the Jackson powder people?

A. He had several 10-pound sales that he showed me.

Q. And that was a man who was well known in San Francisco and had been a customer of the Jackson Powder Company for years?

A. I don't know, sir. He showed me sales with several names where they had bought 10-pound lots.

Q. 10-pound lots of powder? A. Yes sir.

Q. At this same place on Market Street, in San Francisco?

A. Jackson Powder Company.

Q. At the same place on Market Street? A. He said they were not in the same place now.

Q. Well, were there any sales orders which purported to have been made in the Jackson Powder Company's Market Street office? A. Yes sir.

Q. They were? A. That is what he said.

Q. You picked out the name of A. Debbie as the one you used?

A. I read the names down and when I came to that I said I believed that that was the name that I gave.

Q. Was that sale order at that time? A. It was made about that time. I don't remember the dates that the sale was made; somewhere I think about the first of October.

Q. Is that the reason why you think that you bought it about the first of October? A. No sir. I told you the other day that I bought it about the last of September or the first of October.

Q. But you are not able to say that you gave this name of

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- A. But he but you think you did because you find a powder
side made about that time? A. There was several of them
made at that time by the same man, but I think that that
was the one that I gave.
- Q. Describe this lead pipe or pipe that you bought.
- A. It was a piece of lead pipe I think probably about a sixteenth
of an inch thick, about five inches in diameter and about
twelve or fourteen inches long.
- Q. A plain piece of round lead pipe? A. Yes sir.
- Q. And you fitted some boards into the end of that, did you?
- A. Yes sir.
- Q. Where did you get the timber or lumber that you made the
boards out of? A. I took some of the pieces of the box that
I bought the powder in.
- Q. You had taken the powder out of the box, had you?
- A. I did take it out, yes sir.
- Q. This powder came in a ten pound box, did it? A. Yes sir, it
did.
- Q. They have 10-pound boxes for sale, do they, a regular box?
- A. I think they do, yes sir.
- Q. Made purposely for it? A. I think so.
- Q. And you made your board from this powder box? A. Yes sir.
- Q. How long were you engaged in making that board? A. I don't
think it took me very long, maybe an hour or two.
- Q. How long had Mr. Bradley been home then? A. I think he had
been home a week or ten days, possibly two weeks.
- Q. Did you throw the powder or just set the sticks in the box cold?
- A. I took the paper off of it and packed it in there.

- Q. Did you have to work it up any to pack it? A. No sir, it was already.
- Q. It was soft enough so that you could press it down in, could you? A. Yes sir.
- Q. Did you press it down in solid? A. Yes sir.
- Q. And inserted your eyes in the side, I suppose? A. Yes sir.
- Q. Made an opening in the side so that you could pour the sulphuric acid on it? A. I did.
- Q. Did you watch Mr. Bradley that week after he came home? A. I had watched him after he came home, yes sir.
- Q. You know Mr. Bradley had an office down town didn't you? A. Yes sir.
- Q. Had you ever been to that office to inquire for him? A. No sir.
- Q. Why didn't you go to the office? A. Because I didn't care about going to the office.
- Q. No trouble about getting him with a shot gun at the office, was there? A. I don't suppose there was if I wanted to go out openly and do it.
- Q. You didn't want to go out openly and do it? A. No sir.
- Q. No trouble to get him with a shot gun as he came home? A. Yes sir.
- Q. What was that? A. Possibly not if I wanted to do it openly.
- Q. Didn't want to do it openly? A. No sir.
- Q. So that you prepared the bomb and on the morning of about the 18th of November, at about the hour of eight o'clock in the morning, on a populous street in San Francisco you went and placed the bomb at his door? A. I did.
- Q. Did you see anybody there? A. I saw somebody a little while

before I went up there, you sir.

Q. How long before you went up there? A. I think there was a man left there not over four or five minutes before I went up there.

Q. That is left Hamilton Bradley's place? A. Left the porch in front of the place.

Q. Did you see any people walking along the street? A. None, you sir.

Q. And yet you went up onto this porch with the hook under your arm, did you? A. I did, you sir.

Q. And you fastened the screw-eye in the door? A. I fastened the screw-eye in the door the night before.

Q. Had gone up there the night before and put that screw-eye in the door? A. Yes sir.

Q. Whereabouts in the door did you put it? A. I put it about an inch I think from the bottom of the door and about six inches from the side of the door that opened against the post where the door shut.

Q. That is the hinged side? A. No sir, the other side.

Q. Anybody there or around there when you was putting in that screw-eye? A. I didn't see anyone.

Q. What kind of lumber was the door made out of? A. I think it was made out of hard wood.

Q. What kind of hardwood? A. I don't remember what kind; I can't name what kind.

Q. Have any trouble getting that screw-eye in? A. No sir.

Q. Not right in easily? A. Didn't go in so very easy, but there was no trouble to screw it in with my fingers.

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- Q. When you made this bomb did you leave any stuff around your room that would show that you had been mixing up chemicals there of some kind? A. I don't know. I might have left some shavings or possibly some little slivers of lead, something like that.
- Q. Did you say something about that the other day or did I get that idea from some other place? A. I don't remember whether I said anything about it or not.
- Q. You said you whittled out those boards in your room, didn't you? A. I did.
- Q. And left the shavings around on the floor? A. I picked up what I could of them. I meant to pick them all up. I possibly might have left some.
- Q. What did you do with them when you picked them up?
- A. I put them in my pocket and carried them out and threw them out somewhere in the street.
- Q. You had left shavings there, too, had you, lead shavings?
- A. There might have been a little lead shavings in it; I don't think so.
- Q. Did you put in the whole box of eggs in this bomb? A. No sir.
- Q. How many did you put in? A. I possibly put in enough to fill about an inch square.
- Q. That would be about how many of the eggs? A. Probably would be between fifteen and twenty.
- Q. Did you make a hole in the powder for that purpose?
- A. I pushed the egg down into the powder.
- Q. The powder was soft enough so that the eggs could be pushed right into it, was it? A. Yes sir.

- Q. Through this hole? A. Yes sir.
- Q. After you had loaded the bomb with the powder? A. Yes sir.
- Q. What was the object of putting in those wooden ends?
- A. To keep the powder in it.
- Q. Just simply to hold the powder? A. To make it tight so that it would be air tight as near as I could.
- Q. Did you press down the ends of the lead pipe over the board?
- A. I bent it over a little so they would stay in.
- Q. Your object in putting the powder into a receptacle of that kind was to keep it as near air tight as possible?
- A. Well, to make it as compact as I could, yes sir.
- Q. Did you have to keep it air tight? A. Not necessarily, but it has more effect the tighter you make it, the tighter you confine it.
- Q. The tighter you confine it the larger explosion you get, is that what you want? A. Something like that, yes sir; it has more effect.
- Q. Well, ten pounds of powder would be large enough for your purpose anyway, wouldn't it, whether it was confined or not?
- A. There wasn't ten pounds into it, didn't hold ten pounds.
- Q. How much did you put in there? A. I think about five or six pounds, about that, or what I got.
- Q. Left the balance of the powder in your room, did you?
- A. I took it away with me.
- Q. Well, did you leave the room the morning? A. Yes sir, I did.
- Q. Did you leave it before you took the bomb out or afterwards?
- A. I took away my girls the night before with everything like that in.

Q. So that you left nothing in your room that night but just your bed and yourself, is that right? A. I don't know whether -- I don't think I left anything else there. I didn't aim to.

Q. Did you have to wait for anybody in order to place this bomb the next morning? A. I did wait a few minutes, yes sir.

Q. How long? A. I waited ten or fifteen minutes.

Q. Why? A. There was a man cleaning the porch when I first went out to put it in there.

Q. That was a Jap or a Chinaman? A. It was a Jap or Chinaman, I don't know which.

Q. Don't know which? A. No sir.

Q. Then you had to wait ten or fifteen minutes for him to finish cleaning the porch? A. I am not quite sure it was that long. It was some little time I had to wait.

Q. How many people passed there during the time you were waiting?

A. Well, I couldn't say how many passed. There was some going up and down on the street.

Q. Did you read the publications in the newspaper with respect to this Jap cleaning the porch? A. No sir, I did not.

Q. Never have read anything about it? A. No sir.

Q. You know, don't you, that there has been a suit over that explosion out there? A. Yes sir, I do.

Q. When did you learn that first? A. I am not sure who I learned it from first, I think it was from McFarland, though.

Q. You know, don't you, that the man who owned the place where Mr. Bradley resided was at the gas company for an explosion?

A. I heard that he did, yes sir.

Q. And you heard that he recovered, too, didn't you?

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MR. BARKER: We object to that, if your Honor please, as not proper cross examination and not the best evidence.

MR. BARKER: That is not the purpose of it. The purpose is to show where he got his story that he has told here.

MR. BARKER: That is all right.

MR. BARKER: Sure it is all right.

MR. BARKER: We object to their proving here what took place there in the nature of a suit, which is a judicial record. We are perfectly willing that if the record shall be brought here that it may be brought.

MR. BARKER: We will prove that all right, but that is not the purpose at all.

MR. RICHARDSON: We are trying to prove what this man knows, that is, where he got his knowledge upon which he is now testifying, if your Honor please, and what his means of knowledge were with respect to it.

THE COURT: The objection will be sustained.

MR. RICHARDSON: Note our exception.

- Q. You heard from Mr. McFarland, didn't you, he told you that the owner of the flat had sued to recover a judgment against the gas company for that explosion? A. I am not quite sure whether it was Mr. McFarland that told me first. I rather think it was; I am not quite sure.
- Q. He either told you or else you read it in the newspaper, didn't you? A. No, I didn't read it in the newspaper. Somebody told me -- either Mr. Hoxley -- perhaps it might have been Mr. Hoxley or Mr. Whitney; I am not sure which it was.

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- Q. And Mr. McFarland and the governor came out to the penitentiary and had a long talk with you about it after this matter appeared in the newspaper, didn't they? A. I am not sure whether the governor came out to see me about it -- the governor has come out to see me, but I am not sure whether he came out to see me about that. I think he did.
- Q. Haven't Mr. McFarland told you, and haven't you heard and haven't you read it in the newspapers that he made affidavits and sent them out to San Francisco to show that you made the bomb and placed it on the porch, which caused the explosion which cracked the porch, and that Governor Gooding and Mr. McFarland came out there to see you about it? A. I heard he made some affidavits and sent them out there, yes sir.
- Q. You heard that from Mr. McFarland, didn't you? A. I may have heard it from him; I am not positive whether I did or not.
- Q. And you heard from him or through the newspapers that the other side made an affidavit about this ~~bomb~~ being on the porch, didn't you -- A. No sir, I did not.
- Q. As to doing it was impossible for you to have blown up that place? A. No sir, I did not, not at that time at all.
- Q. When did you hear about that? A. Well, I heard of it possibly three or four weeks ago. Mr. McFarland asked me if I remembered of my going around that porch that morning. He asked me if I remembered about anyone being about that porch that morning.
- Q. That was the first time that you had ever told McFarland or anyone else about the Jap being on the porch? A. Yes sir, it is.
- Q. So you got your first knowledge, that is, you got the basis

for your first conversation with McFarland from McFarland himself about there being a Jap on the porch? A. No, he said nothing about a Jap. He asked me if I remembered or anyone, seeing anyone around there that morning or anyone come out of there that morning before I placed it there.

Q. You had never told him nor anyone else about seeing anybody on that porch until after he came to you and asked you about it? A. I don't think I told him anything about it until he came, no sir.

Q. How many people were there passing up and down there that morning? A. Well, there might have been several people, I don't know just how many; there were none.

Q. You have been allowed to read the newspapers out there, haven't you, in the penitentiary? A. I have read some, you sir.

Q. A large number of them, haven't you? A. Several papers, you sir.

Q. And ~~in the~~ ^{in the} papers that you read out there don't you know that there was a report about this Jap being on the porch?

A. No sir, I never read any report in the papers about that Jap.

Q. And didn't you read the testimony in regard to that on the motion for a new trial out there? A. No sir, I did not.

Q. That was taken by the Gas company. A. No sir, I did not.

Q. Did not? A. No sir.

Q. Or that was taken by the man who owned the building, Mr. Linforth? A. I never read any of the testimony only some affidavits that were sent up here.

Q. All you know about it is what you got from McFarland?

1. Mr. McFarland and Mr. Hensley first told me something about it, I think the governor spoke about it in a general way.
2. You know, don't you, that the governor and Mr. McFarland made affidavits to send out there? A. I heard that they did.
3. The purpose was to protect the Gas company against the owner of the flats who was suing for recovery? A. Something to stir a judgment I believe.
4. Did you give McFarland and Gooding the information upon which they made their affidavits? A. I think I gave it to Mr. McFarland.
5. Did you talk with the Governor about it? A. I think I have talked with him; I am not sure whether I have or not.
6. Did you read the affidavits with regard to this Jay? A. No sir, I never did.
7. Did you read the Jay's affidavit? A. No sir.
8. Didn't read anything in the newspaper about that? A. No sir.
9. Didn't read Mr. Bradley's affidavit? A. No sir, I did not.
10. Don't know what Mr. Bradley has ever said about it? A. I remember some things that he said, I don't know only from hearsay.
11. Who did you hear that from? A. I have heard it from Mr. McFarland.
12. Well, anybody else? A. I think I have heard it from Mr. Hensley, but I am not sure.
13. The subject of whether or not you should testify with respect to this San Francisco matter of blowing up Bradley has been discussed quite frequently between you and counsel for the state, hasn't it? A. No sir, it has not.

- Q. You knew there was a good deal of question, didn't you, about the truth of your story of the blowing up of Bradley? They told you that, didn't they? A. No sir, I don't know that they had.
- Q. Haven't you been told — A. I have heard that Mr. Bradley made some affidavit claiming that that was a gas explosion down there instead of dynamite.
- Q. Haven't you been told that the owner of the flats had beaten the gas company who had tried to lay this matter onto you and waived those affidavits? A. I have heard that the owner of the flats had beaten the gas company and gotten judgment against them, yes sir, I heard that.
- Q. And you heard, didn't you, that his motion for a new trial based on McFarland's and Gooding's affidavits, had been overruled? A. No sir, I did not.
- Q. You hadn't heard that? A. No sir.
- Q. Don't know that now? A. No sir, do not.
- Q. Don't know what the result was of McFarland's and Gooding's affidavits? A. I understood that the judgment was stayed, that is all I know.
- Q. Well, stayed by an appeal or stayed on those affidavits? A. I don't know how.
- Q. Well, very well. You didn't read then anything in connection with that motion for a new trial which McFarland and Gooding furnished affidavits? A. No sir, I did not.
- Q. But there was somebody reported to you as to what Bradley had said about it? A. Yes sir, there was.
- Q. And something as to what the other people had said about

- affidavits were taken? A. None of them, yes sir.
- Q. And in that there appeared, did there not, the story about this Jap? A. No sir.
- Q. For the testimony of the Jap on the subject? A. No sir, I have never seen anything about the Jap.
- Q. Was there nothing in the affidavits or in the newspaper accounts of the affidavits about the Jap? A. I never seen anything in the newspaper about the Jap and never seen anything in the affidavits about the Jap.
- Q. But you did see something in the newspaper? A. No sir, I didn't.
- Q. Didn't you read the newspapers about it at all? A. I never read anything about the Jap in the newspapers.
- Q. I understood you never read anything about the Jap, but you read about the transaction, didn't you? A. I have read some statements that Mr. Bradley made just lately about that since I have been on the witness stand. That is all I have read about it.
- Q. Do you know when Harland's and Godding's affidavits were made? A. I think it was about -- a little over -- possibly nearly a year ago, something like that, as near as I can remember.
- Q. Well, you did know about it then before they were made? A. No sir, I didn't know about it before they were made.
- Q. Had they made their affidavits before they talked with you about it at all? A. No sir, they had not.
- Q. Had not? A. I don't think so.
- Q. Then you did know something about it before they made them, didn't you? A. I didn't know anything about it before they made them. I heard them talk about it when they was going to make them or about the time they did make them.

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- Q. You talked it over pretty extensively with them at that time, did you? A. No sir, not extensively. They told me about making those affidavits or that they were going to make them to stop this judgment, told me about the judgment that the People that owned the place had got against the Gas company.
- Q. At that time there were no affidavits or testimony from Bradley that you knew about or from the Jap or the cook nor of the rest of these people? A. No sir, there was not.
- Q. No whatever information you got about that you got about, haven't you? A. I got it about the time I understood that they was going to make those affidavits or did make them.
- Q. You say there must have been ten or fifteen people passed there while you was waiting for the Jap to get out of the way? A. I can't say how many. There were some. I don't remember how many.
- Q. What number do you think? A. Well, I don't remember. There wasn't very many. What everybody rode on the street car that went up and down there.
- Q. That is a very populous street, isn't it? A. I don't know whether it is very populous. It is a residence street.
- Q. Populous, lots of people there? A. Yes sir it is built closely.
- Q. And that is about the hour that people would be coming down town to their offices in the morning, isn't it? A. Yes sir, a good many of them.
- Q. About as busy a time on the street as there is in the whole day? A. Well, there is possibly more on the street more about that time, but I think there is more walking on the streets later than that.

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- Q. Was there anybody passing when you went up the street?
A. I didn't see anyone.
- Q. Onto the porch? A. There was no one on the porch.
- Q. Was this porch open or enclosed? A. It is open.
- Q. Entirely open so that anybody can see in from the street to where you were? A. They could, yes sir.
- Q. Without any effort? A. Yes sir.
- Q. And you went there and placed your bomb and connected it up with the alarm-eye, did you? A. I did.
- Q. And then you went away? A. Yes sir.
- Q. Where did you go? A. I got on the street car and went down town.
- Q. Did you get on a street car right there? A. I ran just as I came out of there and caught a street car that was coming up this side of this.
- Q. Caught it at the next corner, did you? A. I caught it.
- Q. Was that street car going up hill or down hill? A. Up hill before it got down town, yes sir, it goes up a hill and then goes down before it gets down town.
- Q. Going in the direction of the city? A. Yes sir.
- Q. How far had you gotten before any explosion took place?
A. I didn't hear any explosion.
- Q. You had gotten entirely out of the way? A. Yes sir.
- Q. Did you see any explosion? A. I did afterwards.
- Q. Well, how long afterwards? A. About a week.
- Q. You didn't go back to that place then for a week? A. About a week.
- Q. How did you know then that Bradley was thrown out into the

*Did not go back to
Boulder for about*

- street? A. I saw it in the paper.
- Q. But you testified here the other day that he was thrown out into the street, didn't you? A. Perhaps I did.
- Q. Then you really didn't know anything about that except what you read in the newspaper? A. All I know about it was what I read in the newspaper and talked to some people there afterwards.
- Q. How much of your testimony has been based on what you have read in the newspaper, and what you have talked with people about it and how much of your own knowledge? A. There is very little -- there is none of it, practically none based on anything I have read or heard; my testimony is on what I know of my own knowledge with the exception of something like that. I didn't think about that. I read that. That is how I know because that Mr. Bradley was thrown out in the street.
- Q. You did say the other day that the explosion occurred and Bradley was thrown out into the street? A. Perhaps I did.
- Q. How will you explain to this jury how a bomb on the outside of a porch exploded by the opening of the door from the inside will blow a man out into the street? A. I can't explain it, no sir.
- Q. Has anybody else that you ever heard of, seen that? A. Well, I don't know. That is the report that was given in the paper, and Mr. Hubbard told me afterwards that is where they found him.
- Q. And you are testifying to what Hubbard told you and what appeared in the affidavit or statement of Mr. Bradley, aren't you? A. In regard to that part of it I am, what was told, yes sir.

