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STATE OF IDAHO VS. STEVE ADAMS 1907

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IN THE DISTRICT COURT OF THE STATE OF IDAHO, FIRST  
JUDICIAL DISTRICT, IN AND FOR THE COUNTY OF  
KOOTENAI.

STATE OF IDAHO, )  
 )  
 PLAINTIFF, )  
 )  
 VS )  
 )  
 STEVE ADAMS, )  
 )  
 DEFENDANT. )  
 )  
 )

No. 194

At this time, the Defendant being in Court with his counsel, present as before, the record of Monday's proceedings was read and approved, and the following proceedings were had herein, to-wit:

THE COURT: Call the Jury.

THEREUPON, the Jury came into Court in charge of the officers, and being duly polled, all answered to their names and the trial of this cause proceeded as follows:



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MR. HEITMAN: I would like to call the attention of the Court to a matter personal to myself, if your Honor please.

THE COURT: Very well.

MR. HEITMAN: On the cross-examination of Orville Mason, last Saturday, I believe it was, the reporter's notes show the following, Mr. Knight cross-examining:

"Q You have talked to Mr. Darrow some about this testimony, have you?"

"A Yes, sir.

"Q You have talked about it some to Mr. Heitman?"

"A Yes, sir.

"Q You have talked to Mr. Moses some about it?"

"A Yes, sir.

"Q Mr. Heitman told you to answer those questions in that way, did he not?"

"Mr. Heitman: I protest against this, Mr. Knight,

"The Court: Yes, that is very improper, Mr. Knight.

"Mr. Knight: He has been asking the same questions about me."

MR. HEITMAN: I think Mr. Knight was mistaken about

(Resuming reading):

"Mr. Heitman: I shall not submit to it.

"Mr. Knight, You will, if the Court so rules.

"Mr. Heitman: I shall not submit if the Court

"sustains me.

"The Court: Now, gentlemen, dont---

"Mr. Knight: I know you---

"The Court: Now, quit that. The Court has ruled

"upon this proposition, and that is enough.

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"Q When did you last consult with Mr. Darrow about  
"this testimony, Mr. Mason?

"A Yesterday evening, I think it was.

"Q Yesterday evening?

"A Yes, sir.

"Q What time?

"A I don't remember what it was, not positive;  
"seven or eight o'clock.

"Q Was Mr. Heitman present?

"A Yes, sir.

"Q Mr. McBee present?

"A No, sir.

"Q Where did it occur?

"A At Mr. Heitman's office.

"Q Was your father present?

"A Part of the time he was.

"Q Your mother there?

"A No, sir.

"Q Sister there?

"A No, sir. "

MR. HEITMAN: That ended it. The Spokesman-  
Review of Sunday morning has the following to say--

MR. KNIGHT: If your Honor please, I think if there  
is any comment on the Spokesman-Review it should not  
be in the presence of the jury.

THE COURT: If he is going to read the testimony--

MR. KNIGHT: It should not be in the presence of the  
jury.

MR. HEITMAN: I think it ought.

THE COURT: It is not editorial comments. It is just

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what purports to be a report I suppose?

MR. HEITMAN: It is a report, yes, sir; and the man is present in court, present this morning. (Reading)

"On cross-examination of Orville Mason"--

MR. HAWLEY: we would like to have a ruling of the Court made on the objection of Mr. Knight, before this is read.

THE COURT: I think it is inappropriate, any report in the Review.

MR. HAWLEY: Some things might occur to prejudice the jury one way or the other, and might be a subject of comment to them.

THE COURT: I will have the jury retire.

The Court then admonished the jury, as required by law, and the Bailiffs were sworn to take charge of the jury and the jury retired to the jury room in the custody of the sworn Bailiffs.

MR. HEITMAN: "On cross-examination of Orville Mason, Mr. Knight, leading for the State, inquired of him if he had read over his testimony given at the former trial of Adams at Wallace, and he said he had.

" 'You have talked this testimony over with Mr. Heitman and Mr. McBee', asked Mr. Knight. 'Have,' replied Mason.

" 'Mr. Heitman told you to answer these questions 'the way you have'? 'He did'.

" 'Did he tell you to say what you have just said?'