- Q. And you know, do you not, sir, from your recollection of that place a week afterwards that the walls of that building fell out instead of falling in? A. I don't know. It was all shattered to pieces when I went in, the front of it.
- Q. Didn't it fall outwards instead of in toward the building? A. I suppose it did; around that porch it looked as though it fell out more than in, but it was all shattered all around the front of it.
- Q. From your past experience as a dynamiter I would like to have you tell me if you have ever known of a case where the explosion of dynamite attracted people, or the person, to it instead of throwing them away from it? A. When Mr. Bradley opened the door he was sideways to that bomb that was there, he was standing in a little porch that would be cut a little bit from the main entrance of this other place, likewise, and it would be one apt to throw him out, I think, than it would in.
- Q. Let me see about that. We will say that (indicating) was the front of the house, front of the Lindbergh place. Is that the corner or that over there the corner? A. About the middle.
- Q. Well, all right. Here is a door, a second door and a third door; call that Bradley's door, the third door. A. Well, if you will let me take a piece of paper here what I will show you.
- Q. Well, here is a piece of paper.
- A. That would be the entrance to the first flat there, and that the entrance to the next one, and that is where Mr. Bradley walked out of the door right there, coming out this way.

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He came down his stairs, and the back would be right there, and Mr. Bradley would be right there when he came out, and this here possibly stuck out --

MR. BISHOP: I think you better take that ground in front of the jury.

THE WITNESS: (Takes paper and steps up near the jury). This would be the entrance, this would be the porch in there; this would be the entrance to the first flat, and that would be the entrance to the second one, and that would be the entrance to Mr. Bradley's, and when he would come down his stairs instead of going out straight like this, he would come out in there and the door opened out in the house this way, it opened against this side, and the back would be right there and he would be standing right here somewhere near the open door, and this was out a little bit further than the main entrance, a little porch out inside of the other porch --

Q. Which is the hinged side of the door?

THE WITNESS: Half of these jurors haven't heard or seen that description at all.

THE WITNESS: Why I mark this off at noon or had I better mark it off now, and they could all look at it.

THE COURT: I am simply calling attention of counsel to the condition of this testimony, that the jurors are not getting it.

MR. RICHARDSON: Well, perhaps we can ask questions, if your Honor please, so as to get it clearly before the jury.

Q. There is a porch which opens out onto the street so that

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- everybody can see in as far as the porch goes?
- A. This porch is open where it comes in, open to the street. The building is built right up flush with the street. This porch goes in, I think, back maybe six or eight feet into the building.
- Q. The front wall of the building is not straight across, but the doors are set into it, some of them? A. Yes sir.
- Q. Some of them are? A. Some of them are.
- Q. And some of them are not? A. Some of them are not straight in and the one Mr. Bradley comes down opens sideways.
- Q. That is, this little ~~sideways~~ set-off that is in the porch itself, or in the building itself, his door opens in the set-off? A. Yes sir.
- Q. Now which side of that door are the hinges on? A. It is on the side that is next to the street.
- Q. So that when Mr. Bradley opened the door he would pull the door back between him and the street and he would be between the door and the inside of the house where he come down the stairs? A. He would be just about opposite this back that is set outside of the door.
- Q. The back would be just set in front of him? A. Yes sir.
- Q. When he would pull the door open like this, he would pull the string of that back and the back would explode there and Bradley would be here? A. Yes sir.
- Q. And the straight part of the wall running along over here?
- A. Yes sir, run along that way, with this part of it open.
- Q. With this part? A. With this part of the porch all open in front of him, by the side of him.

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- Q. Up here was the building between him and the street, he was still inside of the entrance? A. Yes, he was inside, but when this bomb went off it blew that little entrance clear out of there. The bomb would be a little closer in next to the building than this little porch that came out, that ran out into the roadway.
- Q. He would pull the door this way? A. Yes sir.
- Q. Standing here? A. Yes sir.
- Q. And the bomb would explode there? A. Yes sir.
- Q. And he would be here and the bomb naturally would throw him back in this direction, wouldn't it? A. Well, --
- Q. Well, wouldn't it? A. I don't know that it would exactly. My experience with giant powder is that it throws anything -- it goes out the weakest place that there is. It would have more force to go that way.
- Q. Well, the powder itself explodes with equal force in all directions, up, down, out and in, doesn't it?
- A. Well, I believe powder does, but it breaks out in the weakest place that there is.
- Q. Out of the receptacle which contains the powder? A. It would break out in the weakest place. If it was next to some place, against the wall on one side, it would have more force to go the other way or it would have more effect.
- Q. That is to say, the explosion of the powder here with one wall here and another wall here would have more force out that way, would it? A. Have more force where there was nothing to obstruct it.
- Q. Well, there was something to obstruct it on that side?

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A. Yes sir.

Q. This wall of the building? A. Yes sir.

Q. There was something to obstruct it here before it was opened, namely, the door? A. There was before the door was open.

Q. There was something to obstruct it along here, namely, the wall of the building where this set-off occurred? A. There was a little something to obstruct it there.

Q. Now with the explosion there, the greatest force of the explosion, that is, the greatest result from the explosion you see, in that direction and in that direction, and the most resistance against the explosion would be in this direction and over here, would it not? A. There was force enough with the explosion that it blew out this little porch where Mr. Bradley stood clear out of there, didn't leave anything there.

Q. And blew him out into the middle of the street, you think?

A. I don't think he was in the middle of the street, no sir.

Q. Well, you said the other day it blew him out into the street.

A. Well, I didn't say in the middle of the street.

Q. Well, is that wall, as you have stated, alongside of Mr. Bradley here, with the explosion occurring here? A. Yes sir.

Q. Then if the explosion had a result in throwing him anywhere it must have surely have thrown him right back in the direction parallel with the street, wouldn't it? A. I don't think so. He was standing in the house porch there and it blew this all out together and it went out like this, blew out the front of the porch.

Q. So that then it blew him right around in a circle like that?

A. No sir, I don't. I think -- if you will allow me to explain

what I heard about it I could tell maybe.

- Q. You can tell what you think about the explosion. A. That is what I think about it. I think it blew this porch and everything where he was standing right out of there.
- Q. You think that went out, blew out the front and that he was blown right out after it? A. I don't think he was blown right straight out, no air.
- Q. So that then he went off here somewhere? A. I think he did, something like that.
- Q. And clear out into the street? A. Not exactly clear out into the street. I think I said that he said he rolled out into the street.
- Q. That he was found in the street in front of his residence, -- if he was found in the street in front of his residence it wouldn't have been the result of the explosion of the bomb where you had placed it, could it, unless he got out past the bomb before it exploded? A. Didn't have to go past the bomb, he was always to the bomb.
- Q. He wouldn't get past the bomb before it exploded at all, could he? A. I don't know. He was always to the bomb, in regard to the porch that is.
- Q. Well, you got your theory from the explanation which you either saw in the newspaper or heard McFarland state after you had found out that Bradley had been blown into the street, didn't you? A. No sir, I didn't get anything from McFarland about the theory.
- Q. I asked you if you got your theory from the information you got from McFarland? A. No sir, I didn't. I am giving you my

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own theory and then I was told afterwards how Mr. Bradley got into the street.

Q. Well, as a matter of fact then you don't know anything about how Bradley got into the street of your own knowledge?

A. I didn't see him get out there.

Q. You were not there? A. No sir, I was not.

Q. And did not go to the place until a week afterwards?

A. No sir, about a week.

Q. Did you ever go back to this place where you resided?

A. Not to stay, no sir.

Q. Ever seen any of these people since? A. No sir.

Q. Go back there to make my call? A. No sir.

Q. Why did you say you never went back there to stay, if you never went back there at all? A. I went in that vicinity. I went back into Mr. Giubini's place after that.

Q. But you never went back into this rooming house? A. No sir.

Q. Nor saw any of the people in connection with the rooming house?

A. I don't think I did. I might have seen the lady down at the store, at Mr. Giubini's; she used to trade there.

Q. What did you go to Giubini's for? A. I went to find out if I could see Mr. Bradley was, to find out the effect it had on him.

Q. You saw the daily papers in San Francisco, didn't you, every day? A. Yes sir.

Q. And they had an account of it, didn't they? A. Yes sir, but I don't take altogether all I see in the newspapers.

Q. Well, you are like some of the rest of us? A. Yes, I guess that is right.

- Q. The fact that this was reported ^{from day to day} in the newspapers then didn't cause you to believe what they said about him, so you went to Gibbins to find out? A. I don't think it was reported every day in the newspapers. I think it was once.
- Q. Captain Bradley was a prominent man? A. Yes sir.
- Q. A wealthy man? A. Yes sir.
- Q. That would make prominence to some extent, and there was a report in the papers about the event? A. There was.
- Q. A little unusual, wasn't it? A. Yes sir.
- Q. It was before the earthquake was time so that it wasn't swallowed up by the earthquake at that time? A. No sir, not by earthquake.
- Q. And there was considerable comment about it in the newspapers? A. There was some, yes sir.
- Q. And some talk about what caused the explosion? A. Yes sir.
- Q. And some discussion of the effect on Bradley? A. Yes sir.
- Q. And it appeared in some San Francisco papers? A. Yes sir.
- Q. Then you didn't have anything to do but read it? A. I read some of them, or everything that was in there possibly.
- Q. And so you went up to Gibbins for confirmation? A. I learned everything that was in there in regard to him.
- Q. So you went up to Gibbins for confirmation? A. I did, yes sir.
- Q. Why did you go up to Gibbins? A. I wanted to see how Mr. Bradley was getting along if I could.
- Q. And that was the way? A. Yes sir.
- Q. And you expected Gibbins to know? A. Yes sir, because he used to be over there every day. They traded at his grocery store and he took goods over there.

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- Q. Giubini went over to Mr. Bradley's house? A. I think he did, or his clerk.
- Q. You didn't mean Bradley went over to Giubini's every day?
- A. I don't think so. I didn't mean it if I said it.
- Q. So you went in and asked Giubini about it, did you?
- A. I don't know as I went right in and asked about it.
- Q. What did you say to Giubini? A. I don't remember just what I said, -- spoke about Mr. Bradley or he did, and I asked him what he thought about it, thought it was a gas explosion or something like that.
- Q. Did you tell him you thought it was a dynamite explosion?
- A. No sir, I did not.
- Q. Didn't advance any theories about it? A. I didn't tell him that.
- Q. You heard what Giubini had to say? A. Yes sir, I did.
- Q. And Giubini said he thought it was a gas explosion?
- A. No sir, he didn't.
- Q. What did he say about it? A. He said he thought it was a bomb.
- Q. What did you say to that? A. I said I didn't think so.
- Q. You didn't think so? A. No sir.
- Q. You didn't think so at that time, or were you just lying to him about it? A. I told him that.
- Q. But that was a lie, was it? A. Yes sir.
- Q. You wanted to see if there was any suspicion of you, did you, around there? A. I don't know that I wanted to see if there was any suspicion of us. I didn't think there was or I wouldn't have went there.
- Q. You didn't go then upon the theory that the safest place for

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- Q Which railroad did you go on? A The Southern Pacific.
- Q What time was it that you reached Denver? A Some time before Christmas, a little while.
- Q You procured a disguise before you left San Francisco and got to Denver? A Before I left San Francisco.
- Q Who did you get it from? A From a man who runs the clothing store, or makes soldier's uniforms out near the Precinct.
- Q You did not get it from your friend Williams at the Precinct?
- A No sir, I did not.
- Q Did you get acquainted with this military tailor out there while you were rooming on Blake Street? A I am not sure it was Blake Street, but I got acquainted with him while I was around the Precinct.
- Q Did you have this suit made for you, or was it a second hand one? A I got part of it from the tailor and part from a soldier there who had served his time in the military service and had quit.
- Q What part did you get from the soldier? A I got the pants from the soldier.
- Q You got the pants from the soldier? A I got the pants and hat from the tailor, and the coat I got from this man.
- Q You put on a pair of glasses, did you, too? A I had a pair of glasses and I think I wore them part of the time.
- Q What kind of glasses were they? A Just ordinary glasses.
- Q So you disguised yourself as a soldier by putting on glasses?
- A I disguised myself by putting on a uniform?

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Q And you had no correspondence with anybody on the subject?

A I had some correspondence with Pattibone.

Q But none giving you directions or anything of that kind?

A No sir, I got no directions.

Q When you got back to Denver where did you go? A I went to a rooming house on California street I think.

Q Where abouts? A I think between 18th and 19th.

Q What was the name of the rooming house? A I don't know the name.

Q What is the name of the party who ran it? A I don't know the name of the party.

Q Why didn't you go to the Belmont hotel? A Because I did not want to go around where I was known.

Q You know that the Belmont hotel had been a headquarters where deportees and men who had been driven out of Cripple Creek had been taken care of, did you not? A No sir, I know some of the men connected with the Western Federation had stopped there, but I did not want to see them.

Q How many times had you stopped at the Belmont before that?

A Several times; I don't know as I could tell how many.

Q A good many times, you think? A Well, not a great many times; possibly two or three times-- maybe three times.

Q You lived there once, hadn't you? A I stopped there once some little time.

Q These people were all your friends, weren't they? You did not run any danger from them? A Not as far as I know.

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Q And yet you went to a strange rooming house, the name of which you have forgotten? A I don't know what name I gave them.

Q But the name of the rooming house, you don't remember?

A No sir.

Q Nor the people who ran it? A No sir.

Q What did you do after you got there? A I telephoned to Mr. Pettibone.

Q You telephoned immediately? A Very soon after, yes sir.

Q What time of day did you get into Denver? A I think about noon, or possibly before noon.

Q And you telephoned him immediately after you got there?

A Yes sir.

Q Who was the first man whom you know that you saw after you got back to Denver? A Pettibone and Steve Adams.

Q Did you go to their place, or did they come to your place?

A They came to the rooming house.

Q And there you had a talk with Steve Adams and Pettibone?

A Yes sir.

Q What did they say to you? A They asked me how Mr. Bradley was and if he was liable to do, etc.

Q Hadn't they read the newspapers? A I think they had.

Q Didn't they give you the news that was in the newspapers about Bradley's condition, when you asked them? A No sir, I think not.

Q Had you seen the report in the newspapers with respect to

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Bradley while you were on your way home, or were there any?

A I don't remember of seeing any.

Q You had some curiosity to know how he was,-- if there was anything new in regard to him while you had been on your trip, coming home? A I don't know as I had.

Q You had sent Pettibone and Adams the San Francisco newspapers in regard to it? A I did not say I had sent Adams any.

Q You had sent them to Pettibone? A Yes sir, the Evening Post in San Francisco.

Q More than one? A No sir, I think just one.

Q Was that shortly after the occurrence took place? A Yes sir.

Q So you did not have any occasion to ask Pettibone what the latest news was from Bradley in San Francisco? A No sir; I told him what I knew about it.

Q And did he pretend to know anything about the matter? A Only what he had seen in the paper I had sent him. He said there was not much in the Denver papers I think.

Q He told you he had looked for it in the Denver papers but there was not much in them? A I think he said there was not much in the papers about it.

Q So you gave him the latest bulletin that you had as to Bradley?

A The latest news I had, yes sir.

Q Which was at the time you had left San Francisco? A Yes sir.

Q Had you kept pretty close watch to see what Bradley's condition was? A I had been over to Giubiani's to learn what I could about it.

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Q You remained in San Francisco a month practically after this episode? A I don't think it was quite a month.

Q How long did you stay at this rooming house? A Only a little while,-- possibly a half hour or an hour.

Q Where did you go then? A I went out with Steve Adams where he was living.

Q Where was he living? A Out at Emerson or Clarkson Street, near Five Points.

Q Didn't you tell Steve Adams that you were surprised to see him when he came in? A I may have told him that; I think I did.

Q You did not know he was in Denver? A No sir.

Q Or where he was? A No sir.

Q Or what he was doing? A No sir, I did not know what he was doing.

Q Didn't you tell him you was busted? A No sir, I did not, for I was not busted.

Q You did not say anything of that kind? A No.

Q Didn't Steve say to you at that time that he himself was practically busted but he had got a room out there, that his wife was keeping house and if you could put up with the kind of fare he put up with you ~~walk~~ could come out and take pot luck with him, or something of that kind? A No sir, he did not say all of that; he said part of it.

Q What part did he say? A He said he did not have much money right then, but that the executive board was in session and

that they were making an arrangement of some kind in regard to the emergency fund or something.

Q In any event, Steve was living out there in practically one room, wasn't he? A No sir, they had two rooms.

Q Steve and his wife had two rooms? A Yes sir, besides another room that Billy Aikman had.

Q Oh, somebody else was stopping there? A Yes sir, Billy Aikman was there.

Q Are you sure about that? A Yes sir.

Q And you went there and roomed there with Billy Aikman?

A Yes sir.

Q And you ate the meals prepared by Mrs. Adams? A Yes sir.

Q And you say they had two rooms? A Yes sir.

Q How many of them were living in those two rooms? A Steve and his wife and little boy.

Q You had a room to eat in and a room for you and Billy Aikman and one for Steve and his wife? A Steve was not going by his name of Adams at that time.

Q None of you people were-- and most of those who were driven out of Cripple Creek were not going by their own name? A I know he and I was not.

Q And others were not? A I don't know about that.

Q What name was he going by? A Steve Dixon.

Q And what name were you going by? A By the name of Hogan, I think.

Q Don't you know? A I am not sure whether I did or not.

- Q If it was not Hogan, what was it? A When I telephoned to Mr. Pettibone he wanted to know who it was and I told him it was Green.
- Q Did you continue to go by the name of Green? A No sir, I think I used the name of Hogan.
- Q How long did you and Steve live together? A Until some time in March or April of that year.
- Q This was from about Christmas time until about March or April? A Maybe it was before Christmas.
- Q How long did you live at that place? A We did not live there very long; maybe a week or two, and maybe two or three weeks.
- Q About two weeks, wasn't it? A I could not say how long.
- Q And Steve had to move away because he did not have money enough to pay his rent? A No sir.
- Q You are sure of that? A Yes sir, I am.
- Q What was the reason you moved away? A It was not very satisfactory there. It was cold and the rooms were not very good.
- Q And there was not much money? A He had plenty of money.
- Q And not much food? A Yes sir, we had plenty of food.
- Q You were playing pretty close to the cushion, weren't you, both of you? A No sir, I lived as well as I ever lived in my life.
- Q After you had lived there two weeks where did you go? A We moved four or five blocks over on Welton street.
- Q How many rooms did you have there? A Three.

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Q That was a move for thr worst, wasn't it? A No sir, I don't think so.

Q Was it a move for the better? A We liked it better there.

Q Did you have better accommodations there? A It suited us better.

Q How long did you stay at that rooming house? A We stayed there a month or maybe two months; I am not sure how long.

Q Was Billy Aikman still with you? A He was there until we moved away from there, yes sir.

Q And you stayed there three weeks, or a month, you think?

A I said two months and possibly over two months.

Q And that brought you up to some time in February, didn't it, or ^{or} March? A I think possibly it would be the last of February.

Q Where did Billy Aikman go when you left there? A He went down town somewheres. He stayed in Denver some little time after that.

Q Did you see him frequently? A I don't think I ever saw him myself after he left there.

Q And did not know where he went? A I heard he was in Denver for some little time.

Q You don't know that he was in Denver? A I did not see him. I only know from hearsay.

Q Did you ever see him from that time to this? A No sir, I don't think I have.

Q And you don't know what has become of him? A Only from hearsay.

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- Q What have you heard about him? A I have heard that he was down in Goldfield, Nevada, or in that district.
- Q Did Mr. McParland tell you that? A I think he did, yes sir.
- Q That is the only source of information you have had of Billy Aikman since he left Denver? A I heard he had gone to Goldfield before I left Denver.
- Q Then where did you go? A We went over near Globeville.
- Q What kind of a place did you go to over there? A We had a little house by ourselves.
- Q That is a suburb of Denver, out by the smelters?
- A Yes sir, I think so.
- Q And you had a little common cheap house out there? A A Pretty fair house.
- Q How many rooms were there? A There was five rooms and a pantry.
- Q Where did you get the furniture for that? A We got some, bought down town, and some we bought from Pettibone and some that Mr. Moyer had stored over there, and bought some of it.
- Q You did not have much furniture out there, did you? A Not a great lot.
- Q And not very good furniture, was it, either? A Not very good.
- Q Wasn't it a fact that you and Steve were so poor at that time that you had to go around collecting up bits of furniture to furnish that house with and make it habitable? A No sir, we were not.
- Q Did Billy Aikman have plenty of money? A Only what we gave

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him.

- Q Isn't it a fact that you were so busted financially that you had to live on the charity of Steve Adams and share Billy Aikman's room? A No sir.
- Q It is not? A No sir.
- Q You are sure of that? A Yes sir.
- Q And isn't it a fact that that condition of poverty stayed with you all winter long? A No sir, it is not.
- Q You had plenty of money? A We had all we wanted.
- Q Where did you get it? A From Mr. Pettibone, through Haywood.
- Q And that you are just as positive of as anything else which you have testified to here? A Yes sir, I am.
- Q When and where and who was present when you got any money from Haywood after you came back from California? A I got money from Haywood, -- I don't know who was present but myself during that summer.
- Q I want to know where you got any money during that winter that you say you had plenty of money after you came back from California? A I don't think I got any from Mr. Haywood.
- Q Did you get any from Mr. Pettibone? A Yes sir, I have.
- Q When and where, and how much, and who was present, commencing with the time you got back from San Francisco? A The first money I got I did not get myself from Mr. Pettibone; Steve Adams got it for me.
- Q The first money you got you got from Steve Adams? A It came

that way, yes sir.

Q And so far as your personal knowledge that is all you know about where it came from? A I know there had been arrangements made for me to get it that way.

Q When had the arrangement been made and who with, and how do you know? A The same night that I came back, or a night or two afterward.

Q The night that you arrived or a night or two after that?

A Yes sir.

Q Who with? A Mr. Haywood and Pettibone.

Q Where? A At Pettibone's store.

Q You saw Haywood a night or two after you came back at Pettibone's store? A Yes sir.

Q Who was present? A Steve Adams and I and Haywood and Pettibone.

Q Anybody else? A I don't remember now, but I met Jack Simpkins again about that time.

Q You met Jack Simpkins again? A About that time.

Q This would be the month of December, 1904, would it?

A Yes sir, I think it would.

Q You met Haywood, Pettibone and Simpkins, with Steve Adams in Pettibone's store? A I don't know that I met them all together there.

Q That is what I was asking you; you met them there? A I don't think Simpkins was present when I met them there.

- Q Well, now tell us about that meeting, what was said and who said it. A When I met there Mr. Haywood asked me about Bradley.
- Q Was that the first time you had seen Haywood? A Yes sir.
- Q How long had you been in Denver? A I had only been there--
- Q Before that? A I think it was that night, or the next night, I am not sure which.
- Q But he asked you about Bradley? A Yes sir, he did.
- Q Had he seen Pettibone to your knowledge before he saw you after you came back? A Pettibone told me that he told him I was there.
- Q Haywood did not say anything about it? A About which?
- Q About Pettibone having told him that you were there? A He came there to meet me.
- Q How do you know that? A Because he had;-- Pettibone told me he would be over there.
- Q That is all you know about it? A Yes sir.
- Q When he got there what did you say to him? A We passed the time of day and talked a little about something.
- Q That don't tell us what you said? A Afterwards when he talked about Bradley he asked me about Bradley and how he was.
- Q And you did not tell him about Bradley until--

MR. HAWLEY: Let him finish his answer.

MR. RICHARDSON: I have a right--

MR. HAWLEY: I object to these interruptions.

MR. RICHARDSON: I want to interrupt him by asking if he mentioned Bradley first.

THE COURT: The objection is overruled.

A I cannot say who mentioned him first. He asked me how he was and I told him that it was reported that he would lose his hearing and eyesight.

Q Did he say anything about having read anything about it in the newspapers? A He spoke about seeing it in the papers that I had sent to Pettibone, yes sir.

Q He was the man who had sent you out to murder Bradley and yet was so uninterested in the matter that he did not know anything about it until he got his information from you?

A He said he seen the paper I sent Pettibone up from San Francisco.

Q He said what? A He said he had seen the paper I had sent Pettibone from San Francisco.

Q Hadywood said he had seen that in the newspaper? A He said he had seen that paper-- the account of it.

Q The paper you had sent to Pettibone? A Yes sir.

Q Was that all he had seen in regard to it, according to his statement? A I don't remember what he said about that.

Q And then you told him about the condition of Bradley as you understood it when you left San Francisco? A Yes sir.

Q Had you got your information from Giubini? A Yes sir.

Q You know as a matter of fact that Bradley's eyes were not

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injured at all? A I have heard so since, yes sir.

Q And you have heard that Bradley was not permanently injured at all? A I have now, yes sir.

Q You did not know it though at that time? A I might have made it out a little bit worse than it was at that time.

Q You did make it out worse to them than it was, did you?

A I think maybe I did.

Q Was that because you could not tell the truth? A I was not very particular about what I did tell.

Q And that had been your habit all your life ~~wasn't~~ hadn't it, from boyhood up? A No sir, not from boyhood up.

Q Well, from young manhood up? A Well, some time after you might call me a young man, yes sir.

Q For a great many years? A From the time I began to go round.

Q You began to go round quite early in life, didn't you?

A I was about 25 to 30.

Q You went along all right until you was 25? A Yes sir, I tried to.

Q When were you made manager of the cheese factory? A I started as manager of the cheese factory, I think, when I was about 23.

Q And you commenced to go wrong when you got hold of the management of that cheese factory, didn't you? A In a small way, yes sir.

Q That has kept increasing up to the present time? A Part of the time, yes sir.

Eye about Bradley

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- Q How long were you talking with Haywood there in Pettibone's store? A Possibly a half hour.
- Q You arrived in Denver practically broke, didn't you?
- A I had some money.
- Q What is your best recollection of how much? A I probably had ten or fifteen dollars.
- Q You needed money by that time? A I needed some more, yes sir.
- Q Did you ask Haywood for more that night? A Yes sir.
- Q And what did he tell you? A That I could have it.
- Q Haywood told you you could have it whenever you wanted it, I suppose? A He said I could get money, yes sir, he did.
- Q Did he tell you not to take too much? A I am not quite certain about that.
- Q But he said that any time, you could get money any time you wanted? A He said I could get money then.
- Q Did you tell him how much you wanted? A I think I did tell him how much I wanted.
- Q How much did you tell him you wanted? A I don't know as I mentioned the amount. I think I said a hundred dollars or one hundred and fifty dollars.
- Q Then you did mention the amount? A I think I did some amount; I don't know how much.
- Q You had been gone September, October, November and pretty much all December? A I think I got back in early December.

Q You had been gone over three months out there? A I think about three months; possibly a little more.

Q And practically all you had had was expenses, wasn't it?

A Yes sir, that is all I had.

Q At least, you got back just about as poor as you went out?

A I don't think I had as much as I did when I started.

Q You were broke at the end of your trip, when you came back?

A I was where I could get more money if I wanted.it.

Q But you had not get anything for your services? A Only my expense money.

Q You had something due you for your services? A I did not say anything about that anymore than I wanted some more money.

Q You did not know how much you were to get? A Nothing was said about that.

Q Or whether you were to get anything? A I was to get money when I wanted it.

Q And as much as you wanted? A I don't know exactly as to that. I never asked for any more than enough to keep me going along.

Q And as often as you wanted it? A I get it when I asked for it, yes sir.

Q But you did not want enough to send any to your wife in Cripple Creek? A I did not send any myself.

Q Nor any to your wife in Canada? A No sir.

Q Nor any for the support of your little girl in ~~Canada~~ Canada?

A No sir, I did not.

Q Not a dollar? A No sir.

Q And neither did anybody else send any that you knew of, did they? A They were to send some.

Q To your Canadian wife? A No sir.

Q They did not know you had a wife there, did they? A No sir.

Q Now, do you say that your wife at Cripple Creek ever had a dollar from the Western Federation of Miners except in regular relief money that everybody belonging to the Federation drew at Cripple Creek? A I heard she had.

Q Where did you hear it from? A Mr. Pettibone.

Q Don't you know that this woman whom you had wronged in Cripple Creek had to sell her washtubs to buy bread for herself and children? A Mr. Haywood agreed to send her money when I left there.

Q Don't you know that that woman had to go to work with her own hands when the relief was stopped in the district for the Western Federation of Miners? A I don't know. I heard that she had to work to support herself.

Q And has had to work ever since? A I believe so, yes.

Q The only money you know of her receiving was money in the way of relief? A I wrote to her once and she answered that they had not sent her any money.

Q And at the same time your other wife was taking in washing and supporting herself and child in Canada? A I don't know about that? I don't think she ever took in washing.

Q But you know she worked at manual toil and has ever since you deserted her? A I know she was making cheese part of the time.

Q You have made cheese? A Yes sir.

Q And you know it is mighty hard work? A It is not hard work for a man.

Q Toil, isn't it? A No sir, not for a man.

Q And hard toil for a woman, isn't it? A It is pretty hard work for a woman, yes sir.

Q When and where did you ever say anything to either Haywood or Moyer about sending any money to your wife? A I never said anything to Moyer about it.

Q When and where did you say anything to Haywood about it?

A I said something to him about it before I left for San Francisco.

Q That was the time, was it? A Yes sir.

Q Just before you left? A Yes sir.

Q What did you say to him? A I asked Pettibone to send her a hundred dollars.

Q You asked Pettibone to send your wife a hundred dollars?

A Yes sir, for her to come to Denver.

Q Then you never did talk with Haywood about it? A Yes sir, to both of them.

Q They were both together, were they? A Yes sir.

Q Where were they? A Over in Pettibone's back yard, or the yard next to his lot.

- Q Was that at the same time that you talked about, on that Sunday afternoon, before you went to San Francisco? A Yes sir, it was.
- Q So you had that as a subject of conversation, as to taking care of your wife while you were gone, did you? A I spoke of it, yes sir.
- Q Did you say that to Haywood or Pettibone? A I said it to both of them.
- Q Have you ever said anything to Haywood or Pettibone as to why they did not send that hundred dollars to your wife to come from Cripple Creek on? A I don't know that I have. I spoke of it when I came back from San Francisco. I supposed she was in Denver.
- Q You supposed she was in Denver? A Yes sir.
- Q What did you say? A I did not find out that they did not send it until I heard from my wife.
- Q Do you say that you ever inquired of Haywood, Pettibone or Meyer about your wife at all when you came back from San Francisco? A Yes sir, I did.
- Q It was the first thing when you got back? A I asked Pettibone and Adams when I seen them.
- Q And you supposed she was in Denver? A Yes sir.
- Q Which one did you speak to about it? A I think both of them.
- Q You asked them her address? A Yes sir.
- Q You did not know up to that time where she was? A I supposed she was in Denver, for Pettibone sent me a letter saying there

was a lady arrived there with three boys and I supposed it was her.

Q But when you got back you found out it was not her? A Yes sir.

Q Why didn't you go and see her? A Because I was keeping out of the way myself.

Q Why didn't you get some money from Haywood and go and see her?

A They said they were keeping her.

Q They said they were keeping her at that time? A Yes sir.

Q You never even wrote to her, did you? A Yes sir.

Q When? A Two or three times.

Q You wanted to keep out of the way and yet you sent a letter to her in the regular course of mail? A No sir, not in the regular course of mail.

Q How did you send it? A I gave it to Paddy Maliney and asked him to ~~bring~~ deliver it to her.

Q How long was that after you came back? A A good while.

Q Six months? A No sir.

Q Five months? A No, it was not that,-- it may have been five months.

Q Did you hold any communication with your wife during the winter of 1905-- that would be the winter of 1904 and 1905, I mean? A I don't know whether it was in the winter or not; I think it was along in the spring.

Q Paddy Maliney was up in Denver, from Cripple Creek, was he?

A Yes sir.

- Q And you met him? A Yes sir.
- Q And you sent back a letter to your wife? A Yes sir.
- Q And that was the first letter you had sent her? A I think I sent her a letter when I was on the trip up in Wyoming.
- Q Did you resent the treatment which had been accorded to your wife while you were gone? A I never knew she was mistreated until after I came up here and I got a letter from her.
- Q Did not know it until after you came up here? A Yes, I knew it before I came up here. I got a letter from her and she said she had not got very much money.
- Q Did you resent it when you found it out? A I don't know that I did. I told them that they had not treated her very well.
- Q Then you did resent it, didn't you? A In a way I did.
- Q Where were you when you told these men that they had not treated your wife very well? A I was in Denver somewhere.
- Q You don't know whether it was in north, south, east or west Denver? A It was probably at Pettibone's store or residence, or Haywood's residence.
- Q Or at headquarters? A No sir, I don't think so.
- Q Why didn't you get more money yourself and send it to your wife? A I did not want her to know where I was.
- Q The matter of fact was that you had deserted her, hadn't you?
A No sir.
- Q And you had left her without a dollar? A No sir, I had not.
- Q And without a day's provisions ahead? A No sir.
- Q Do you say that you left Mrs. Orchard No. 2 with twenty-five

- or thirty dollars when you left Cripple Creek? A Yes sir.
- Q How much did you leave her? A I think about \$35.00.
- Q Don't you know you left that woman without a nickel? A No sir, I do not, -- I know I did.
- Q And did you ever send her one single cent from the day you left Cripple Creek on June 6th, 1904, down to the present time? A Not myself, no sir.
- Q Nor by anybody else, except since you have been in the penitentiary and then through Mr. McFarland? A I have not sent her any money by any one since I went into the penitentiary.
- Q Did you ever send her any? A Not myself, I did not.
- Q Who did you send it by? A Nobody.
- Q When you left Cripple Creek on June 6th, 1904, isn't it a fact that you took all of the money that Mrs. Orchard had herself and which she had earned? A No sir, I did not.
- Q Mrs. Orchard inherited some money about the time you married her, didn't she? A Not that I know of.
- Q Didn't you hear of it? A No sir.
- Q Didn't she get a little wad of money from some place back east? A Not that I know of.
- Q She had some money when you married her? A No sir.
- Q And never did have any? A Some time afterwards she sold a building she had over at Anasconda and got \$50.
- Q And you got it too, didn't you? A No sir.

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Q Didn't she turn it over to you? A I think she put it in a bank with some other money I had over there.

Q And didn't you get it? A No sir.

Q And spend it? A No sir.

Q Hadn't you ever had it? A No sir, the money was put in with some more money that we had, \$150., in the bank, and we used it.

Q That is what I wanted to get at: A It was used up that way, with the exception of about \$35.

Q You took her money and put it with ^{your} ~~her~~ money and used it?

A It was put altogether.

Q Was that all the money you had of her money? A Yes sir, it was.

Q You don't remember of her getting any money from any other source? A No sir, not that I know of while I was there.

Q Now, while you were living in this first place-- in this first place after you came back from San Francisco, was there anything doing during that period of time? A While we were living at the first place?

Q Were you starting out to do any injury then? A Yes sir.

Q Who were you trying to injure at that time? A Judge Gabbert.

Q That was during the winter of 1905? A I think it was the latter part of 1904.

Q Did you ever have any conversation with Maywood or Meyer about injuring Judge Gabbert? A I did not have any conversation

with Mr. Moyer.

- Q You did not know that he knew anything about your trying to injure Judge Gabbert? A I don't know that he did, no sir.
- Q Did you have any conversation with Haywood? A Yes sir.
- Q When and where? A It was down at Pettibone's store, I think.
- Q I want to know about it, if you can tell me. A I think it was at Pettibone's store, the first talk.
- Q Did you have more than one talk about it? A I don't remember that we did.
- Q You said you had the first talk at Pettibone's store? A As near as I can remember.
- Q Well, that means the second one too; and where did the second one occur? A I don't know that we had a second talk about that.
- Q What did Pettibone say and what did Haywood say? A They said they had Steve working on Judge Gabbert and while we were out there we had better work together and see if we could not shoot him.
- Q There was a bad man out there already, wasn't there, by the name of Billy Alkman? A Yes sir.
- Q You have said he was a bad man too, haven't you? A I told you what he did.
- Q And then, were all three of you going to work on Gabbert?
- A All three of us did not.
- Q Were you going to? Was that the plan or was not there any plan? A I don't know that there was much said about Billy

Aikman.

- Q You were detailed to assist Steve? A Yes sir.
- Q In Killing Gabbert? A Yes sir.
- Q And you entered at once upon that duty, did you? A I was there a few times around his residence.
- Q Was there anything said whatever as to the method by which you were to kill him? A We were to try and shoot him.
- Q Mr. Haywood told you the method by which you were to get him, did he? A He said he would rather we would shoot him than to use any dynamite there.
- Q Do you know why he wanted him shot? A I think he said he did not want anything done-- that he did not want any dynamite used or anything done around there where he would be likely to get arrested.
- Q This is a mighty important matter about that now? A I think he said that.
- Q And he was afraid he would get in trouble if you used dynamite?
A Yes sir.
- Q So with Gabbert you were to use a shotgun? A Yes sir.
- Q He not only designated the man to be put to death but the ~~xxxxx~~ means by which you were to put him to death? A He spoke of that means, yes sir.
- Q Did you have your shotgun? A Yes sir.
- Q He did not say anything about giving you a shotgun, or getting you one? A No sir, I had one.
- Q Now, had you got any money at that time for the Bradley job?

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A I got some money a day or two after I came back.

Q How much did you get? A \$125., or Mr. Adams got \$125.

and fetched it home and he gave Billy Aikman and me some and we used the rest to live on.

Q You did not know where he got it? A He said he got it from Pettibone.

Q And the \$125. was distributed between you three murderers?

A That is what we got at that time.

Q I think I got \$25. and Billy Aikman got \$25., and Steve kept the other \$75. to pay the bills of the house on.

Q How long did that \$125. last the three of you? A I don't know how long.

Q What did you do with your twenty-five? A I kept it to buy anything I wanted.

Q Did you think that \$25. was a sufficient compensation for the services you had rendered in California? A I did not think about it at that time; we were looking forward to getting a ranch.

Q How many murders were you going to commit before you went and got your ranch? A I don't know about that.

Q Did it occur to you that the killing of sixteen men and the permanent injury to another would be enough to get you a ranch? A I did not think about that.

Q You did not think how many you would have to kill before you got this ranch? A I did not think about that,-- I don't know.

- Q You did not know but that you would have to kill everybody in Colorado? A I would have to kill some.
- Q And Gabbert was one of them? A Yes sir.
- Q And you went right on not thinking that you had killed enough to get a ranch? A Yes sir.
- Q Was an \$800. ranch enough for you? A No sir.
- Q Although the Neville ranch could be bought for \$800? A Yes sir.
- Q And that was the only ranch you had talked of? A No sir, I had talked about another ranch up in Wyoming.
- Q When was that? A Before I went to San Francisco.
- Q On this Bradley matter? A Yes sir.
- Q Tell us about that? A I told him I knew of a ranch up by Meteetse that could be bought for \$7,500.
- Q That was the reason the \$800. ranch would not be good enough? A Not particularly.
- Q You did not care what price you paid for a ranch? A I wanted some good ranch when I got ready to go on one.
- Q You knew that the Western Federation had lots of money? A Yes sir.
- Q And that you could always get what you wanted? A Yes sir, what I asked for.
- Q And after being away for four months on a murdering expedition you come back ~~xx~~ there and get the sum of \$25.? A That is what I took for my part of it.

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Q How long did that \$25. last you? A Quite a while, that time because I did not go away from the place very much only at night I kept pretty quiet.

Q You gambled didn't you? A No sir, not then.

Q \$25. would last you longer when you gambled than when you did not? A No sir, it was usually the other way.

Q Didn't you become proficient at cards? A No sir.

Q And didn't you spend most of your spare moments in playing cards? A No sir, I did not.

Q Did you play any other game there besides cards? A I don't remember of any other game.

Q You played the national game of poker? A Yes sir.

Q Did you play the roulette wheel, or-- A I played fare bank more, but not the roulette wheel much, and some times black jack and stud poker.

Q One time you dealt black jack didn't you? A I dealt some little black jack around Independence.

Q Didn't you run a game in Independence? A No sir, I never did.

Q In Johnnie Neville's saloon, when he had the saloon there?

A No sir.

Q In Billy Aikman's saloon? A No sir.