"Before the young man could reply Mr. Darrow objected, and the Court sustained him on the ground that it was "repetition.

Now, if your Honor please, Mr. Knight's question was a reflection upon me--



and

THE COURT: And the Court held it to be improper, and that should have ended right there.

MR. HEITMAN: This statement in the Review was called to my attention by friends in Spokane this morning, and my friends told me that some people who did not know me--- the people who know me know that it is false--- that the people who did not know me were criticizing the defense for putting those boys on the stand and putting words in their mouths.

Now, I understand from my associates that this reporter has been making offensive remarks about every attorney for the defense and about every witness for the defense. As far as this is concerned, if your Honor please, the report is a lie out of whole cloth, and I believe it to be a malicious lie on the part of this reporter. I don't know him from Adam; don't know him and don't want to know him. Now, we don't care anything whether the misrepresentation that is printed in the Review, but when it comes to publishing a statement of this kind which is a reflection upon any attorney-- and if an attorney was guilty of such misconduct he should be disbarred-- way, that is the limit.

MR. KNIGHT: If the court please, I have not read the Review-- I have not read the reports in the Review or any other paper, in any degree of detail of this trial; I have been too busily engaged in the trial of this action to follow the reports in any of the papers. I have seen enough, however of the reports of another reporter, who has constantly sat in this room, to indicate clearly



that they are absolutely malicious, false and as malignant as could possibly be sent out from any court room. The Wallace Times, or The Times, published at Wallace, aided, no doubt, and advised by the defense in this case, have kept up one continual fire of abuse, heaped upon me, false, absolutely.

THE COURT: Just call that to the attention of the Court. We have the reporter here.

MR. KNIGHT: I certainly will.

THE COURT: I think Mr. Heitman has been greatly misrepresented. I think it is contempt of court to publish things calculated to reflect upon the court and counsel, and, if any future thing of the kind occurs, such offending person will be excluded from the court room and some person who can make a true report will be allowed in his place. I think a retraction on the part of the Review is due, and the publication of the reporter's notes of the matter would be the graceful thing to do.

MR. STOTTLER: Will your Honor allow me a word?

MR. HEITMAN: I make the statement that it was a malicious lie.

MR. STOTTLER: Mr. Heitman has made the statement that it was a malicious lie and that I was speaking disparagingly of the attorneys for the defense. This is all untrue; I have not done anything of the kind. And if I made that mistake it was simply an error of the head and not of the heart.

THE COURT: I am glad to hear it.

THE REPORTER: I apologize to Mr. Heitman, I apologize to the other gentlemen, if it should appear that I have



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been unfair to any. I was a little unfair once in recounting testimony, but I did not intend to be, and it was not because I had anything against Mr. Heitman. I have never spoken anything against Mr. Heitman, and as far as Mr. McBees and Mr. Darrow are concerned, they know, I have talked matters over with them, and if I did Mr. Heitman a wrong, it was a mistake.

THE COURT: I think the Review should print a copy of the shorthand reporter's notes. That would be the proper thing to do.

MR. DARROW: This morning there was a very flagrant error in the report in the Review. It said that Adams's confession said that Mason hurt his knee coming down the mountain after Tyler was killed. There was no such thing in the confession at all.

THE REPORTER: That has been the testimony all the way through, that the sprain occurred after the killing of Tyler.

MR. DARROW: That is a mistake. There was no such thing in the confession at all.

THEREUPON, the jury came in, was duly polled, and all answering to their names, the trial of this cause proceeded as follows:



Ingstrom  
B-1

ELIA ENGSTROM,

A witness called on behalf  
of defendant, being first  
duly sworn, testified as  
follows:

DIRECT EXAMINATION

BY MR. DARROW:

Q Where do you live?

A About fifteen miles from St. Joe, on a homestead.

Q You are temporarily residing in Coeur d'Alene now?

A I am.

Q Run the post office there?

A Yes, sir.

Q You have a homestead in the Marble Creek district?

A Near Marble Creek; it is on Mica Creek.

Q How long have you had it?

A Five years next June.

Q Your father's name is what?

A Fred.

Q Fred Engstrom?

A Yes, sir.

Q Were you up there in 1904?

A I was.

Q Do you remember about the time the jumpers came  
in there?