Q Not at all? A No sir, not unless you would call when five or six of us would get together and go and play and get the bank black jack and get the deal and keep it until some one else got it.

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Q Did you carry on a game of black jack in Jhommie Neville's saloon? A No sir.

Q Or Billy Aikman's saloon? A No sir.

Q Well, you did not gamble with those twenty five dollars and Steve had \$75. to run the house with? A Yes sir.

Q What did you want to stay in that little coupedup place for?

A I would rather be amongst some one I knew than amongst strangers.

Q Why didn't you send out and get a larger place and have more comforts? A We were comfortable there.

Q You had all you wanted, did you? A I was satisfied, yes sir.

Q You was living a very simple life, weren't you? A I was living well and living in a neighborhood where I wanted to be.

Q Did you discard your soldier's uniform? A I did not wear it any longer.

Q You wore your own clothes? A Yes sir.

Q A cheap ready made suit of clothes? A No sir, they were not.

Q A suit made by a tailor? A Yes sir.

Q Who was the tailor? A They were made by a tailor in Victor.

Q Before you went into this business at all? A No sir, I think it was after I-- I think that suit was a suit I bought after I blew up the Vindicator mine.

Q It was an old and shabby suit? A No sir.

Q And you wore a woollen shirt? A No sir.

Q And you did not wear any collar and necktie? A I always did when I went out.

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- Q Did you have any disguise there at that house? A I have forgotten whether we did or not.
- Q You did not have a single thing to indicate anything else but an ordinary family, did you, -- nothing suspicious around that place at all was there? A I forget whether we had any false whiskers or not; we might have had.
- Q You might have had? A I don't think we used them if we did.
- Q And other than the false whiskers which you might have had you did not have any disguises at all? A I had this uniform.
- Q You had stopped wearing it? A Yes sir, I did not wear it any more.
- Q Now, you say you went up around Gabbert's house night times?
- A Yes sir.
- Q Any snow on the ground? A Some times I think there was a little flurry.
- Q There was not a thing on earth to prevent your shooting Gabbert? A We did not see him.
- Q You were willing to shoot him? A If we had seen him we would have shot him.
- Q And you were anxious to do it? A I think we would have shot him if we had seen him.
- Q If you had had a good opportunity you would have shot him?
- A Yes sir.
- Q Now, did you lay around there three or four nights? A We did not go around very much; it was cold weather and we would go down there in the early evening, about nine o'clock and look

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Q Cool weather would not keep you from using a shotgun? A Well, no.

Q And it would keep people off the streets and give you a better chance wouldn't it? A Possibly so.

Q But you and Steve were the ones who laid around Gabbert's house? A We did not lay around much; we walked around it.

Q And never saw Gabbert in the house? A No sir.

Q And you were not able to find anything about his habits other than that he was in the habit of going to the State Capitol about nine o'clock in the morning? A We never saw him out at night, and we did not see him in the house; he kept the blinds pulled down pretty close.

Q Why didn't you go up and pull the bell and then run back and pump it in to him when he came to the door? A We were too cowardly, I suppose.

Q You did not allow anybody else to call you cowardly, did you?

A I did not then think of those things as I do now.

Q You had shot Lyte Gregory in just as cowardly a manner as that, didn't you? A Perhaps I did.

Q And taken advantage of him when he was drunk besides? A I had a better opportunity to get away than I would go and ring a door bell.

Q Was there any other job which you attempted while you were living with Steve Adams? A Yes sir.

Q What was it? A Putting a bomb under Governor Peabody.

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- Peabody*
- Q Did you abandon the Gabbert proposition when you took up the matter of the bomb with Peabody? A Yes sir, at that time.
- Q No reason why should abandon it? A Only that we wanted to get ahold of Peabody.
- Q Did anybody tell you to abandon it? A They told us to work on Mr. Peabody.
- Q Who told you to? A Mr. Haywood and Pettibone.
- Q When and where? A Well, it was either at Pettibone's store or Haywood's house and it was some time about Christmas time.
- Q Some time about Christmas time? A Yes sir, possibly a little before Christmas, a little bit.
- Q What was the reason for that? A Mr. Haywood said that Governor Peabody was liable to be seated as Governor again and if we had two more years of him as Governor organized labor might as well leave the state.
- Q Now, he said that at Pettibone's house or his house? A At his house or Pettibone's store.
- Q One of these two places? A Yes sir.
- Q Was there anybody present other than himself and yourself?
- A Adams was present and myself.
- Q And if it was over to the store Pettibone was present?
- A Yes sir, but I am under the impression that it was at Mr. Haywood's residence that we talked that over.
- Q But you are not sure about that? A No sir.
- Q And you don't know whether there were three or four present when he made that statement? A No sir.

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- Q He preferred Adams to Peabody, did he? A I don't know what you mean.
- Q That is, he preferred to have Adams for Governor instead of Peabody? A Yes sir.
- Q That is what he was talking about, wasn't it? A When I spoke of Adams being in this conversation, I meant Steve Dixon-- Steve Adams.
- Q But he preferred Alva Adams to Peabody for Governor? A Yes sir.
- Q Don't you know that at that time Mr. Haywood was expressing his ideas-- it did not make a particle of difference which one was Governor? A Yes sir, he might have stated it.
- Q And you know that he was stating openly that Adams was just as bad a man for the Western Federation as Peabody was? A I believe I have heard, or stated that he stated that openly.
- Q Adams had been Governor of the State of Colorado before Peabody?
- A I think he had, yes sir.
- Q Do you think he would talk any different to Billy Masterly than he would to you about it? A I presume he would talk to him the same as to me.
- Q Did you hear him talk to Masterly on that subject? A No sir.
- Q Or did you know that he ever wrote to him on that subject?
- A I could not say.
- Q Don't you know as a matter of fact that Haywood has always said that Adams was a spineless Governor? A I don't know that he has.

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- Q You don't know that that is the word he has always used for Alva Adams? A I never heard him use it.
- Q And that he was no good to the Western Federation or anybody else? A No, I heard him state about Alva Adams coming up to his office, and he was in favor of Adams at that time and supported him.
- Q And yet right after he was elected Governor you knew that Haywood was saying that it did not make any difference which one was seated? A Haywood used to say a good many things out in public that he did not say to me in private.
- Q And you did the same thing yourself? A Yes sir, I presume I did.
- Q You did not advertise these private conversations that you had at that time? A No sir.
- Q And never have advertised them until you made the acquaintance of James McFarland? A I did not, never until I made up my mind to do what was right.
- Q And that is after you got acquainted with McFarland? A Yes sir.
- Q When was it that you had with conversation with Haywood with regard to the time that Peabody was holding his contest,-- before or after the contest was instituted? A It was before the contest I think.
- Q Before there was any contest? A I think it was before there was any contest started.

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Q The contest was not started until after the legislature met in January? A I think not.

Q And this you think was some time in December? A It was in December when this was talked of, yes sir.

Q How many of you were to take part in that transaction?

A I don't know as it was stated. It was Adams and I they were talking to.

Q That was to be done by a bomb, was it? A Haywood said he did not care how we done that, as him and Moyer were going to leave there and he would like to have us do that while they were away.

Q You could not blow up Gebbert with a bomb because that would involve Moyer and Haywood, but you could blow up Peabody?

A Because they were away.

Q When and where did they go? A They said they were going to Chicago.

Q Did they go to Chicago? A Yes sir, I think they did.

Q When did they go? A I think it was the latter part of the year 1904, or first of 1905.

Q You think so? A I think so, yes sir.

Q In any event, you had the talk shortly before they went, and they went to Chicago,-- are you sure about that? A They went to Chicago before we started to do this thing-- before we attempted to do it.

Q And they were gone to Chicago-- how long were they to be gone to Chicago? A I don't know how long they were gone.

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*Robert Peabody
Chicago*

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- Q But you started in to work on it as you have stated? A Yes sir.
- Q You made a bomb? A We started in to put a bomb in another place besides what I have stated too.
- Q Another bomb? Three bombs for Peabody? A It was in another place-- the same bomb.
- Q How many were connected with that bomb? A Billy Aikman, myself and Steve Adams and there were others knew about it.
- Q Was this the same bomb that Steve Adams told you he had thrown in the river, or caused to be thrown in the river? A Yes sir.
- Q Then you made one bomb to use on two different occasions?
- A It was for the same person.
- Q You had two Peabody bombs and you had two places to put them in? A We had more than two for Mr. Peabody.
- Q All right, what others knew about this bomb? A Joe Mahalich and Max Malich.
- Q Who was Joe Mahalich? A He lived over at Globeville.
- Q Was there a strike on over there in the smelter at Globeville?
- A Yes sir.
- Q And had been on there a long time? A Yes sir.
- Q Since the previous spring? A Since July of 1903.
- Q When did you get acquainted with Joe Mahalich? A A while after I came back from San Francisco.
- Q When did you get acquainted with Max Malich? A When we met there for the State Federation convention.
- Q When was that? A The early part of 1904, I think.

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Q You knew Max Melich for a year before you knew Joe Mahelich?

A I seen Joe Mahelich at that time too.

Q Now, what part did Joe Mahelich have with this first Peabody bomb? A He went and hired a rig for us to go over there and put it in.

Q Where did you make the bomb? A We made it over in the room where we were stopping, -- Adams and I and Billy Aikman.

Q That was the first place you stopped in after you got back?

A No sir.

Q You did not make any bombs there? A No sir.

Q That was while you were engaged in the Gabbert matter?

A Yes sir.

Q And then when you went to the second place you went to work on the Peabody matter? A Yes sir.

Q You and Steve Adams made that bomb? A Steve Adams and I made that bomb, and Billy Aikman, yes sir.

Q How long does it take to make it? A Not very long.

Q You can make it in about 15 minutes can't you? A About half an hour.

Q It don't make much difference what you put that in? A Not much difference.

Q You could take your powder and tie them together and put the acid on them and get the results? A You would have to have a place to pull it out.

Q It don't make much difference whether a stick of dynamite is in
or
a box outside as to its explosive power? A You can peak it

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into a case a little tighter than into a box.

Q It don't make any great amount of difference though, does it?

A I don't know what amount of difference it makes.

Q A stick of dynamite would kill anybody if it exploded under him? A I don't know whether it would or not.

Q It would give him a run for his money? A I don't know. It might kill and might not.

Q You made this bomb, did you? A Yes sir.

Q Made it out of a wooden box? A No sir.

Q How did you make it? A Out of sheet lead.

Q Where did you get the sheet lead? A Steve Adams got it at a plumbing shop.

Q Did you go with him? A No sir.

Q How large was the sheet of lead? A About eight or ten inches in diameter and six or eight inches long.

Q What did you do with it? A Just took the paper off and packed it in.

Q You took the paper off--

THE COURT: Mr. Richardson, we will stop here.

MR. RICHARDSON: Very well.

There upon the court gave the jury the statutory admonition, the bailiffs were sworn, the jury retired in charge of the bailiffs the defendant and witness were remanded to custody and a recess was taken until 1:30 o'clock P. M.

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Boise, Idaho, Tuesday, June 11, 1907.

1:30 o'clock P.M.

Parties met pursuant to adjournment.

The clerk called the names of the jurors and announced
all present.

WITNESS HARRY ORCHARD ON THE STAND

CROSS EXAMINATION CONTINUED

BY MR. RICHARDSON:

- Q. What time was it when Billy Aikman left you? A. I think it
would be some time in February, I am not sure.
- Q. Was that before or after you worked on Peabody? A. It was
after.
- Q. You say Aikman had all of the money that he wanted and could
get all he wanted just the same as you and Steve Adams could?
- A. I don't know what Aikman got. I think he got some. We give
him some, too, Mr. Adams and I.
- Q. Well, don't you know about that? A. I heard him say he got
some, yes sir.
- Q. You did say, did you not, that Mr. Aikman could get all of the
money he wanted? A. I don't think I did.
- Q. Did not? A. No sir.
- Q. Let me ask you this; Don't you remember that Billy Aikman
had trouble with his teeth there that winter? A. I think
I do remember, yes sir.
- Q. And don't you know he was too poor to go to a dentist to get

his teeth fixed? A. I know that he went and got money to get his teeth fixed and spent some of it and didn't have enough to get them finished up.

Q. Don't you know that he went to a dental college where dental students are prepared for their degree in dentistry and where they are glad to practice on anybody for nothing, if they will allow them to do so, to get the experience and that he there got his teeth fixed up for nothing at that dental college?

A. No sir, he told me that he had to pay \$50.

Q. I don't care what he told you about it. I asked you what you knew about it? A. I heard him speak something about a dental college.

Q. Do you know about his going to a dental college? A. I don't know only what he told me.

Q. But he did say something about a dental college, did he?

A. Yes sir.

Q. Well, you may tell us what he said about a dental college, I want to be fair with you. A. He said he could get his teeth fixed there for \$50 cheaper than he could anywhere else.

Q. At a dental college? A. I think he said a dental college. He said some kind of a college.

Q. Don't you know that they don't charge anything at a dental college at all? A. I don't know anything about it. I never had any work done at one.

Q. They are glad to do the work for the experience, aren't they?

A. I couldn't tell you.

Q. In any event, you heard him say something about going to the dental college because it was cheaper than he could get

- it done anywhere else? A. Yes sir, I did.
- Q. What difference did that make? Did you talk with him about that? A. I don't know that I talked with him about it, no sir.
- Q. Did you ask him what he wanted to save his money for when he could get all he wanted by just asking for it? A. I don't know as he said he could have all he wanted. I don't know anything about it.
- Q. Don't know as he could have? A. No sir.
- Q. Although you know that he was an executioner of crime the same as you were for the Western Federation of Miners? A. He had helped do some of it, yes sir.
- Q. Then there wasn't any reason, so far as you know, why he couldn't get money just as easy as you could? A. I don't know.
- Q. You could get all you wanted at any time you went after it? A. I got all I wanted, all I asked for.
- Q. And did get all you wanted? A. I got all I asked for, yes sir.
- Q. While you were there in December and January did you play cards a good deal at a place called the Arcade on Larimer Street? A. No sir, I never played cards there.
- Q. Do you know a place, a gambling institution in Denver on Larimer Street called the Arcade? A. I think I have heard of it. I don't know of it.
- Q. Ever been in it? A. I may have. I don't know whether I have or not.
- Q. You know where Larimer Street is, don't you? A. I know where Larimer Street is, yes sir.
- Q. You know where the Tabor Block is on the corner of Larimer,

don't you? A. I know where the Tabor Block is. It isn't on the corner of Larimer, though.

Q. There are two blocks, the Tabor Opera House and the Tabor Block: The Tabor Block is at the corner of 16th and Larimer, you know that, don't you? There is a big liquor store there. A. I know the Tabor Opera Block is on the corner of Curtis.

Q. 16th and Curtis? A. Yes sir.

Q. Two blocks down, at 16th and Larimer is another block -- or three blocks down, rather, at the corner of 16th and Larimer is the Tabor Block. A. I was in a gambling house down there somewhere, I don't know just where it is.

Q. Were you never in that gambling house? A. I was once.

Q. Just once? A. Yes sir.

Q. You made a lot of money in there, too, didn't you?

A. I didn't play anything there at all.

Q. Not a card? A. No sir.

Q. Nor the roulette nor anything else? A. No sir.

Q. Nor gamble at all? A. No sir, I didn't gamble at all myself.

Q. Did you go home and tell the people at home you had made a lot of money at gambling there? A. No sir.

Q. And bring home a lot? A. No sir, I wasn't in there at that time. Another time, it was later than that, when I was in this place, and I am not just sure where it was. It was a gambling house somewhere down there.

Q. During that month of January, February or March that you lived with the Adams family? A. I lived with Steve Dixon and his wife. ~~xxxxxxx~~

Q. Steve Dixon and his wife whom you knew to be Steve Adams and his wife? A. Yes sir.

Q. Did you go out there at any time with a big wad of money which you told them that you had made from gambling?

A. No sir, I did not.

Q. Never did? A. No sir.

Q. And you didn't do any gambling at all that winter?

A. No sir, I didn't do any gambling at all.

Q. What had caused you to stop gambling, Mr. Orchard?

A. I wasn't anywheres where there was any going on.

Q. You had been a gambler practically for many years, hadn't you?

A. I had gambled some when I was where it was.

Q. And didn't do any during that winter that you was living with Steve Adams and his wife? A. I didn't go around much anywheres where there was any gambling going on.

Q. Well, we will come to this Peabody bomb. Before starting on the Peabody job did you draw any more money? A. I think we did get some more money, yes sir, -- got some more money besides the first we got.

Q. Now since you got home from California you got two amounts of money, did you, one of \$25 from Steve Adams, and the other was how much? A. I got \$125; I was supposed to get the money that he got first, and Steve got it from Pettibone and I told him to keep \$75 and to give Billy Aikman \$25 and I would take \$25 of the first lot.

Q. That was then the first money that you got, was \$125?

A. Yes sir.

Q. Of which you got \$25? A. Yes sir.

- Q. And gave the other hundred dollars to your pals, they had the rest of it? A. Yes sir.
- Q. Very well. From the time that you got home from California in the month of December up to the time that you commenced to work on the Peabody bomb you personally had \$25 in cash?
- A. Yes sir.
- Q. How long a period of time was that? A. It wasn't very long. I don't know how long.
- Q. When did you get the next money after that? A. We got it just before we went to work on the Peabody job.
- Q. Did you demand anything for your work on Gabbert? A. I didn't ask for nothing only enough to pay my expenses, whatever it was I wanted.
- Q. Well, did you get anything for your work on Gabbert?
- A. Nothing more than I have spoken of, no sir.
- Q. That is that \$25? A. Yes sir.
- Q. That is what I want to keep strictly in mind now so that when we come to the proper time you can give me the next amount of money you get. So from the time you got home from California until the time you are now speaking of when you started to work on Peabody you had personally had only \$125?
- A. Yes sir.
- Q. When was it you commenced to work on Peabody? A. It was somewhere about the last of December or the first of January.
- Q. You had already tried to work on Gabbert and had abandoned that had you, when you commenced to work on Peabody? A. Temporarily, yes sir.
- 883 Q. Did you get any money then? A. Yes sir, we got some money.

- Q. Who did you get it from and how much did you get?
- A. Steve Adams got it the same as he did before, got it from Pettibone.
- Q. You got your money from Steve Adams, didn't you? A. I didn't get any of that myself.
- Q. Then I want to ask you what money you got, not what Steve Adams got. We will take that up a little later? A. I didn't get any money then.
- Q. You didn't get any money? A. No sir.
- Q. Now then you started in on the Peabody job without any money? A. Any more than what I had got, I did, yes sir.
- Q. Still living on that money which Steve Adams had or on the \$ 25? A. I was living on the money what Steve Adams got before for all of us.
- Q. Now where was the arrangement made to assassinate Peabody?
- A. It was either over at Mr. Haywood's residence or Pettibone's store.
- Q. Were you going to Haywood's residence frequently at that time? A. I went over there once in a while.
- Q. How often did you go? A. Not very often, once in two weeks, something like that, perhaps oftener. I don't remember just how often I did go. I went a few times.
- Q. Had you ever been to Haywood's residence before you went to California? A. Yes sir, I had.
- Q. How many times? A. I couldn't tell you just how many times.
- Q. Well, give us about the number? A. I don't like to fix the number. I don't know just how many times. I had been there a few times.

- Q. Why don't you like to fix it? A. Because I don't know.
- Q. You ought to be able to give us some idea, Mr. Orchard.
- A. Well, I wouldn't fix any number of times. I had been there a few times.
- Q. How is it that you can remember every screw-eye that you handled, just exactly how wide you opened it, and absolutely how long the string was, and all of the details with reference to a thing of that kind, and yet you can't give us any date nor any place with regard to these conversations and this money? A. I do give you the place of every one of them as near as I can remember.
- Q. Well, you give us the other things with absolute accuracy.
- A. We met at these places and we didn't meet anywhere else to speak of at all.
- Q. And when I ask you about where you talked with Haywood you say somewhere in Denver, probably at his house or probably at Pettibone's store or maybe some other place? A. No, I didn't say any other place. We talked at one or the other of the places I said.
- Q. One of these two places? A. Yes sir.
- Q. And you don't know which one? A. I am not positive of which one.
- Q. And you don't know who was present when you talked?
- A. Yes sir, I know pretty near.
- Q. Who was it? A. Steve Adams and myself and Mr. Haywood, if it was over at Haywood's residence, which I think it was; and Mr. Pettibone was present also if it was down at his store.
- 885 Q. You may see that don't help me much if you say "if it was".

A. Well, I am not sure.

Q. I would like to know what your best recollection is of who was present and where it was? A. My best recollection is it was over at Mr. Haywood's residence, and Steve Adams and Mr. Haywood and myself were present up in his room.

Q. That is your best recollection upon that? A. It is my best recollection, yes sir.

Q. What part of Haywood's house were you in? A. Upstairs when we was talking about it, up in his bedchamber.

Q. What time of night did you get there? A. I couldn't say just what time, eight or nine o'clock, after dark.

Q. Was it in the night? A. Yes sir, it was.

Q. In the night after dark? A. Yes sir, it was.

Q. About eight or nine o'clock? A. Yes sir.

Q. You found Haywood at home, did you? A. Yes sir.

Q. Did you meet him there by appointment? A. I am not quite sure whether we did or not. I think I told Pettibone we was going over there, or something, and to tell Haywood we was, to send word, like that; we may have.

Q. Think you did? A. I don't say we did; I think possibly we did.

Q. Outside of the time that you say that Moyer telephoned to Bill Davis to tell you, or Sherman Parker, I have forgotten which, to tell you to come to Denver, there never was a time when Mr. Haywood ever sent for you to come anywhere, was there?

A. Yes sir, there was.

Q. You always sought him, didn't you? A. No sir, I did not.

Q. When was there a time that Haywood sent for you? A. He has told Pettibone to tell us to come down to the store or else to

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tell us to come over to his house sometimes.

Q. Did Haywood ever tell you that, ever make an appointment with you in the world? A. Yes sir, he has made appointments with me over a telephone.

Q. When? A. A. Well, I don't know just when, some time during that winter. I called him up over the phone.

Q. Well, you called him up over the phone you say? A. Yes.

Q. Did he ever call you up and make an appointment with you?

A. I don't know he did directly. He did me it through Pettibone.

Q. You called him up once in a while, did you? A. I have called him up, yes sir.

Q. Were you acquainted with D. C. Scott at that time?

A. I knew D. C. Scott, yes sir.

Q. Did you meet him during that winter? A. No sir, I did not.

Q. Did you meet Sterling that winter? A. No sir.

Q. Or any other member of the Mine Owners' Association or their detectives? A. I never met any of them, no sir.

Q. Did not? A. No sir.

Q. Nor had anything to do with them? A. No sir.

Q. Well, you say that you and Steve Adams and Billy Aikman made this bomb that you were going to get Peabody with?

A. Yes sir, we did.

Q. How long before you set out to use that bomb? A. We used it shortly after we made it, attempted to use it.

Q. When did you first plant that bomb? A. The first time we planted it was on 13th Avenue and Grant Street.

Q. Was that the time that you had forgotten about that you said you hadn't mentioned in your direct? A. No sir, it wasn't the

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time.

- Q. That isn't the time? A. We did not -- you asked me this time when we did plant it.
- Q. Yes, I know that, but you said there was one time that you didn't mention, one place or something of that kind?
- A. There was a time that we tried to plant it in another place, but we didn't do it.
- Q. Well, we will get to it then. I wanted to know if this was the time that you didn't mention? A. No sir, it is not.
- Q. The first place you planted it then was on 13th Street you say?
- A. I think it was 13th Avenue and Grant.
- Q. East 13th Avenue and Grant? A. I think so, yes sir.
- Q. Grant is one of the swell residence streets of the city of Denver, isn't it? A. It is a residence street, yes sir.
- Q. And one of the most populous streets in the city of Denver for xxx residences, isn't it? A. I couldn't say as to that.
- Q. Right near the Capitol, isn't it? A. Yes sir.
- Q. In fact it faces the Capitol, nothing between it and the Capitol, doesn't it? A. Where the Capitol is situated it does.
- Q. How far distant is 13th Street? A. 13th Avenue is on block I think from the Capitol.
- Q. The Capitol is between 14th and Colfax, and Colfax is what would be 15th Avenue if it was numbered, isn't it? A. I think so, yes sir. I am not positive. I think it is.
- Q. To come out of the Capitol to go down to Governor Peabody's home you would have to walk two blocks, wouldn't you?
- A. You would have to walk I think somewhere in the third block he lives.

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Q. No, that wouldn't be quite right if he lived in the 13 block, or did he live in the 12 block? A. I think he lived between 11th and 13th Avenues on Grant Avenue.

Q. But you planted this bomb on 13th Street you say?

A. We planted it on 13th Avenue, I think it is 13th Avenue and Grant Avenue.

Q. At the intersection of the two streets? A. Yes sir, right on the corner.

Q. Whereabouts, and what was the circumstances of that planting, the local situation of it? A. We planted it just where he come off the sidewalk onto the street to cross 13th Avenue, where there is a little space up through the curbstones that is left for water to run through, or slush or something.

Q. That avenue is all graded and paved, solid sidewalk, isn't it?

A. I think it is, yes sir.

Q. No wood or boards or anything of that kind around there at all, is there? A. I don't think there is.

Q. Did you pick a hole in the cement? A. No sir.

Q. What did you do with it? A. Buried it there in the snow.

Q. Buried it in the snow along the side of the sidewalk? A. Right in this little water course when you come off the sidewalk into the street.

Q. Can you tell us the date of that? A. No sir, not exactly.

Q. Well, give it to us as near as you can? A. I think it was about the first of January.

Q. Now was Joe Mahalich with you at that time? A. He wasn't over there with us, no sir.

Q. Was that the time that you got a livery rig? A. Yes sir.

Q. And Joe Mahalich got the livery rig, did he?

- A. Yes sir.
- Q. Then Joe Mahalich didn't know anything about what it was for, or did he? A. Yes sir, I think he did.
- Q. You had told him? A. I didn't tell him.
- Q. When and where had he found out about it? A. I think Max Malich told him.
- Q. You had told Max, had you? A. I had told Max we was going to do it, yes sir.
- Q. You had told him, yes sir.
- Q. When had you told him that? A. Some few days before that.
- Q. You went to see Max and got acquainted with him, did you?
- A. I was acquainted with him. We used to go over there and see him and traded with him.
- Q. There was a strike on out there, wasn't there? A. Yes sir.
- Q. That was before you went out there to live, wasn't it?
- A. Yes sir.
- Q. How long had you been acquainted with Max Malich?
- A. I got acquainted with him at the State Federation meeting the winter before.
- Q. Then he belonged to some Federation of labor, did he?
- A. I got acquainted with him at that convention that I attended that the State Federation of Labor called.
- Q. He was not a member of the Western Federation of Miners?
- A. I think he was.
- Q. You think that he was? A. I think he was.
- Q. He was a store keeper out at Elyria, a suburb of Denver?
- A. Out near Globeville.
- Q. And Globeville and Elyria are pretty near together, aren't

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they? A. Globeville is one side of the river and Elyria is on the other.

Q. Globeville is near the Omaha and Grand smelter, isn't it?

A. He lived near Globeville. I don't think they called it Globeville right where he lived.

Q. Out near the Globe smelter? A. Somewhere, yes sir.

Q. Near the Brighton road? A. Yes sir, not far from the Brighton road.

Q. You went out to see Max for a purpose, did you? A. Yes sir.

Q. What was it? A. Well, we used to trade with him. We was over there and was talking about this and wanted to get a livery rig.

Q. What did you go out to Max Malich's place to trade for when you were living somewhere near the center of the city of Denver?

A. Because we had been over there and knew Max and he dealt in groceries and we thought we would give him what little trade we had.

Q. It was more than two miles from your place to Max Malich's, wasn't it? A. Quite a ways. I should think it was two miles.

Q. And there was a grocery store within a half a block of you, wasn't there? A. A grocery store very close.

Q. And several all around there? A. Yes sir, there is lots of little groceries around there.

Q. And yet you went out to Max Malich's to trade? A. Yes sir.

Q. Didn't you get out to Max Malich's to try to entrap him into employing you to commit a murder out there? A. No sir, I did not.

Q. Didn't talk with him on that subject? A. We talked about that,

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yes sir.

Q. You know a man who kept a rival store out there to Max?

A. Kept a what?

Q. A rival store out there to Max Malich's? A. There was some other stores around there.

Q. A man named McDonald? A. No sir, I don't know him.

Q. Don't know a man named McDonald? A. No sir.

Q. McDaniel? A. No sir, not by name I don't know him.

Q. Don't know him by name? A. No sir.

Q. Did you hear Max talk about his rival in business out there?

A. I don't know that I did; I might have heard him talk about it some.

Q. Didn't you tell Max Malich that winter on one of your trips out to Globeville that you would murder this man McDaniel if he would give you \$100, and that would get him out of the way? A. No sir, I never did.

Q. Nor anything like that? A. No sir.

Q. Neither in substance nor effect? A. No sir, nothing like that.

Q. Did you have any talk with Max Malich on that subject?

A. No sir, never was spoken of.

Q. You know there was a man of some such name there?

A. I didn't know him by that name.

Q. Didn't know him? A. No sir.

Q. And didn't Max Malich say to you that under no circumstances would he enter into any arrangement of that kind?

A. I don't know what you are speaking of now.

Q. About that murdering for him a man who was his rival in business there by the name of McDonald or McDaniel?

- A. No sir, there was never such a thing mentioned.
- Q. Never thought of it? A. I never thought of it, never mentioned it.
- Q. You used to go out there to Max Malich's to buy groceries because you thought you would give him what little trade you had? A. Yes sir.
- Q. How much did your grocery trade amount to for you four people? A. Not very much.
- Q. Four or five dollars a week, I suppose? A. Something like that, maybe a little more.
- Q. So you trudged clear out to Globeville and back to give it to Max Malich? A. We used to get most of our things over there, not all of them.
- Q. Cost you ten cents to get out there and back at the least calculation? A. Didn't cost us anything, used to walk nearly every time.
- Q. If you went on the street car you would have to walk half or three-quarters of a mile to get there then, wouldn't you? A. Yes sir.
- Q. How did you get acquainted with Joe Malich? A. Got acquainted with him there at Max Malich's.
- Q. He was out there, was he? A. Yes sir.
- Q. In his store? A. In his store or saloon.
- Q. Did you ask Joe Malich to hire a livery rig for you? A. No sir, I didn't ask him.
- Q. Who did? A. Max Malich asked him.
- Q. Did you ask Max Malich to hire a livery rig for you? A. I asked him to get somebody to do it or let us have his rig.

- Q. You lived three times nearer to Peabody's place than you were to Max Malich? A. I think it is closer, yes sir.
- Q. Much closer, isn't it? A. I think it ~~is~~ is some closer, quite a considerable.
- Q. It wasn't any considerable walk at all for you to walk from the place where you lived over to the place where Peabody lived, was it? A. It is quite a ways over there.
- Q. Not over three-quarters of a mile or a mile at the outside, is it? A. I wouldn't say just how far it is. I think it is all of a mile.
- Q. And on perfect paved streets all the way? A. Yes sir.
- Q. And to get over to Max Malich's you had to go out through the slums of Denver, didn't you? A. I don't know as you go through the slums exactly.
- Q. Well, went across railroad tracks and the place where the poor houses are, poor buildings, and all that sort of thing, didn't you, to go to Max Malich's? A. I don't think the buildings are quite as good down there as they are some other places.
- Q. So you went out there to get a livery rig to take back and drive over to Peabody's? A. We went out there to see about getting a livery rig.
- Q. What did you want a livery rig for? A. We wanted a livery rig to drive over there with to take this bomb in the day time, and wouldn't attract as much attention as though we was lugging a big thing like that.
- Q. Your bomb wouldn't weigh over twelve or fifteen pounds with all its trimmings, would it? A. Yes sir, it would weigh

- I should think, as much as forty pounds.
- Q. And yet you only put five or six pounds of powder in it?
- A. No sir, we put 25 or 30 pounds into it.
- Q. Twenty-five or thirty pounds into that box? A. Yes sir.
- Q. Did you state the Peabody bomb that you originally made you only put five or six pounds of powder in it? A. No sir, I don't think I said anything of the kind.
- Q. How large a bomb was this? A. A bomb eight or nine inches in diameter and about twelve or fourteen inches long.
- Q. You thought if three men drove up there in the day time in a livery rig and got out and planted a bomb in the snow that it would attract less attention than it would if you took it over there in the evening simply by yourselves? A. We didn't want to put it in there in the evening.
- Q. Why not? A. Because it would freeze before I wanted to use it.
- Q. If you put it in in the afternoon it wouldn't freeze.
- A. We didn't put it in in the afternoon.
- Q. What time did you put it in? A. About eight o'clock in the morning.
- Q. And you calculated to explode it when Peabody came along there that morning, did you? A. Yes sir.
- Q. Was it a warm morning that you selected that morning or quite cold? A. Quite cold.
- Q. But you didn't expect the powder to get cold before you would be able to discharge the bomb? A. No sir, not much.
- Q. Why didn't this man Joe Mahalich go with you? A. Because we only had a single rig, and we didn't want him; there was three of us besides him.

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- Q Three of you to go in a single rig? A Yes sir.
- Q This was a buggy was it? A Yes sir.
- Q A top to it? A I think so.
- Q And when you got to 18th and Grant Avenue you stopped your buggy and got out and took out this infernal machine, did you? A ~~It was out already~~ ^{I was out already} and Mr. Mahalich and Mr. Aikman and Mr. Dixon drove up there close to it and handed me this and I just dropped it in the hole there ^{I had this all ready} and hooked the cord over it-- hooked the wire, and kicked a little snow over it and drove away.
- Q No trouble about frozen powder going off is there? A ~~Mr~~ Yes sir, there is.
- Q What is the trouble? A Well it don't go very well.
- Q Well it goes, don't it? A I don't know whether it will go itself or not.
- Q It will go if you put sulphuric acid on it won't it? A I don't think so.
- Q Just the same in the winter time as it will in the summer? A Powder don't explode very well when it is frozen.
- Q Well it don't make a bit of difference with the cap does it? A I don't think it does with the cap.
- Q Sulphuric acid on a cap will have the same effect on it in the winter time as it will in the summer? A Yes sir, I think so.
- Q And if a cap explodes in a stack of powder or several sticks of powder it will explode the powder at any time of year, won't it? A Not always, no sir.
- Q It will not? A No sir, it won't explode all of it. It may explode some.

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- Q Think one stick of powder exploding out of ten sticks of powder that were together the other nine sticks will have to go too, don't you think so? A Not if it is frozen it aint.
- Q You think you could explode a part of a bunch of powder in cold weather and not have the balance of it affected? A Yes sir, if it is frozen good and hard it is apt not to all go.
- Q Isn't that the object of thawing powder so that you can pack it tight together and get a tight wad of it? A Yes sir, and so it will explode itself, for both reasons.
- Q When you put powder into a drill hole you tamp it in so as to get a greater effect from the explosion, so that it won't shoot out of the hole and leave the hole there, isn't that the object of it? A Tamp it in tight.
- Q That is the purpose of it? A Yes sir.
- Q And that is the reason why it is thawed, isn't it? A That is one reason.
- Q Which is more dangerous, thawed powder or cold powder?
A Thawed powder is.
- Q So you thawed this powder to make it more dangerous, did you?
A Yes sir, it was thawed .
- Q You don't remember that day? A I don't remember the day, no sir.
- Q It was eight o'clock when you planted it? A About that time.
- Q Isn't it true that at eight o'clock in the morning Grand Avenue is pretty well lined with business men going down to their work? A Few there, not very many.
- Q Not very many? A No sir.

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- Q You were going to fix this across the sidewalk with just as much chance and a good deal more of catching some other business man than you would of catching Peabody? A No sir, we were not.
- Q What were you going to do? A We were going to wait until he come along before we pulled it.
- Q You were going to be right there? A Wasn't going to be right there, no sir.
- Q Where was you going to be? A A block away.
- Q With your team? A The team wasn't right there, no sir.
- Q Where did you have your team, where did you leave the team?
- A It was down I think on 11th avenue practically two blocks from Lincoln, I think from where we were.
- Q Back two blocks from Lincoln and 11th Avenue? A I don't know whether it is Lincoln or Logan, it is the one back of Grant Avenue.
- Q In order to get there you would have to go right past Peabody wouldn't you, if he was coming up Grant Avenue?
- A No sir, would not.
- Q Or would you go down 13th Avenue and then take another avenue down, Sherman? A Go down 13th Avenue or go down the one we was on, I don't know whether it is Lincoln or Logan, one or the other, and then go up, and we were on 11th Avenue.
- Q Had they brought the team right to the place where you waited at 13th and Grant? A Drove right up there with it, yes sir.
- Q And then when you took the bomb out did they go on off with the team and leave you there? A Yes sir, after I laid it down and buried, they waited until I did.
- Q And then all three of you stay there? A No sir.

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- Q Who went away with the team? A Billy Aikman drove the rig away.
- Q Told you he would go down on 11th Avenue somewhere and wait for you? A I told him where to go and be about there.
- Q And you and Steve Adams stayed there, did you? A I think Steve drove off a little ways more before he got out.
- Q You think he did? A I think so.
- Q And left you at the bomb? A I didn't say I was at the bomb. I walked away from there.
- Q And Steve on down the street toward the direction from which Peabody was coming? A No sir, we went up 13th Avenue when he went away.
- Q You expected Peabody to come along Grant Avenue didn't you?
A Yes sir.
- Q He lived on Grant Avenue? A Yes sir.
- Q And he would come down Grant Avenue until he got opposite the Capitol and then turn over into the Capitol grounds, that is what you expected him to do? A That is the way he usually went.
- Q Now Steve went up 13th Avenue, did he? A I think he did. I am not sure whether he got out or went up with the rig a ways./
- Q You don't know what became of Steve then? A Yes, I know what became of him afterwards.
- Q And you know Billy Aikman went down towards 11th Avenue?
A Yes sir.
- Q Which took him in still another direction? A Yes sir.
- Q Now in what direction did you go? A I forget whether I walked down Grant or whether I walked up 13th. I think I walked up 13th Avenue.

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- Q If Steve Adams did come soon after that up there he had walked down? A I am not sure whether we walked down together or whether we went together.
- Q How you fixed the bomb? A Yes sir.
- Q Did you see Peabody coming? A No sir.
- Q You then fixed and left it there? A Yes sir, we did.
- Q Did you connect it up so that if anybody came along it would explode? A We connected it up but there was nobody to explode it until somebody pulled the wire.
- Q Oh, you calculated that Peabody would come along and pull the wire, did you? A No sir, we didn't.
- Q Who would pull it? A Adams and I was going to pull it.
- Q Did you run your wire up 13th Avenue? A Yes sir.
- Q How far? A A block away.
- Q And being up there that block you waited for Peabody to come along? A We didn't wait there all the time; we walked down ^{Logan} ~~Lincoln~~ and stood where we could see him when he come out of his residence.
- Q This wire pulled straight up 13th Avenue? A It was straight up.
- Q Along that curbstone? A Yes sir.
- Q Along the curbstone on 13th Avenue? A Yes sir.
- Q That is another populous street in the City of Denver that people go along a great deal, isn't it? A It isn't traveled so very much.
- Q Not very much? A People go along there some.
- Q And eight o'clock this morning you had this wire strung and connected with this bomb and run up there for a block?
- A Yes sir, we did.