A I do.

Q Was the matter discussed up there to any extent  
among the settlers and the people?

A Yes, indeed it was, a general topic of conversa-  
tion.



Q What was the state of feeling there at that time between the two?

MR. HAWLEY: Objected to as calling for a conclusion. Objection sustained.

MR. DARROW: We think we have a right to show the condition of feeling at the time, as bearing upon the probable cause of this.

THE COURT: I sustain the objection.

Defendant excepts and exception allowed.

Q Was your father living there at that time?

A He was.

Q Do you remember the time of Bouley's death?

A Yes, sir.

Q Where were you at that time?

A I was in Burke.

Q And where was your father living at that time?

A He was working on the Tyson ditch.

Q How long before that had you come out of that territory that year?

A I came out some time before the 4th.

Q Did you know those trails up there?

A Yes.

Q Where you from Price's place, Mica Meadows?

A My homestead, do you mean?

Q Yes.

A My homestead is about two miles from Price's place.

Q How did you come in and go out when you came?

A Over the trail.

Q A foot or horseback?



A Well, sometimes afoot and sometimes horseback.

Q What sort of a trail was it from there down to the river?

A It is very mountainous, very rough.

Q How long did it take to come from your place out to the river, to Mason's?

A To Mason's ranch on the river?

Q Yes?

A Why, between five and six hours.

Q And you were two miles from Price's

A Yes, sir.

Q You were not up to Marble creek?

A No, sir.

Q Do you know how long from Price's it took to make that trip?

A Oh, usually it took about an hour to go from my father's to go to Price's, the rest of the way out.

Q You are speaking of going horseback now, are you?

A Yes, sir.

Q How often have you made that trip?

A I could not remember.

Q A good many times?

A Yes, sir.

CROSS-EXAMINATION

BY MR. HAWLEY:

Q You say you are living in Mica Valley?

A Yes, sir.

Q At Mica Meadows?

A No, not at Mica Meadows.



Q Where do you live, on Mica Creek?

A Yes, sir.

Q Thats the same stream that Mica Meadows is on,  
is it?

A It is the same stream.

Q You are about two miles from Price's place?

A Yes, sir.

Q Are there other homesteads, ranches, between your  
place and Price's place?

A Yes, sir; there are three, I think.

Q In fact, most of that territory is comprised of  
homestead locations, is it?

A Yes, sir.

Q Between your place and Price's-- Have you a  
wagon road between your place and Price's?

A No, sir.

Q Follow the creek up?

A Well, there is a trail up for two miles.

Q The trail generally follows the creek that  
two miles?

A Yes, sir. Part of it is in the mountains.

Q What portion of it goes into the hills or  
mountains, as you call them?

A About one half of it.

Q There are high, rocky points butting into the  
creek? here and there, in different places?

A Yes, sir.

Q Places fifty or one hundred feet high, some of  
them?

A About that high, I should judge.

Q Are there quite a number of them?



A There are three that are very high.

Q There are three that are very high?

A Yes, sir.

Q Do you think they would be as high as one hundred feet above the creek?

A Yes, sir.

Q The rest of it is an ordinary trail?

A Yes, sir; it is quite level.

Q No wagon road up there?

A No, sir.

Q You have been on your homestead five years?

A Yes, sir.

Q Are there people living above you on the creek?

A Yes, sir.

Q They use this same trail?

A Yes, sir.

Q In fact, the trail from Mica Meadows that goes up there accommodates all of you people that have locations above there?

A Yes, sir.

Q Do you keep horses there at your place?

A I do.

Q When you travel out to Price's at Mica Meadows, or out to the river, you travel horseback, as I understand it?

A We have not always had a horse.

Q No, but it has been your habit of late, has it not?

A I have walked more lately than I did before.

Q You think it is an hour, or takes an hour to go from Price's to your place?

A About an hour, yes, sir.



Q Take the same time to come back?

A Yes.

Q You mean that it takes an hour when you go afoot or horseback?

A I dont ever remember of riding.---Well, it takes just about the same, because a horse cant--

Q Then it takes you about an hour whether you are on foot or horseback?

A Yes, sir.

Q Have you been with others that went over tre trail?

A Oh, yes.

Q Took them the same time?

A I suppose so.

Q You say that it takes--- Do I understand that it takes you from your place to the river, five or six hours, or is it from Price's place to the river that it takes five or six hours?

A It takes five or six hours from my place.

Q You travel on horseback to the river?

A Yes, usually.

Q Did you ever time yourself?

A No, I dont believe I have.

Q You have a watch?

A Yes, sir.

Q Did you ever note what time you left---

A Didnt have it all the time.

Q Oh, you didnt have a watch all the time; then this is just simply guess-work?

A No, I know just about the time we started and just about the time we got there, but I never timed



Ingstrom X  
B-7

1565

myself to a minute.

RE-DIRECT EXAMINATION

MISS INGSTROM

BY MR. DARROW:

Q The trail up to your place is not the same trail that runs from Marble creek, is it?

A No.

MR. DARROW: Thats all.

WITNESS EXCUSED.



~~INGREKIM~~  
Martha Oliver D  
B-8

MRS. MARTHA OLIVER

Was called, and being  
duly sworn and examined  
as a witness on the part  
of the defense, testified  
as follows:

BY MR. McBERE:

Q Where do you reside Mrs. Oliver?

A Spokane.

Q What is your husband's name?

A Warren Oliver.

Q Do you know the defendant, Steve Adams?

A Yes, sir.

Q How long have you resided in Spokane?

A I have lived there fourteen years.

Q What is your husband's occupation?

A Electric contractor.

MR. HEITMAN: Speak a little louder, Mrs. Oliver,  
please.

Q Is Steve Adams any relative of your family?

A Of my husband.

Q What relation?

A Their mothers were sisters.

Q Where were you in August, 1904?

A Part of the time I was in the Sacred Heart Hospital.

Q At the Sacred Heart Hospital. Do you know when  
you went to the Sacred Heart Hospital?

A I went there a few days before the 24th of July.

Q And when you came away?



A) The 14th of August.

Q Did you see--- 14th of August, 1904?

A Yes, sir, 1904.

Q Did you see Steve Adams at the hospital during that time?

A I saw him the day before I left, on August 13th.

Q What time of day, if you know?

A Some time in the afternoon.

Q Was anybody with him?

A Mr. Oliver's father and mother.

Q What was the occasion of your being at the hospital?

A My child was born there.

Q Do you remember the date of the birth of your child?

A July 24th.

Q Do you know what day of the week that was?

A On Sunday.

Q Do you know what day of the week it was that Steve came to the hospital?

A On Saturday.

Q What day of the week did you leave the hospital?

A On Sunday.

Q The day after he was there?

A The day after he was there.

Q How long after you <sup>went to</sup> ~~left~~ the hospital was it you left?

A Three weeks.

Q Three weeks in all?

A Not three weeks in all, but three weeks after baby was born, July 24th, from July 24th to August 14th,



I went there on Wednesday, a few days before baby was born. My baby was born on Sunday; I was there a few days before that.

CROSS-EXAMINATION

MRS. OLIVER.

BY MR. HAWLEY:

Q You say your husband's father and mother were there ?

A Yes, sir.

Q What is your husband's father's name, do you know?

A W. M. Oliver.

Q His mother's name?

A Margaret Oliver.

Q Generally called by "Aunt Maggie" by her nephews and neices?

A Yes, sir.

MR. HAWLEY: That is all.

WITNESS EXCUSED.



WARREN OLIVER

Being called, sworn and examined  
as a witness on the part of the  
defendant, testified as follows;

BY MR. McBEER:

Q What is your name?

A Warren Oliver.

Q Where do you reside?

A Spokane.

Q What is your business?

A Electric contractor.

Q Where is your place of business in Spokane?

A 228 Post Street, opposite Elk's Temple, near the  
post office.

Q How long have you been engaged in that business?

A I have been at that place for, well, going on  
two years. It will be two years next April.

Q How long have you resided in Spokane?

A Eighteen years this fall.

Q Do you know Steve Adams, the defendant?

A Yes, sir.

Q Any relation to him?

A He is my cousin.

Q How does that relationship exist?

A Why, his mother and my mother are sisters.

Q Your mother was a sister to Mr. Lillard who sits  
here?

A Yes, sir.