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- Q That would have to cross an alley way? A Yes sir.
- Q And it would take about 300 feet of wire? A I don't know just how long the blocks are. It was a block away. I know that.
- Q Well, was that the time you saw the coal team coming up through the alley? A Not just then, no sir.
- Q Well, here was Grant Avenue running north and south, or nearly so? A Yes sir.
- Q Here was the alley running north and south parallel with it?
A Yes sir.
- Q And here was the next street, which is Logan Avenue, running north and south parallel with it? A Yes sir.
- Q Now you set your bomb here at Grant Avenue, went up 13th avenue across this alley to Logan Avenue, and stood there, did you, with your wire in your hand? A No sir, we didn't stand there with our wire in our hands.
- Q What did you do? A We went down and watched to see when Mr. Peabody left his place.
- Q You had your wire there, didn't you? A Yes sir.
- Q Stretched across this alley? A Yes sir.
- Q Was it laying on the ground? A Yes sir.
- Q What kind of a wire was it? A It was a wire about the size of a broom wire.
- Q About the size of a broom wire? A A little finer maybe.
- Q Bright was it? A No sir.
- Q Rusty? A No sir, it wasn't rusty.
- Q An ordinary piece of steel wire or copper? A It wasn't copper wire.
- Q Steel? A I don't think it was steel either. It was soft.

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- Q It was a soft wire? A Yes sir.
- Q Like a fence wire, only smaller? A Just about like a broom wire.
- Q That is a very small wire, is it? A Possibly a little bit smaller than a broom wire.
- Q A very small wire, was it? A Quite small, yes sir.
- Q Now did you go down Logan avenue to see when Peabody came out, or did you go down Grant avenue? A I think we walked around the block once or twice and we stayed the most of the time over on the corner of 11th avenue or walked around there on the corner of 11th avenue-- or I mean 12th avenue, and Logan.
- Q 12th and Logan. That is, you went up 13th street over toward Logan and then down Logan to 12th and then did you go from 12th back on to Grant? A We walked around there some where we could see him most of the time if he come out of his residence.
- Q Where was he? A Where was who?
- Q Peabody? A We supposed he was in his residence.
- Q Did you see him? A We did afterwards, yes sir.
- Q You said you walked around there where you could see him most of the time? A Where we could see him when he came out of his residence.
- Q And he finally came out of his residence, did he? A Yes sir, he did.
- Q When he came out of his residence what did you do? A We walked up Logan just a little before.
- Q Walked up Logan? A Yes sir.
- Q You had set your bomb on Grant hadn't you? A Yes sir, Grant and 12th Avenue.

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Q And he walked up Logan? A No sir, he did not.

Q I thought you said so just a moment ago? A I said we walked up Logan.

Q You walked up Logan? A Yes sir.

Q All right, where did he walk? A He walked up Grant avenue?

Q Go ahead and tell the rest of it? A Well we walked up Logan and got there a little before he did and watching for him to come along. At the time he come along there was two coal wagons drove out of the alley, about the time he got over there and we couldn't pull this wire at all until after he had gone over it.

Q Did the coal wagons cross your wire? A Yes sir.

Q Why couldn't you pull it? A Well then teams, one reason was that they was right around there close where we was and there was some people coming across a vacant lot, quite a lot of them, coming across the street kitty-cornering.

Q They couldn't see your wire, could they? A No sir, they couldn't see the wire.

Q And the coal teams didn't stand on your wire, did they?

A They were standing on the wire or just crossing it, the last one was, about the time Mr. Peabody went across it, they was between him and us.

Q These wagons were standing there? A They were not standing there, they were moving.

Q They were not standing on the wire then? A They were going across it.

Q There wasn't anything to prevent you pulling the wire so far as anything interfering with the wire is concerned?

A I think they had just got over the wire about the time he

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come across there, the last one, and the other one was about pretty near to where we was standing.

Q The wheels of the wagon drove over the wire, did they?

A Yes sir

Q And the first one turned there and came up to where you were? A Yes sir, come that way.

Q Did the wagon come out of the alley? A Yes sir.

Q Was they loaded wagons or an unloaded one? A I think it was an unloaded one.

Q And turned up in the direction of going up ~~xxx~~ town?

A Turned up in the direction of going up Logan.

Q Up Logan? A Yes sir. I am not sure whether it was loaded or unloaded. I don't know

Q How could they come out of that alley and get on to Logan avenue without first coming up 13th avenue? A They did come up 13th avenue.

Q They did? A Yes sir.

Q Now do you know of a coal yard in that locality anywhere that an empty wagon would go to for ahead of coal? A I don't know of a coal yard-- I don't say they were empty. I think they were.

Q Don't you know they would have been empty or they wouldn't have been in an alley and come out of it? A They might have been there and unloaded a part of a load of coal and going some where else with another part.

Q Then you don't know whether the wagons were loaded or unloaded? A I am not positive whether they were or not.

Q A few moments ago you said it was an unloaded wagon, didn't you? A I said I thought it was.

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- Q Then you thought it would be bad to say that because the direction which the wagon took was not a direction that any wagon would go to get another load? A No sir, I didn't think anything about that.
- Q Didn't think anything about that? A No sir.
- Q But you did correct your testimony in that respect for some reason? A I am not sure whether it was loaded or unloaded. You asked me that and that is what I told you.
- Q The wagon came out of the alley and came out towards you, did it? A Yes sir.
- Q And the other wagon followed it, it was about on the wire when the first wagon got to about where you were? A It was just about on it I think.
- Q You were afraid to pull the wire for fear you would get caught? A Yes sir, we were.
- Q Notwithstanding the fact nobody could see what you were doing because the wire was under the snow and nobody would know what took place with respect to the explosion? A We were afraid to pull it when there was so many right around there and those wagons there.
- Q Then you absolutely abandoned trying to get Peabody, did you? A We did at that time.
- Q And for how long did you remain without trying to get Peabody? A Well I think we was around-- I don't remember that we ever made another attempt until I went to Canon City now.
- Q You don't remember? A I don't think we did.
- Q Then the attempt you forgot about is still further on down? A No sir, it was before this.

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- Q It was before? A Just before, yes sir.
- Q Give us the time that you had forgotten about. Let us see about that. We want it all. A Well, I will tell it to you.
- Q All right, go ahead. A Just before we put this bomb in here we was going to bury it under the sidewalk down just by these vacant lots that was near his house, and we went over there with a shovel or a spade to dig a hole under there, or see if we could dig where the ground was froze, and we was going to stretch a wire across this vacant lot over to Logan.
- Q Was that on Grant Avenue? A It was on Grant Avenue where we was going to put it under the sidewalk.
- Q And between what streets? A Between 11th and 12th avenues.
- Q When was that in reference to the time you have just been telling about? A Just a day or two before.
- Q Was it the same bomb you were going to use? A Yes sir.
- Q You had the bomb already made? A Yes sir.
- Q You say nothing came of that anyway? A Yes sir.
- Q You went down there and found the ground frozen or for some reason too hard and you quit it? A Some people followed us around there and we thought they were watching us and we didn't go back any more.
- Q Did you have an experience up there with a policeman? A I seen a policeman or had a policeman follow me up there one night.
- Q Were you shot at while you were running down through an alley or something of that kind? A No sir.
- 906 Q You were not? A No sir.

Q What was that experience you had with a policeman? A I was carrying a spade around there, I was going to dig a hole under this sidewalk and there was some people followed me around and I walked around the block once and I thought they was following me still and I threw this spade away and I started to go up the sidewalk and I met a policeman, the policeman rode up on a wheel; he stopped a little behind me and I thought he started to follow me on up. I went on up the street, up Logan a little further and turned up 13th avenue and started away, and one time I thought they were watching me.

Q He didn't shoot, did he, at you? A No sir.

Q You didn't shoot at him or he at you? A No sir, I didn't shoot at him.

Q But you thought they were watching you? A Yes sir.

Q So you thought the daytime would be a safer plan the next time than the night time? A Well there come snow and we thought we would put it into the snow.

Q And save digging the hole? A Yes sir.

Q Well then after this second attempt you abandoned blowing up Peabody, did you? A Yes sir, at that time.

Q Must have been a reason for that, wasn't there? A Well, didn't have a chance again, the snow went off and we didn't try it again then.

Q Thought you couldn't blow him up unless you had snow? A Didn't have any snow to plant this in.

Q There wasn't anybody who interfered with you? A I say we didn't try again after that. We did watch there some but we never made any other attempt.

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- Q Who did that watching? A Mr. Adams and I.
- Q What became of Billy Aikman? A He was with us.
- Q What had become of Joe Mahalich? A I guess he was home.
- Q You hadn't had anything to do with Joe? A Not then.
- Q Not then? A No sir.
- Q How long did you and Steve stay around there after that second attempt with this bomb? A That morning?
- Q Yes. A We went away from there just as soon as we took the bomb after Mr. Peabody went up past it.
- Q He went past the bomb, so you went down and got your wire, did you, and your bomb, and started off with them? A We went down and got the bomb and took it over to the rig.
- Q How many blocks did you have to take it? A Well three or four blocks I think it was.
- Q Right there in the most populous part almost of the city of Denver? A Yes sir, it was right there.
- Q You and he picked that bomb up out of the snow and carried it along? A I picked it up out of the snow, yes sir, and carried it.
- Q Did you carry it or he? A I carried it.
- Q What kind of a looking contrivance was it? A It was a piece of sheet lead about eight or nine inches in diameter and twelve or fourteen inches long wrapped up into a cloth, a cloth around it and wrapped up nicely.
- Q Did you leave it in the cloth? A Yes sir.
- Q When you picked it up you had this package with the cloth around it under your arm? A Yes sir.
- Q I believe you said that was composed of gunny sack, didn't you, or burlap? A I don't know as I said it was burlap,

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that one.

Q Was it? A I think it was a piece of woolen cloth. I don't know just what it was.

Q What color? A I think it was dark. I don't remember.

Q Think it was a piece of dark woolen cloth? A I think so, yes sir.

Q Where did you get this piece of dark woolen cloth? A Got it out where we lived.

Q So you and Steve went along with that bomb, did you?

A Went along, yes sir.

Q What had this piece of cloth been used for before you put it around the bomb? A I don't know what it had been used for. I think it was some old clothes or something like that.

Q Now you went down Grant Avenue with this bomb under your arm? A No sir, we didn't go down Grant Avenue.

Q Tell us where you did go to get to this wagon? A Went up 13th avenue and went kitty corner across the lot there and went on over to where the rig was there on 11th or 12th avenue, I am not sure which, and back about two blocks from Grant.

Q Pennsylvania avenue? A I don't remember the streets up there.

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Q Yet you had told him where to go and you would be there?

A Yes sir, pretty near in this direction. He did not stand still all the time, but we knew where to find him.

Q You did not know where he was when you started out, but you knew where to find him? A We knew pretty near where he would be.

Q And you put the bomb in the wagon and took it home? A Yes sir.

Q Where were you living at that time? A On Welton Street.

Q I suppose you reported to headquarters and demanded some more money? A I told Pettibone about it.

Q You had made a blunder about it-- had not been able to execute it? A Yes sir.

Q And you tried to explain it? A Yes sir.

Q And did he tell you that they did not want excuses but wanted execution? A I don't think he said anything like that.

Q You told him it was a failure and you had given it up? A No sir, I don't think we told him we had given it up.

Q Why did you give it up? A We did not have an opportunity to use it again.

Q Why not? A The ground was froze hard and a little time after that Mr. Peabody-- Mr. Adams was seated as Governor and Peabody did not go up that way any more.

Q That was a very little time? A It was not very long.

Q So the last time you made an attempt to kill Peabody was shortly before he ceased to be Governor? A The last time

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we made an attempt was at that time.

Q Don't you know that the time he was succeeded by the Lieutenant Governor was about the 5th day of April? A Yes sir, and Adams was Governor before that.

Q Adams was Governor in February and March and until the Supreme Court unseated him? A I don't know how long it was.

Q How long was it before you gave up this attempt on Peabody?

A That was after he was unseated.

Q Then you gave up attempting to blow up Peabody about the time that Adams became Governor, while the contest was still going on? A We quit working at it there, yes sir.

Q That was the fore part of January? A I think it was.

Q The first Tuesday after the first Monday in January? A I don't know exactly the time it was, but it was not very long in January.

Q Why did you abandon the attempt to blow up Peabody? A We did not dare to go down around the Capitol at that time, and he did not go up Grant Avenue as he had before.

Q He did not? A Not much.

Q The contest was waged in the Capitol Building wasn't it?

A I think it was, yes sir.

Q He was present every day, wasn't he? A I don't know whether he was or not, but he did not have his office there.

Q But he had his home in exactly the same place and there was no other-- or that was the best way to go down town? A That is not the way he went.

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- Q Which way did he go? A He went down on the street car-- the 11th Avenue.
- Q You did not know where he went down town? A I knew where his office was
- Q Where was his office? A In the Jackson Building.
- Q That was the State Republican headquarters? A I don't know whether they were or not.
- Q Opposite, or diagonally opposite the Brown Palace Hotel?
- A Yes sir.
- Q You did not try it any further than on Peabody? A We went up to his office a few times after that at night-- up to his house.
- Q You did not take your bomb up there again? A No sir.
- Q Were you told to desist by Moyer, Haywood or Pettibone?
- A No sir.
- Q They gave you no orders with respect to that matter whatsoever?
- A No sir.
- Q Were Haywood, Moyer or Pettibone there at that time? A Were they where?
- Q In Denver? A Pettibone was there.
- Q Were Moyer and Haywood there? A I don't know whether they were at that time or not.
- Q You had not seen Haywood then but once since you came home from California? A Yes sir, I had seen him more than once.
- Q Had you seen him more than twice? A I would not say; I think I seen him more than twice.

- Q How many times do you think you saw him? A I think I seen him possibly three or four times.
- Q You had not seen Meyer at all? A No sir, I had not.
- Q You did not see him during that winter at all, did you?
- A Not until towards spring.
- Q Well, when you gave up this attempt on Peabody did you go down to Haywood and collect some more money? A I don't know as I went particularly, but we got money whenever we wanted it.
- Q You have said that a great many times; what I want to know is when you got it and how much you got? A We got it when we wanted it.
- Q While you were living on that \$25? A No sir, I was not living on that twenty-five.
- Q That was the longest twenty-five you ever had? A No sir.
- Q Don't you think your exchequer was running a little low at that time and you wanted some more? A We did not spend much money except outside of our living.
- Q Did you get some more? A Yes sir.
- Q When? A I could not tell you; we got money several times that winter.
- Q Could you tell me how much? A We used to get a hundred dollars at a time.
- Q Could you tell me who was present when you got it? A I don't think I got it myself. Adams used to go and get it at that time.
- Q So far as you were concerned you did not get any money that

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winter at all? A I got it through Adams. I did not go down town very much, only at night.

Q Where were you when you made that arrangement? A Down in Pettibone's store first.

Q Who was present? A Mr. Adams, Mr. Haywood and Pettibone and myself.

Q What was said? A That I had better keep pretty low if I was going to stay around Denver.

Q What was said about money? A That Haywood would give it to Pettibone and that he would give it to Adams-- that we would get it from him.

Q Who said that? A I don't remember whether it was Haywood or Pettibone.

Q Haywood said he would give the money to Pettibone and he could give it to Adams and Adams give it to you? A I don't know as he would give it to him.

Q Did Haywood say that? A I don't know that he said just that.

Q You would not say that anything of that kind was said?

A There was an arrangement made between Adams, Haywood, Pettibone and myself that we were to have the money.

Q They made that arrangement? A Yes sir, they did.

Q What did they say in making it, and who said it? A I could not tell exactly who said it. Haywood asked me if I was going to stay in Denver and what I was going to do, and I told him I was going to stay in Denver for a while.

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- Q You was not afraid to see Heywood? A Not if I saw him in the evening somewhere.
- Q You werenot afraid to ask him for money? A No sir, I was not.
- Q And yet you did not ask him for any money during that winter?
- A I had asked him after I came back from California.
- Q But he did not give you any personally? A I don't think he did.
- Q And you did not ask him for any personally? A Except that time, I don't think I did.
- Q Now, lets see: Did you get any from Meyer during that winter?
- A No sir, I did not.
- Q Not a cent? A No sir.
- Q Now, lets see how much you got of Pettibone that winter and when you got it. Give me the amounts you get from Pettibone?
- A Well, the first money-- I don't know what you want; the amounts I got myself?
- Q The amounts you ~~gt~~ got yourself from Pettibone? A I don't think I got any from Pettibone myself until just before I quit living with Adams.
- Q Just before? A Yes sir, just before.
- Q What was that amount? A Pettibone got \$250.
- Q I did not ask you that. What amount did you get from Pettibone? A I think \$30. was the first money he gave me.
- Q Then, during that winter all the money you got was \$30. from

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Pettibone? A All the money I got direct from him, yes sir.

Q And you got no money from Haywood direct during that winter?

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

Q And you got no money from Moyer during that winter? A No sir.

Q And you did not talk with Moyer during the entire winter?

A No sir, I did not.

Q And you did not talk with Haywood ever two or three times during that winter? A Oh, yes I did.

Q How many times did you talk with him? A Oh, several times during that winter.

Q I have asked you several times about that? A You asked me if I had talked with him before this Peabody-- before we worked on the Peabody matter.

Q Well, how many times did you talk to him during the winter?

A Possibly a dozen times.

Q Possibly a dozen times during that winter? A I would not say it was a dozen.

Q And all the talks you had with him were there at the Pettibone store or out at Haywood's house? A Yes sir.

Q And notwithstanding the fact that you talked with him some where in the neighborhood of a dozen times you never once asked him for money during that winter? A I did not ask him because I got it.

Q That was the fact, that you did not ask him? A I did not ask him then, only in the way I have told you.

916 Q Now, what was the next job you attempted after the Peabody

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assassination failure and the Gabbert failure? A We kept on after Gabbert some after that and was after Frank Hearne.

Q What did you do after Gabbert? A We went around some with our guns the same as before; ~~but~~ we did not work very much on anything for a while.

Q What kind of guns did you carry? A We carried shotguns most of the time.

Q How did you carry them? A Under our coats.

Q Was there any reason why you should stop on Gabbert or Peabody, or either one of them? A Only it was cold and nasty weather and we did not go out very much.

Q No one told you to stop? A No sir.

Q You could use your own pleasure about it? A We did, yes sir.

Q And your own means? A They wanted us to shoot him.

Q Gabbert was the man that they did not want Powder used on?
A Not while they were there.

Q But Peabody they preferred to use dynamite on? A They said they did not care how we got him.

Q Did you work on Peabody while you was there? A Yes sir, with the guns.

Q How long were Moyer and Haywood gone that winter? A I don't know just how long.

Q Do you know they were gone? A Yes sir.

Q And you had the chance to work on Peabody? A They wanted us to do this while they were away.

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Q They told you how long they were going to be gone, didn't they? A I don't know that they did.

Q When was it you talked with Moyer about his being away?

A I did not talk with him any time about his being away.

Q Who do you mean by "they" when you say they were going to be away? A Haywood and Moyer.

Q When you say "they" you mean Haywood? A I mean Haywood and Moyer.

Q And Moyer did not do any talking? A No sir, he did not on that proposition.

Q Did he talk to you at all that winter on any proposition?

A Not until towards spring.

Q Was that after McDonald was seated that he talked to you?

A Yes sir, I think it was.

Q McDonald was seated about the 5th of April? A I don't know what time it was.

Q You know there was one day that we had three Governors in one day there in Colorado? A I remember the circumstance.

Q That was the 5th of April, wasn't it? A I am not sure when it was.

Q Yet, after that you had a talk with Moyer? A Yes sir. I don't remember just when.

Q Was there any event in your criminal career that occurred during that time? A No sir.

Q You did not do anything further? A We worked on these

propositions some.

Q You did not bother Goddard that winter? A Yes sir, we did.

Q When was it you worked on Goddard? A After we moved over to Globeville.

Q When did you move over to Globeville? A I think it was some time in March.

Q Was that after you had abandoned Gabbert and Peabody? A We was not working on them then.

Q How did you come to go to Globeville to live? A It was kind of an out of the way place and Billy Aikman got thrown in jail one night and told where we were living and we were scared.

Q And you moved because Billy Aikman got in jail one night?

A That was one reason we moved from there.

Q He went down town and got drunk, didn't he? A I don't think he got drunk, but he got in jail. He went down town and got in jail-- no, he was not down town.