Q Did you see Steve Adams in August, 1904?



A I did.

Q Where?

A In my store.

Q When?

A Why, it was on the afternoon of Friday, afternoon of August 12th, I think.

Q How do you fix the date?

A How do I fix the ~~time~~ date?

Q Yes?

A Well, my son was born on the 24th of July, and my wife was taken to the Sacred Heart Hospital some days previous to his birth, I do not call to mind just how long,, two or three days, anyway. The child was born on the 24th, Sunday morning, and she remained there just three weeks from the day the child was born.

Q And came home?

A Came home on Sunday, August 14th.

Q What day was it you saw Steve, day of the week?

A First saw him on Friday, that is the first time.

Q You saw him again Saturday?

A I saw him again Saturday.

Q Who was with him, anybody, on Saturday?

A My mother; came in from Garden Springs,- she lived out about two miles and a half from town.---

Q Your father?

A Father was in the store with me at that time. She came in and he went home with her.

Q Steve and your mother came together, did they?

A Yes, sir.

Q Where did they go?



XXXXXX  
~~XXXXXXXX~~  
Warren Oliver-D  
B-13

A Went to the hospital and out in town.

Q How old a man is your father?

A I couldnt give his exact age. He is probably sixty-- I may say, sixty-five years old.

Q What is the condition of his health, if you know?

A At the present time?

Q At the present time.

A Very poor.

MR. HAWLEY: Whats the object of it? I dont want to object unless --

MR. DARROW; You might argue that we didnt bring him, thats all.

MR. HAWLEY: I will say right now that you aint going to argue any such thing.

MR. DARROW: I thought from your question about the mother that perhaps that was what you were going to do.

MR. HAWLEY: But go ahead. We dont want to be bound by any promises. Go ahead.

Q How is your mother's health?

A very poor.

Q How about her mind?

A Of course she has had a great many spells of insanity. I really couldnt think of recounting them all. Her mind is very weak, and while she is able to be around now, any exciting thing, anything that would excite her would put her in a condition that we would have to take her to the asylum in all probability.

Q Have the attorneys for Mr. Adams in this trial ever discussed with you, whether your father could come here as a witness?



W Oliver-D  
B-14

MR. HAWLEY: Object to that.

Objection sustained.

WITNESS EXCUSED.

MR. DARROW: Mr. Hawley, we wish to ask a question or two of Mr. Thiele.

MR. HAWLEY: We shall have to send for him I don't know just when we can get him.

MR. DARROW: Tomorrow morning will do. It is the same question that we asked Mrs. Adams at the last trial in regard to a certain conversation. You can think it over and if you do not object to my asking it you need not bring him, and if you do, tomorrow morning will do.

MR. KNIGHT: The same question you asked at the last trial?

MR. DARROW: The same question.

MR. HAWLEY: Well we will look the matter up within an hour and let you know.



STEPHEN W. ADAMS,

A witness on the part of the  
defendant was called and being du-  
ly sworn and examined, testified  
as follows:

BY MR. DARROW:

Q Give us your name in full?

A Stephen W. Adams.

Q You are residing here in jail at the present time?

A Yes, sir, have been for some time.

Q How long have you been here?

A Been here since my case came up for trial at Wallace.

Q Where were you born, Mr. Adams?

A Born seven miles north of Pleasant Hill, in Jackson  
County, Missouri.

Q How long ago?

A Born there in '67, June 30, forty years ago.

Q Forty years ago?

A Yes, sir.

Q What were your people, farmers?

A Yes, sir.

Q What did you do in your younger days?

A Worked on the ranch, farmed.

Q How much schooling did you have?

A Just a common school education, country school.

Q District school?

A Yes sir.

Q What time of the year did you go to school?

A Well, when I was---



Adams D  
E-16

MR. KNIGHT: We---well, go ahead.

MR. DARROW: This will not take long.

A When I was a boy, I went to school summer and winter as country schools run, a term in the summer and a term in the winter.

MR. HEITMAN: A little louder, please.

Q When did you go to work on the farm?

A As soon as I was old enough, very young, perhaps commenced when I was nine or ten years old, eleven, something like that.

Q When did your father die?

A He died when I was about thirty years old; I dont remember the date of his death.

Q When did your mother die?

A Mother died just about a year later.

Q When did you leave Missouri?

A I left Missouri the last time when I was about 27 or '8 years old, whenever it was, it was about a year before my uncle went to Texas.

Q Did you go to Texas with him?

A No, sir.

Q This uncle?

A Yes, sir.

Q You say the last time. Did you leave Missouri before that?

A I left Missouri about a year before he went to Texas; I think something like a year.

Q Where did you go?

A Went out to work at different places, at different



Adams -D  
E-17

labor, through Nebraska, Montana and Dakota.

Q What at?

A I was working on the railroad some, any kind of work, common labor, harvesting, working on the ranch.

Q Ever up to this country at that time?

A No, sir, never was in this country until 1904.

Q Did you work in a saw mill sometimes?

A I worked in a saw mill north of Spokane, Washington, yes, sir.

Q When were you there?

A I was there, I think I left therein 1898, or '99, as well as I remember.

Q How long did you work there?

A I worked there something over a year.

Q How far was that from Spokane?

A About 23 or 24 miles.

Q From this country, or from the west, where did you go?

A Went to Cripple Creek, Colorado.

Q When did you go to Cripple creek?

A I went to Cripple Creek in 1898 or '99.

Q What did you do there?

A I worked driving dump cart, hauling rocks.

Q Driving dump cart, hauling rocks for whom?

A For a man by the name of Fox.

Q Was that in connection with mining?

A I went mining after that---well, yes, it was hauling rocks from a mining dump.

Q How long did you work at that?



A Something like two or three months; dont remember  
Mr. Darrow.

Q What did you do then?

A Went to work mining.

Q Where?

A Vindicator, Finlay, worked on the Lilly Mine some  
and worked for prospectors on leases a good deal.

Q On your own account?

A Part of the time yes.

Q Did you do any other work or business in Cripple  
Creek?

A I ran an express wagon there.

Q Where was that?

A Independence.

Q When did you do that?

A 1901, I think, I bought it and run it up until 1902.

Q What did you do with it?

A Sold it.

Q When did you first join any union?

A I joined the union in---

Q About when, about what time?

A It was about a year after I went to Cripple Creek,  
I think, to the best of my recollection.

Q What union did you join?

A Altman Miners' Union No. 19.

Q Had you ever joined any union of any sort before?

A No, sir.



Q Did you take an active interest in the union?

A Well, I---well, I tried to help it along, of course all I could.

Q How long did you stay a member of that union?

A I belonged to it up to the time I was arrested.

Q Did you join any other union in the meantime?

A I transferred to the Teamsters' Union while I ran the express wagon.

Q Then went back to the Miners' Union?

A Yes, sir.

Q Did you ever hold any office in the union?

A I was elected President once of the Miners' Union, but never served. I left there.

Q Somebody else was elected in your place after that?

A Yes, sir.

Q Where else did you live in Colorado?

A Well, I worked in different camps. I worked in Telluride, worked on Goose Creek, tunnel work; worked at Silverton and worked at Telluride.

Q How long did you work at Telluride?

A I worked down at Telluride twice, I think. I was there in Colorado working two different times.

Q How many different mines?

A Nearly all the time I was in Cripple Creek, except the time I was running the express wagon, except during the strike.

Q When were you married?



A November 15, 1903.

Q Whereabouts?

A Telluride.

Q Your wife had been married before and her husband died?

A Yes, sir.

Q Have any children?

A Had two children, two boys.

Q Did anything to happen to you soon after you were married?

A I was married on the 15th; I left there on the 19th, went to Independence on the 20th and was arrested on the 21st.

Q Locked up.

MR. HAWLEY: We object to that as incompetent, irrelevant and immaterial.

A Yes, sir.

THE COURT: The objection will be overruled.

Q For how long?

A For ninety-three days.

Q Then you were turned loose?

A Yes, sir.

Q Ever tried for anything?

A No, sir.

Q About what was that date?

A That I was turned loose?

Q Yes.

A In the spring of 1904, late in the winter or spring.

Q When did you leave Cripple Creek in 1904? When did you leave in 1904?



A I left June 6th, 1904.

Q Under what circumstances did you leave?

A I was told there was a mob looking for me---

MR. HAWLEY: I object to what he was told.