Q Where was he? A Down at Five Points.

Q About two blocks from where you were living? A Yes sir.

Q This Five Points, that is where five streets come together there? A Yes sir, I think they do.

Q It is not because the place has any bad reputation that they call it Five Points? A I don't know why they call it that.

Q You know there are five streets come in there all together?

A Yes sir.

Q What did he get arrested for? A I don't know what they

had charged him against.

Q And he told them what his name was and where he lived?

A Yes sir.

Q And what name did he give them? A I think he gave them his own name.

Q Gave them his correct name and address, didn't he? A I think he did.

Q And that was all? A Yes, but we were afraid that the police would come up there and investigate us.

Q Do you say that a policeman did come out to the house?

A No sir, not that I know of.

Q There was not any policeman come out there at all? Not that I know of.

Q Nor anybody that made any inquiries as far as you know as to who was living there? A No sir.

Q Did you go out to Globeville for any other reason than that Billy Aikman had been arrested and given the address of that house? A We were afraid they would come out there and investigate and find us there.

Q So you moved away in a hurry? A We moved right away after that.

Q Had you paid your rent in advance? A Yes sir, we had paid the rent in advance.

Q You had been compelled to pay in advance in order to stay there hadn't you? A We usually paid in advance. That is the custom I think.

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Q Was that because you were poor people? A I don't know that it was.

Q Well, you went out to Globeville? A Yes sir.

Q And thought that would be a better place for your base of operations? A We thought it would be a better place.

Q There wasn't anybody out there that you wanted to kill?

A I don't think there was any one that we was talking about killing.

Q There was a strike on out there? A Yes sir.

Q And a lot of scabs out there, wasn't there? A Yes sir.

Q They all lived in one hotel, didn't they? A I don't know that they all lived there.

Q Why didn't you go out and kill these scabs? A I don't know but that we were talking about it at that time. We were talking about blowing up a boarding house out there.

Q You did tell Max Malich that you had a great idea of putting some powder under that boarding house and blowing it up? A I don't know that I told him that.

Q Who did? A I don't know.

Q Didn't you tell Max Malich that you had a great idea to put some dynamite under that house and blow it up? A No sir, I did not. Max Malich wanted us to do that thing.

Q He was a man who had lived in Denver a good many years?

A Yes sir.

Q He had a good reputation? A I don't know about his reputation.

Q Was a popularman out there in that district wasn't he? A He had been known as a good man.

Q And you tried to get him into a proposition to blow up these men who lived in that hotel? A No sir, he tried to get me into that proposition.

Q What did you say to him about it? A He asked me if we could not go up and blow up that boarding house, that he had a man who knew the house and would go up with us.

Q Instead of your being the one to blow up the boarding house this man was going to get you to blow up the boarding house.

A Yes sir.

Q What did you say to him? A I think I said we would try and do it for him.

Q Sure. Did you try? A No sir, we did not.

Q Why didn't you mention that in your direct examination?

A I was not asked it.

Q You had forgotten it, hadn't you? A No sir, I had not forgotten it.

Q Neither, Moyer, Haywood or Pettibone ever said anything to you about that? A No sir, they told me not to do it afterwards.

Q They told you not to do it. Who did? A Haywood.

Q You talked to him about it, did you? A Afterwards I told him.

Q When was it you talked to him about it? A Some time in March, I think.

Q You say you did not say to Max Malicha that there was an

Deering Jones

opportunity to blow up a whole lot of scabs and you had a good notion to do it? A I do.

Q And you say that Max Malich did not try to persuade you from doing it? A He did not. He tried to get me to do it.

Q The men out there were Austrians, or mostly so? A I don't think so. They were mostly Greeks, I think.

Q Max Malich was an Austrian? A Yes sir.

Q Weren't they customers and countrymen of Max Malich?

A They were not. Some of them might have been countrymen but they were not customers.

Q Who was keeping that boarding house? A I don't know.

Q How many people were in there? A I think about 150.

Q Did you tel him that there was a dam good opportunity to get 150 ~~xxxx~~ scabs in one bunch? A I did not.

Q You did not? A No sir.

Q You are sure of that? A Yes sir.

Q But you did fall in with his proposition to try and blow it up? A Yes sir.

Q What was your contract with Max? A I did not have any contract.

Q Did not even ask Max how much you was going to get for it?

A No sir, I did not.

Q You were just going to blow it up because he asked you to?

A Yes sir.

Q Did not expect to get a single dollar for it? A No more than we had been getting; we were going to do it because he wanted

us to do it; he said those scabs were going to drive him out of business and he would have to leave them or scare them out.

Q And you were going to do it without one single cent and knowing that the Western Federation did not want you to?

A I did not ask them about it.

Q You never said a word about it to the Western Federation, did you? A No sir.

Q Don't you know that Dennis Sheedy, the President of the Globe Smelting Company, or one of the chief officers of it, had told Max Malich that he could have all the trade out there if he would stop the strike? A No sir, I do not.

Q If Max had wanted the trade he could not have got it that way?

A I think he told me once that they offered him that boarding house if they would get the strike called off.

Q And the store and its trade, didn't he? A I think he did tell me that, yes.

Q Did the company organize this store against Max Malich? A I think there had been a store there; I don't know much about it.

Q Did you investigate this boarding house? A No sir, only to walk past it once or twice.

Q Max said he had a man who knew all about it? A Yes sir.

A And he would go with us if we would go out with him.

Q So you went out and walked around it seven times, more or less? A A couple of times.

924 Q How many women were there working in that hotel? A I don't

know whether there were any or not.

Q How many girls were there working in that hotel? A I don't know.

Q How many employes were working there in that hotel? A I could not tell you.

Q There were 15⁰ men who boarded and roomed there, were there?

A That is what they said.

Q And what was necessary in the shape of other help to take care of them? A I don't know in regard to the rest.

Q Any children there? A I don't know.

Q There were little children living all around there, weren't there? A I don't know about that.

Q These people out there had a good many children didn't they?

A Some of them did, I think.

Q There was plenty of little small houses around there, and each house filled with small children? A No sir, not right close to that.

Q So that if you had blown up that hotel you would have killed the people in the hotel and the people for a half a mile around there? A I could not say.

Q You could not say? A Yes sir.

Q You was ready to enter on the enterprise? A Yes sir.

Q Why didn't you mention this in your narrative that Mr. Hawley asked you about so frequently? A I don't know that I had a narrative.

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Q He asked you to go on and state in a narrative form? A He did not ask me about that.

Q That is in your book? A I think it is.

Q You think it is? A Yes sir.

Q You put a chapter in on the boarding house that you did not blow up, did you? A I don't think that is in my book.

Q Then that is not a true story of your life? A It is a true story of my life. I am not quite sure that that is in, but it may be.

Q You have had it over a year now and have read it, haven't you?

A Yes sir.

Q You have not been bothered by any one except when Mr.

McFarland and the Governor called on you have you? A I have not been bothered very much at any time.

Q Did you think that that futile attempt which you made on Gabbert and Peabody was of more importance than the blowing up of these 150 men? A I did not think anything about it then.

Q Anybody that suggested to you to dynamite anybody else, you jumped right into the suggestion? A Not anybody.

Q Are Peabody and Gabbert mentioned in your book? A Yes sir.

Q And your attempts to blow them up? A Yes sir.

Q So after you are gone if any one has not been punished they can be punished by reference to your book?

MR. HAWLEY: We object to that as an attempt to prejudice

THE COURT: The objection is sustained.

Q Just to interrupt a moment, did you ever try to collect a life insurance policy on the life of a man who was claimed to have been drowned in Canada before you came here? A No sir, I never did.

Q Never heard anything about that? A No sir.

Q Did you go out with another man,-- you and two other men and one of you got drowned and you tried to collect the life insurance of the man who was drowned in Toronto, Canada?

A No sir, I never did.

Q Did not? A No sir.

Q Well, we will go back to your experience at Globeville. Had you gone out to Globeville of your own wish? A I talked to Pettibone about it and he said he thought it would be a good place to go.

Q You did talk to Pettibone about it? A Yes sir.

Q Where did you consult him? A Down at his store I presume.

Q I know you presume so, but where? A I think it was down at his store.

Q Now, you went down and talked to Pettibone about that? A We spoke to him about it.

Q And he had been out there once? A Yes sir.

Q Which house was it he had been out to once? A Out to the house where we lived on Welton Street.

Q That was the first house you lived in? A No sir.

Q Or the second one? A The second one.

- Q Q Was there anything connected with that event-- did you send for him? A I don't think we did particularly.
- Q Or did he come out to give you any orders? A He came out about the time we made this bomb.
- Q And you went down and talked with him about whether you should go to Globeville? A Yes sir.
- Q And he told you that was a good place to go? A Yes sir.
- Q And there was a redhot strike on there and had been for a long time? A It was not very active when we were there.
- Q It had been active? A Yes sir.
- Q When had it ceased to be active, if you know? A I could not say.
- Q Who did you rent your place of out there? A I could not remember the man's name.
- Q Did you rent it? A No sir, Steve Adams rented it
- Q And you did not know who owned it? A Yes sir, I seen him when he come around to collect his rent.
- Q How long did you stay there? A I don't know just how long; probably five or six weeks and maybe longer; maybe two months.
- Q What did you do toward blowing up this boarding house? A We did not do anything.
- Q I thought you said you agreed to do that job and started in on it? A We just talked about it.
- Q What was it that headed you off? A Haywood told me not to do

it when I told him about it.

Q You started in to do it and you went in and had a talk with
Haywood about it? A After that, yes sir.

Q Where did you talk with Haywood about it? A Down at his
residence or over at Pettibone's store.

Q And you don't know which? A No sir.

Q And could not tell? A No sir.

Q Well, that was all there was in regard to blowing up the
hotel? A Yes sir.

Q Max Malich wanted you to too, but Haywood told you you must
not do it? A Yes sir.

Q Then you started on some other job? A Yes sir.

Q Was that the Goddard job? A Yes sir, that is one of them.

Q Then you did the Goddard job while living at Globeville?

A Yes sir, we worked on it.

Q Was that the only job you worked on while you were at Globe-
ville? A I think we were down around Frank Hearne's place a
few times.

Q And that happened while you was out at Globeville, did it?

A Yes sir.

Q Which one took place first, Hearne or Goddard? A I think it
for Hearne.

Q He was the President of the Colorado Fuel & Iron Company?

A Yes sir.

Q He lived on Sherman Avenue at the corner of Sixteenth?

A Corner of Seventeenth I think it is; it may be Sixteenth.

Q Corner of 16th and Sherman? A Maybe it is. It is right there somewhere.

Q Just think it over; you are not bound by anything I say. It is Governor Thomas' house isn't it, Charley Thomas isn't it?

A I am not sure whose house it is. It is that street that runs from the center of the Capitol Building.

Q That is Sherman Avenue, isn't it? A It is somewhere on that.

Q And 17th Avenue is the one that the car lines run up? A I don't think it is.

Q It is one block nearer the Capitol? A I think so.

Q How much time did you put in around Frank Hearn's place?

A Not very much.

Q He had his offices in the Boston Block, didn't he? A I don't know where they were.

Q You don't know where the offices of the Colorado Fuel and Iron Company were? A No, I do not.

Q You did not make any inquiry to find out? A No sir.

Q But he walked down from his house to his office and from the office back home every night, didn't he? A I don't know whether he did or not.

Q You did not find out anything about him? A No sir.

Q Didn't know the man? A No sir.

Q Or anything about him? A Only what Haywood told me.

Q Did he tell you where his office was? A If he did I don't remember.

Q You found out where his house was from Haywood? A I am not

sure whether I found it out from Haywood or looked in the directory.

Q You heard Haywood talk about Hearne? A Yes sir.

Q Where was it you heard him talk about him? A I think it was over to his residence.

Q You did not have to hear the things you heard said at either of these places, did you, because he was talking in public everywhere? A He did not talk in public what he told me.

Q Didn't he make speeches and public statements that Frank Hearne had bribed the legislature of Pennsylvania and was now out there in Colorado doing the same thing? A I never heard him make any public speeches.

Q You knew there had been-- you never heard him? A I never heard him at that time.

Q Don't you know that there was a controversy up there at the State House that winter before the Mine and Mines Commissioner where Hearne was present and where Haywood was present? A I don't know that there was, no sir.

Q And don't you know that Haywood charged Hearne to his face with doing that very thing with respect to the eight hour law and certain other laws that the labor people were interested in? A I remember Haywood being up there but I don't remember the controversy that was up there.

Q Don't you remember that the papers exploited him? A I don't remember just what it was; I remember him being up there.

Q And don't you know that he said to Hearne on that occasion---

MR. HAWLEY: We object to this indirect way of getting something into the evidence that is not admissible.

Q This is not a new idea to you that I am talking about, is it?

A I heard something about that.

Q You knew that Haywood and Hearne were holding a public debate there in Denver? A No sir, I did not.

Q You did not? A I did not.

Q Did you attend the Senate sessions that winter? A No sir, I did not.

Q There was a meeting of a Senate committee in the committee room there wasn't there? A I don't remember of any particular one.

Q And all the corporation people and the labor people had their say up there, didn't they?

MR. HAWLEY: We object to that as calling for hearsay and not proper cross examination.

MR. RICHARDSON: The object of it is to show how he could have gotten the information that he is testifying about other than from Haywood. He says that he got it from Haywood and I want to show that it is entirely possible for him to have got it from another source.

MR. HAWLEY: We object to that, for under that guise, they could go into anything that ever happened, and it simply strikes me as being calculated to put something in the record that would not be a matter of evidence in the first place, and would not be properly in evidence because it would be

rank hearsay. If this witness knows nothing in regard to it, he cannot be asked in regard to it.

THE COURT: Let the witness answer the question.

Q Read the question please.

The last question was then read.

A I don't remember exactly about the controversy. I remember something about a committee and some one time that Haywood was there and Max Malich was there, but I don't remember just what the controversy was about.

Q You don't think you got that idea about Hearne from reading it in the papers? A I know I did not.

Q Was that while you were living in Globeville? A Yes sir.

Q So that while you were living at Globeville you talked with him about this man Hearne? A I think it was; it might have been before.

Q And all he said about Hearne was that he had bribed legislatures back in Pennsylvania and was doing the same thing in Colorado? A Yes sir.

Q And for that reason he pronounced the death sentence on him and delegated you to go out and do it? A He said he would be a good man to get out of the way.

Q How much was you to get for murdering Hearne? A Nothing mentioned about that.

Q No price mentioned at all? A No more than I have told you before.

Q No arrangement made about it? A None but what I have told you.

Q And no complaint made about the amount you had received for the various other murders you had done? A No sir.

Q Where did you get your fresh meat during the time you lived at Cloverlie? A We bought most of it from Max Mallich.

Q Did you get any out of the stockyards? A Yes sir, once.

Q You was so hard up there that you could not buy your meat? A No sir.

Q And you went over to the stockyards and helped to steal it?

A We went over there and got a sheep one night.

Q Was it easier for you to go and steal a live sheep and kill it than to go down and tel Pettibone to cough up? A No sir, we did that.

Q Where did you butcher the sheep? A In Joe Mallich's cellar.

Q It was not because you were hard up? A No sir, we were not hard up.

Q But you went out and stole a sheep and butchered it? A Yes sir, we did.

Q Did you have any other experience of that kind in getting fresh meat? A No sir, we didnot.

Q And that was about all you had to eat at that time? A No sir, we had plenty to eat of everything we wanted.

Q Did you have mint sauce to put on the sheep after it was cooked? A I don't remember whether we did or not. We did if we wanted it.

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Q All you had to do was to go to Haywood and get some money?

A We got the money when we wanted it all the time.

Q What had become of Billy Aikman in the meantime? A I don't know, he left us when we moved from there.

Q He did not go out to Globeville with you, did he? A No sir.

Q Wasn't the fact that Billy Aikman was paying rent the reason you went out there, wasn't it because you could not pay your rent? A No sir.

Q And when Billy Aikman left you the pocket book left you, didn't it? A No sir, it did not.

Q As long as he was there didn't he pay his board? A No sir.

Q Didn't he pay Mrs. Adams every week for his board? A No sir.

Q And wasn't it that money that he paid that enabled you people to live out there? A No sir.

Q It was not? A No sir, it was not.

Q Very well, you and Steve Adams and Annie went out there to live? A Yes sir.

Q Was Mrs. Adams drawing any relief-- you know what that is?

A Yes sir.

Q That is a certain stated amount which the Western Federation of Miners allows to each family during the time a strike is on or the men are out of employment or in hard luck?

A I know what it is.

Q A small amount given out weekly to families? A Yes sir.

Q How much is it? A It varies according to the size of the family.

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- Q And the maximum amount is eight dollars a week? A I think it is something about like that; I could not say.
- Q And part of the time that winter Mrs. Adams drew relief, didn't she? A She did not after I went there.
- Q That you know of your own knowledge? A I do sir.
- Q Did you draw any relief money? A I don't know what you would call it; I got the money as I have told you.
- Q Did you ever draw any money in the shape of relief? A I did in Cripple Creek for a while.
- Q Did your wife? A I think she did.
- Q When did you draw money in the shape of relief? A I did not draw money in the shape of relief. We--
- Q Well, when did you draw relief? A In 1903 when the strike started up until I left there.
- Q Up to June 6th, 1904, you yourself was on the relief list?
- A I traded at the union store there and got it in the way of relief.
- Q Instead of giving you the money they gave you the relief itself where they had a union store? A Yes sir, it was.
- Q So that each week after the strike occurred on the 10th day of August, 1903 up until the 6th day of June, 1904, you were drawing relief? A I did not draw relief until nearly Christmas of that year after the strike started in August, but I drew relief then.
- Q Then you drew from Christmas until June 6th of 1904, the time that you went out of the district? A Possibly it was before

Christmas, but about that time I started, and they drew relief while I was there.

Q Every week? A Yes sir, I think so.

Q How much were you allowed per week? A I have forgotten how much I was allowed?

Q Eight dollars a week? A It was that much, I think.

Q Some times your wife drew this relief and some times you did?

A I went and got the stuff, yes sir.

Q It was extended to you as a credit? A Yes sir.

Q And you traded out that credit? A Yes sir.

Q Up to the time you left? A I think I did when I was there.

Q You had murdered two men in the Vindicator and you had been employed by these men to pull off something during the winter and had gotten money from Moyer and Haywood for doing such things, and was still drawing relief? A Yes sir.

Q Will you tell why you were drawing relief when you could go to them at any time and get money-- all you wanted? A Yes sir.

Q Go ahead? A They did not want me to pay money for what I got, for they would want me to say where I got the money.

Q Who told you that? A That was spoken of to Moyer and Haywood by Parker and Davis.

Q When did Moyer and Haywood repeat that to you? A When they first began to give me money.

Q When did they first give you money? A In December, 1903.

Q And you were drawing relief at that time. I think ~~it~~ I was.

I am not sure whether I did or not.

Q And notwithstanding the fact that you had committed these crimes and could go to them at any time and get all the money you wanted to, you could draw relief? A Yes sir.

Q Up to the time you went away? A Yes sir.

Q And your wife drew relief long after that, didn't she?

A I think she did.

Q Did you work on the Goddard bomb out there at Globeville?

A No sir.

Q Where did you make it? A In Pettibone's cellar, in the basement of his store.

Q When was that? A It was some time in January I think.

Q Were you living at Globeville at that time? A Yes sir.

Q You did not work on the Goddard bomb at the time you were living at Globeville? A No sir.

Q There was nothing done in respect to Goddard at that time?

A Not with the bomb, no sir.

Q Now, you have gotten through with Hearne and Cabbert and Peabody? A Yes sir.

Q When did you do your first work on Goddard? A It was when we were over at Globeville, with guns.

Q You were going to kill him with guns? A Yes sir,

Q He was a member of the Supreme Court? A Yes sir.

Q Don't you know that he did not take his place on the Supreme

bench until after McDonald was appointed Governor? A I don't

know when he took his seat; I know he was appointed before Mr. Peabody resigned as Governor.

Q He was appointed by Peabody? A Yes sir.