MR. DARROW: He can say how he left.

MR. HAWLEY: He can say that.

THE COURT: Yes, he can say that.

A I left afoot, had to go across the hills afoot.

Q Yes. How did you leave there?

A I left afoot across the hills.

Q How was it with other members of the union at that time?

A A great many of them did the same thing.

Q At that date?

A Yes, sir.

Q Leave in a hurry or at leisure?

MR. HAWLEY: We object---

A Left as quick as they could get out, same as I did.

Q Where did you go?

A Went to a town called South Platt.

Q When was that?with reference to the explosion that blew up the Independence Depot?

A I think it was the evening following.

Q Yes. You went to South Platt?

A Yes, sir.

Q How far is that?

A About 80 miles from where I was living.

Q Do you know how long it took?

A Either two days and three nights or three days and two nights, I dont remember which it was.



Q Where did you go?

A Went to Denver.

Q Did you meet any of the old Cripple Creek boys there?

A Yes, sir.

Q What name did you have after you got there?

A Steve Dixon.

Q Where did you get the name of Steve Dixon?

A The name of my wife's first husband.

Q Was that the name you went by when you got to Denver?

A Yes, sir.

Q How long did you go by that name?

A I went by that name until I went to Park City, Utah.

Q Where did you take that name?

MR. HAWLEY: I object to it as incompetent.

THE COURT: Overruled.

A I took that name to keep from being thrown back into jail at Cripple Creek.

Q How was it as to others changing their names at that time?

A A number of them did it.

MR. HAWLEY: I object to that and move that the answer be stricken out.

THE COURT: The objection is sustained and the answer stricken out.

MR. DARROW: We except to that.

Q Went to Denver, you say?

A Yes, sir.

Q Where did you go when you got to Denver?

A I went to a rooming house there on Stout Street.



Q Did you go to the Federation headquarters office?

A Yes, sir.

Q What was the condition at Federation Headquarters at that time?

A There was a number of miners there, same as myself that had been run out of the district there. The Executive Board was in session there.

Q Did you meet either Moyer, Haywood or Pettibone or any of them at that time?

A I saw a number of the officers of the Federation there, members of the Executive Board. I know I met Mr. Haywood there and Mr. Kerwin. I met pretty near all of the members of the board.

Q You went to a rooming house on Stout street?

A Yes, sir.

Q Any other miners there?

A Yes, sir, it was their headquarters.

Q Do you know where Pettibone's store was? Where was it with reference to the rooming house?

A Beneath it.

Q His store was below and the rooming house above?

A Yes, sir.

Q Did you meet him?

A Yes, sir.

Q What was he doing?

A He was running a store there.

Q How long did you stay in Denver?

A I stayed in Denver until about the 1st of July, 1906--



Q When did you first see Jack Simpkins?

A I saw Jack Simpkins in June, 1904.

Q Whereabouts?

A At the headquarters of the Federation.

Q In Denver?

A Yes, sir.

Q Had you ever seen him before?

A I don't think I ever had.

Q Have any conversation with him?

A Yes, sir.

Q Have any with reference to coming to Idaho?

A Yes, sir.

Q When did you say you left Denver?

A I left Denver on the 1st of July, 1904.

Q For what point?

A Going to Wardner, Idaho.

Q For what purpose?

MR. KNIGHT: We object.

MR. HAWLEY: We object.

THE COURT: I shall overrule the objection.

A On account of going to try to get a homestead.

Q Have any other purpose at that time?

A I wanted to keep out of the way of the Colorado people.

Q Where did you go?

A I came to Wardner.

Q Who lived at Wardner that you knew?

A Jack Simpkins.

Q Do you remember when you got to Wardner?



A I got there, to the best of my recollection, on the 2nd of July.

Q Did you see Jack Simpkins then?

A No, sir.

Q Go to his house?

A Yes, sir.

Q What did you learn as to where he was?

A His wife told me he was on his timber claim in Marble Creek.

Q Where did you go from there?

A I went down and took a train and went to Wallace.

Q Did you meet anybody you knew at Wallace?

A Yes, sir, I met Mr. Coats there.

Q Anybody else?

A I don't believe I met any one else there that I knew.