Q But you don't know whether he had taken his seat? A No sir, but I think he was sworn in right after. That is my impression.

Q But you were going to kill him off because he was a member of the Supreme Court? A No, not because he was a member of the Supreme Court.

Q Why were you going to kill him? A Because Mr. Kaywood wanted us to.

Q Why? What did he say about it? A He said he had been instrumental in defeating the eight hour bill that had been passed by a legislature before and had drawn up the opinion in the Moyer suit.

Q Where did he tell you that? A Over to his residence I think.

Q Do you know when the eight hour opinion was written? A No sir.

Q It was some eight years before that, wasn't it? A Yes sir, I think so.

Q And he was not playing a very important part at that time, was he? A Yes sir.

Q And there was another man on the Supreme Bench? A Yes sir.

Q Judge Campbell? A Yes sir.

Q Did you try to kill him? A No sir.

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- Q Why was he left out? A I don't know, only one thing, Heywood said he kind of admired him because he always knew where to find him; he was always against him.
- Q When did Heywood tell you that? A I don't know just when.
- Q Where did he tell you? A I don't know where; it was either at his residence or at the store.
- Q Was that at the same time that he talked about Goddard?
- A I don't know that it was or it was not. It may have been.
- Q What is that? A It may have been-- I am not sure.
- Q There was never any considerable doubt about finding Goddard was there, on this question? A No sir, no trouble about finding him.
- Q He had participated in the same opinions that Campbell had hadn't he? A I don't know.
- Q And yet two of them were to be killed and one left? A That is what he said about Campbell.
- Q So that the death sentence was not pronounced on Campbell?
- A We never tried to do anything to Campbell.
You
- Q We never tried to find out anything about his habits? A No sir
- Q Or to kill him? A No sir.
- Q You did not know what the fact of the matter was so far as these men being against Mr. Heywood or the interests of the Western Federation? A Only what he told me and what I had heard Max Malich say against Goddard too.
- Q Was there any difference in the three men? Weren't they always unanimous in the opinions on these labor questions? A I don't

know how it was.

Q You don't know how it was? A No sir.

Q And yet for some reason Campbell was not to be killed and Gabbert and Goddard were? A They was at that time, yes sir

Q And Goddard was not at that time a member of the Supreme bench except as he had been appointed? A He had just been appointed.

Q Justice Steele was the other judge at that time? A I think he was.

Q And there were only three at that time wasn't there? A I think there was five or six.

Q There were only three and were to be increased to seven on the second Tuesday in April? A I think they were increased at the time that Goddard was appointed.

Q But your understanding was that Goddard was on the supreme bench at that very time? A My understanding was that he had been appointed there.

Q And that Goddard and Gabbert must? A Just as I told you about that.

Q Although you had abandoned Gabbert and was now turning your attention to Goddard? A Temporarily, yes sir.

Q Who went up to Goddard's residence to see about him? A Steve and I, and Steve Adams wife went over there once or twice with us.

Q How was she armed? A She did not have any arms, I think.

Q But she went with you? A Yes sir, she went with us as a blind.

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Q All of you marched around Goddard's place? A Yes sir.

Q How many times did you go over there with Mrs. Adams?

A I think two or three times.

Q How many times ~~it~~ was Joe Mahalich with you? A Several times.

Q How many times? A Probably half a dozen times.

Q How many times did you and Adams go? A We were over there, I couldnot tell you exactly how many times,-- a dozen or fifteen times.

Q Did you have Joe Mahalich along for his ability to shoot or was he a blind? A No, he wasn't a blind.

Q What was he going to do? A He was with us-- going to help do it if he got a chance.

Q Was he armed? A Yes sir.

Q What did he have on? A A six shooter.

Q Whose was it? A One that Steve Adams gave him.

Q Were you armed? A Yes sir.

Q What did you have on? A A shotgun and a six shooter.

Q Where did you get your shotgun and your six shooter? A It was a shotgun I got from Pettibone.

Q Where did you get your six shooter? A It was one that Pettibone bought for me.

Q These were the two guns that you had? A Yes sir.

Q So you went over there and marched around with these guns on you? A Yes sir.

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Q Steve Adams had a shotgun and a six shooter? A Yes sir.

Q How many six shooters did you and Steve have out there at Globeville? A I had two and I think Steve had two or three.

Q Was Joe Mahalich a killer too? A Yes sir. I don't know as he ever killed anybody.

Q And yet you took him right in with you over there to kill Goddard? A Yes sir.

Q He was a criminal too, was he? A Yes sir.

Q What was the crime Joe Mahalich was guilty of? A He stole a sheep once and some powder one time.

Q That was the sheep you stole? A Yes sir.

Q And he helped you steal some powder also? A Yes sir.

Q And other than that he was all right, so far as you know?

A Yes sir.

Q Where did you steal the powder? A Out of the magazine.

Q Where was the magazine? A I think out about six miles on the Union Pacific or Burlington road.

Q More than one powder house there? A Yes sir.

Q How many? A I think about a dozen.

Q And you went to one of these houses to help steal some powder?

A Yes sir.

Q How much did you steal? A I think 600 pounds.

Q You and Joe Mahalich and Steve Adams? A Yes sir.

Q How many nights did it take you to get away with that powder?

A A part of one night.

- Q Was that the powder you was to blow up the hotel with?
- A Yes sir.
- Q That was what you got it for, was it? A Yes sir.
- Q What did you do with that powder? A We took it home and buried it in the cellar where we were living.
- Q Six hundred pounds of dynamite? A Yes sir.
- Q Did you steal any caps? A Yes sir.
- Q Where did you get the caps? A In another magazine right there a little ways from where we got the powder.
- Q How many magazines did you break open? A Two.
- Q Had you been out and found out what was in those magazines?
- A We were out there and looked at them.
- Q When? A A few days before that.
- Q How did you know there was powder in them? A We knew they were magazines and thought there was powder in them.
- Q You did not really know? A I did not see any.
- Q There was no way of telling whether there was powder in them or not until you could get those iron doors open, was there?
- A No sir.
- Q What did you do, break the lock or pull the bolt? A We picked the lock or broke it
- Q And Joe Mehalich was in with you on that? A Steve and I broke open the doors and Joe came out with the rig.
- Q His own rig? A Yes sir.
- Q What time was it you did that? A We took it out a little

after dark.

Q What time in the year was that? A I think in February or March.

Q You said you did not live out there very long? A Probably six weeks, or possibly two months.

Q You were fairly busy while you were out there? A Not very busy.

Q You had the Goddard matter on hand and this powder to steal and blow up this hotel? A Yes sir.

Q The busier you got the less pay you got? A I don't know as it was.

Q You were so busy committing crimes that you did not have time to spend money? A We did not spend much that winter.

Q Now, during that winter did not Steve Adams get nervous about your not paying him any money for your board? A No sir.

Q Didn't he finally tell you that he guessed he would have to quit because he could not possibly provide for you any longer?

A No sir.

Q Did not? A No sir.

Q Didn't you go some where and rustle a twenty dollar bill and bring it to Steve Adams and give it to him just before you left his house? A No sir, I gave him twenty dollars after I left his house.

Q Was Steve holding your things for your board? A No sir.

Q You are sure about that? A Yes sir.

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Q Are you? A Yes sir.

Q You and Steve did not have a quarrel about that time, did you?

A We had one just before I left-- not a quarrel, it was a difference of opinion.

Q Wasn't that due to the fact that you had laid around there all winter? A No sir.

Q It was not? A No sir. It was due to the fact that he went down town and got drunk and got in jail.

Q You did not go down town and get drunk? A No sir.

Q Or gamble during that time? A No sir, only to pay for some drinks.

Q You were so busy that you did not have time to gamble? A Yes sir.

Q Steve went down town and got drunk? A Yes sir.

Q And got put in jail? A Yes sir.

Q And lost a bicycle he had? A They charged with attempting to steal one.

Q He was charged with stealing a bicycle but it was found out that there was no bicycle stolen? A I think he was charged with it.

Q That was because there was a bicycle standing up against a post near where he was when he was arrested drunk? A That is what he told me.

Q He was not prosecuted? A No sir, because he went and settled, and paid the costs.

Q He was not prosecuted? A He went and settled.

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Q The only legitimate charge against him was that he was drunk?

- A The charge against him was an attempt to steal a bicycle.
- Q He was not charged with drunkenness? A No sir, I don't think so.
- Q He got back home, did he? A Yes sir.
- Q And you and he had a quarrel? A Not exactly a quarrel.
- Q You had some words? A I don't know that we really had any words. I told him I did not like that proposition and that him and Joe could work together and I would go somewhere else.
- Q Had you been working while he was gone? A No sir.
- Q There was nothing doing then while he was gone? A Only looking for Adams.
- Q You sat around the house most of the time? A No sir.
- Q Didn't you have any idea of where to look for him? A No sir.
- Q And you did not find out that he was in jail until he got out?
- A No sir.
- Q Did you go and see Pettibone about it? A Yes sir.
- Q And still you did not find out where he was? A No sir, not then.
- Q Did you draw any money from Pettibone during the week that Adams was gone? A I don't think I did.
- Q What? A I think I had money. I don't think I did.
- Q You have said that you did not draw any money all winter from Pettibone? A Not until towards spring.
- Q And as the result of the talk with Steve Adams you got out of his house? A Yes sir.

Q And afterwards you gave him that twenty dollar bill, and that was very soon after and you told him that when you got some more you would give it to him? A No sir.

Q You sent a wagon out for your things? A No-- yes, I sent a wagon.

Q An express wagon? A Yes sir, an express wagon.

Q That was after you left there? A Yes sir, just after, yes sir.

Q And Adams held out your shotgun and your six shooter, didn't he?

A No sir, he did not.

Q Didn't he? A No sir.

Q Did you get those things and take them away with you?

A I got everything there that belonged to me.

Q Did you get your shotgun? A Yes sir.

Q Didn't leave that there? A No sir.

Q Or revolver or pistol or gun, whatever you call it? A No sir, I did not.

Q Steve did not keep that? A No sir.

Q And you did not say anything to him about paying him any more than the twenty dollars? A No sir.

Q What did you give him the twenty dollars for? A Because he said he was going away and did not have any money and he was going to beat his way, and he had had some trouble with Haywood and he would not give him enough money to go on after he got drunk, and he was going to leave the outfit and go some where to get work, and I went over to Max Malich and borrowed

twenty dollars and gave it to him. I borrowed it of Max Malich and told him I would pay it back the next morning.

Q Don't you know that Steve worked for a long time around there to get money enough to get out of town on to get a job some where? A No sir.

Q You didn't know of his going out and trying to borrow money to get out of town on? A No sir.

Q Didn't know of his going to Pettibone? A I know he went to Pettibone and tried to get some money.

Q Steve was determined to leave Denver just after you left his house? A I know he left.

Q And he was so poor that he could not get money to go away on?

A I don't know that he was poor; Haywood said he would not give him any more, and he went down and asked Pettibone.

Q Are you telling what you know? A I am telling what Pettibone told me.

Q Go ahead then. A Pettibone said he went down and struck Bill for some more money for Steve and he said he had given Mrs. Adams forty or forty-five dollars the day before and he thought that ought to be enough.

Q So this man who knew all this stuff about Haywood was out off and could not get the money he wanted? A He did not get it any way.

Q And you got twenty dollars and gave it to him to get out of town? A I borrowed it and gave it to him the night before he

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~~xxxxx~~ was going away. He said he was sore at me.

Q Why didn't you tell us you borrowed that money? A I have just now.

Q You borrowed it of Max Malich? A I borrowed it of Max Sunday night before he went away.

Q So that Steve Adams would have money enough to get out of town on? A Yes sir.

Q You tried to borrow more of Max than Twenty dollars?

A No sir, I asked him if he would let me have twenty dollars until the next day.

Q Why didn't you charge Max up for that attempt to blow up that hotel? A I did not have any charge coming that I knew of.

Q There was no reason you could not have all the money you wanted of him, was there? A I never got anything but this twenty dollars. I got more afterwards.

Q Max Malich is a wealthy man, isn't he? A He don't claim to be.

Q He always appeared to have plenty of money? A He appeared to have enough to carry on his business.

Q You borrowed it and gave it up to Steve? A Yes sir.

Q And you went down town and get a room, didn't you? A I was rooming over on 26th Street, two blocks from Humboldt.

Q Was that after McDonald became Governor? A I think it was, yes sir.

Q You did not know when Steve went out to Utah? A I think it was some time in April that he left there.

- Q It was some time in April that McDonald became Governor too wasn't it? A I could not say,-- I rather think it was.
- Q How long did you room in this place-- what place did you say it was? A I think it was on 26th Street.
- Q How long did you room there? A I think about two weeks.
- Q What were you doing during those two weeks? A I was around Judge Goddard's a few times and around town and at Pettibone's store.
- Q Were you still looking for Goddard with a shotgun? A Yes sir, some.
- Q And yet you had not had a chance to find Judge Goddard? A I never seen him but once, at night.
- Q Why didn't you shoot him then? A He was too far away.
- Q And you did not get any nearer? A I did not get any nearer, no sir.
- Q Didn't try to, did you? A There was some one standing there, and we went on.
- Q Did you go on and wait until he went in? A No sir.
- Q Was that the only time you saw Goddard around his house? A I saw him once but that was through the window before that.
- Q Why didn't you shoot him then? A I did not have anything to shoot him with at that time.
- Q Why didn't you take your shotgun along? A I was just looking for him at that time, and some times I did not take the shotgun.
- Q The idea was to go around and see if you could see a man one time and then go and get your gun and go back and shoot him, was it? A

was it? A No sir, not always.

Q I suppose you could not shoot him while you was learning his habits? A We could if we saw him.

Q But you preferred to see him a few times and then go back and shoot him afterwards? A Yes sir.

Q Now, all that you did during that time was to go out to Goddard's two or three times? A Yes sir.

Q Then where did you go to room? A I think I-- I am not sure, but I think I went to the Belmont hotel though.

Q Did you draw any pay while out there that two weeks? A Yes sir.

Q Who from? A Pettibone.

Q Where? A At his store.

Q How much? A \$100.

Q What was the first money you had had from some time in December until along in April? A No sir, it was not the first.

Q When was the first? A I think the first money I got was a little while before that; I got \$30. in cash.

Q Who from? A From Pettibone.

Q Where? A At his store.

Q Who was present? A He and I were along.

Q You and he were alone? A Yes sir.

Q And the second time was a hundred dollars under the same circumstances? A Yes sir.

Q When you and he were alone? A Yes sir.

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Q After you had been in that rooming house two weeks, where did go? A I think I went to the Belmont hotel. I ain't sure, but I think I stayed there two weeks or more.^A

Q At that time you were ready to go back to the Belmont hotel?

A Yes sir.

Q Did you know anybody in the Belmont? A Yes sir.

Q Who? A The proprietor, Johnnie Guerin.

Q You had known him some time? A Yes sir.

Q You had known him since 1903, hadn't you? A Possibly the first of 1904.

Q You stopped with Johnnie Guerin during the summer of 1903? That was the first time you was there under the name of Steve Dempsey? A I was not there in the summer of 1903.

Q Or the fall of 1903? A I might possibly have been there in December of 1903.

Q That was the first time you were there? A If I was there then it was the first time.

Q Did you meet Vaughn at that time? A I met him in 1904.

Q Wasn't he rooming at the Belmont hotel in 1903? A I don't remember.

Q You know that you saw him and he knew you before he went into the insurance business, don't you? A I met him when I went there to the Belmont hotel the first time.

Q Q And at that time you were going under the name of Steve Dempsey? A I think I was going under the name of Dempsey.

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Q And the next time you saw him you was going under the name of Hogan? A I went under the name of Hogan about that time,

yes sir.

Q Did you have a talk with Vaughn about it? A I told him I was going under the name of Hogan.

Q Didn't you tell him why? A I told him I had been mixed up in that strike and it was better that I should have another name.

Q And you told him to cut that out and not call you Dempsey any more? A Yes sir.

Q That does refresh your memory, that you met him in the Belmont hotel in 1903? A Yes sir, or 1904,-- one time or the other.

Q And you went back in 1905 and he was there? A Yes sir.

Q Who else did you see there whom you knew? A Several parties that I knew.

Q Who were they? A I knew Johnnie Guerin and his wife, and I knew Vaughn, and a lady named Mrs. Brandt, and I knew Johnnie Guerin's wife sister.

Q You knew Lottie Day? A I knew a woman they called Day.

Q Lottie Day? A I don't know as I ever heard her called Lottie then.

Q Did you use to call her Day or Lottie? A I used to call her Day.

Q Was she rooming there at that time? A I think she was.

Q Was she working there? A I never saw her do any work.

Q You never saw her do any work? A No sir.

Q Were you pretty well acquainted with her? A I knew her.

Q How long did you know her? A I don't know exactly how long

I knew her. I don't know whether I seen her there before that time or not; I think I did, but I am not sure.

Q How long had you known her there? A I don't know just how long I did know her.

Q After you went to room at the Belmont hotel did you get any better acquainted with her than before? A No sir, not particularly so.

Q Anybody else that you met there that you knew? A Did Guerin have a sister there? A I spoke of the sister there that I met, yes sir.

Q What was her name? A Her name was Flossie.

Q Her first name was Flossie? A That is what we called her.

Q Did you get well acquainted with Flossie? A Yes sir.

Q How long did you continue to live there? A I did not stay there very long. I don't know just how long, -- a week or two weeks, -- something like that.

Q Did all these parties remain there? A I think they did while I was there.

Q Was it then that you got ready to go down to Canon City to further bombard Governor Peabody? A About that time, yes sir.

Q How did you come to start off on that expedition? A Well, after Steve left Denver and I was alone there I told them that these things had kind of failed on them and they wanted me to go down and get Peabody.

Q Who did? A Mr. Moyer and Haywood and Pettibone.

955 Q That is the first conversation you have related with Moyer

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in a long time? A Yes sir.

Q And you had not seen him at all that winter? A I had seen Moyer that spring.

Q But while you were rooming there at the Belmont you conceived this idea yourself of going down after Peabody? A No sir, I did not.

Q Where did you get and idea and from whom? A I think from Mr. Moyer first.

Q Where was the conversation held? A It was over in the Aberdeen ~~apartments~~ flats, over to Mr. Moyer's residence.

Q Where was that residence? A It was over in the Aberdeen flats.

Q On Fremont street? A I think it is on California.

Q Had you ever been there before? A Never until I was there to see Mr. Moyer.

Q I presume probably you would not be there for any other purpose, but had you been there before this time you are now speaking of? A I went there some time about this time,-- I think a little before.

Q You had been there once before? A I had been once before, I think.

Q What was your occasion of going there once before? A I went to see Mr. Moyer.

Q Did you see him? A Yes sir.

Q Have a talk with him? A Yes sir.

Q Did you talk over your winter's experiences? A Some of them.

Q What time of the year was that? A In the spring,-- I think it was in April.

Q What did he say? A He said he would like to get that son of a bitch out of the way.

Q Was that the first time he said that? A He talked about it the first time.

Q How did the conversation come up? A I don't know just how it come up. I think he was telling me the experiences he had went through down at the jail and at Telluride.

Q Was that the first time you had seen him after he got out of jail? A The first time to talk to him.

Q That was over at his house in the Aberdeen flats in the evening? A Yes sir, that is the first time I saw him to talk to him.

Q Was Mrs. Moyer present? A She was when I first went in.

Q Where did she go? A She went in another room.

Q So you and Moyer sat there alone, did you? A We did after she left us, yes sir.

Q And did you do any of this talking before her? A No sir.

Q After she went out you commenced to talk? A We did talk some before her, but not on this proposition.

Q Now, give that conversation in detail as nearly as you can remember.

THE COURT: Mr. Richardson, before going into that, it is now the hour of adjournment.

MR. RICHARDSON: All right sir.

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Thereupon the Court gave the jury the statutory admonition, the bailiffs were sworn, and the jury retired in charge of the bailiffs, the witness and defendant were remanded to custody, and an adjournment was taken until 9:30 o'clock A. M.

Wednesday, June 12th.