Q Did you see Ed Boise there?

A I saw him after that.

Q Where did you go from there?

A I stayed there that night and went to Burk the next day.

Q Did you meet anybody at Burk that you knew?

A Yes, sir.

Q Who?

A Vincent St. John and a man by the name of Griffin.

Q How long had you known him?

A Known him in Colorado.

Q How long did you stay in Burk?

A I stayed in Burk over one night and went back to Wallace on the 4th of July.



Q Were you in Wallace on the 4th?

A Yes, sir.

Q What were you doing?

A Celebrating the Fourth with a lot of miners.

Q What was going on there?

A They had a ball game there that day.

Q How long did you stay in Wallace?

A I stayed in Wallace the Fourth and went back to Burke that night.

Q You mean you went back the night of the Fourth?

A Yes, sir.

Q How long did you stay in Burk?

A I stayed in Burk one night.

Q Then where did you go?

A I came back to Wallace. That is when I saw Ed. Boise

Q Did you have any conversation with Ed. Boise.

A I asked him if he knew where Jack Simpkins was, if he came out the Fourth. He told me he had, he saw him there.

Q Did you find out where he was?

A Yes, sir. He told me he thought he had gone down home to Wardner.

Q Then where did you go?

A I went down to Wardner, walked down.

Q Walked down from Wallace?

A Yes, sir.

Q Do you know how far that was or is?

A About 12 miles, something like that.



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Q What time did you get to Wardner?

A I got to Wardner about 9 or 10 o'clock as well as I remember.

Q Do you mean at night?

A Yes, sir.

Q That would be the 5th would it?

A Yes, sir.

Q Did you see Simpkins that night?

A No, sir, I didnt see him; talked to him through the window.

Q Whereabouts?

A At his home.

Q What did you do?

A He told me to come up to breakfast next morning; said he didnt have any beds or he would ask me to stay all night; said go to a lodging house and get a bed and come to his house for breakfast next morning.

Q Did you do that?

A Yes, sir.

Q Went up to breakfast, did you?

A Yes, sir.

Q That would be the morning of the 6th?

A Yes, sir.

Q Got breakfast there?

A Yes, sir.

Q What did you do then?

A Went down and took the train for Harrison.

Q Do you remember what time you got breakfast?



A Got breakfast pretty early that morning, something like daylight, I think, early in the morning.

Q Did you go alone or did he go with you?

A We went with me.

Q You took a freight, you say?

A Yes, sir.

Q Do you remember what time?

A It was early in the morning. We took the freight in order to make connections with the boat.

Q You went where?

A Went to Harrison and went up and eat dinner with old man Russell.

Q At Harrison?

A Yes, sir.

Q He is James Russell?

A Yes, sir.

Q The man that has a timber claim up in Marble Creek?

A Yes, sir.

Q Then where did you go?

A Took the boat after dinner and went to the head of navigation, from there we went in to Mason's place the same day.

Q Do you remember what day you got to the head?

A It was in the afternoon sometime.

Q How did you get to Mason's place?

A We walked.



Q Yes. Have any guns with you?

A I had a rifle.

Q What kind of a rifle?

A 38-56, I believe is the caliber.

Q Whose was it?

A Jack Simpkins'.

Q Any other shooting pieces?

A I had a 38-Colts automatic revolver.

Q Any others?

A That's all.

Q Do you know what time you got to Mason's?

A It was in the afternoon, somewhere near night,  
as I remember.

Q Did you see Mason there that night?

A No, sir.

Q Or Mrs. Mason?

A No, sir.

Q Do you know who you saw there that night?

A I met the daughter, Myrtle Mason and some of the  
other little children, and Newt Glover. I met Newt Glover  
there.

Q Where did you meet Newt Glover?

A At Mr. Mason's. He was there that night.

Q Do you remember about supper? Do you remember  
when you got it, where you got it; if you got it at all?

A I expect we got supper, but I don't remember.

Q You don't remember that?

A No.

Q Do you remember where you stayed that night?



- A We stayed there at Mr. Mason's.
- Q Do you remember where you slept?
- A Yes, sir.
- Q Where?
- A Slept in the front room on the lower floor.
- Q Of the house?
- A Yes. The children slept up-stairs.
- Q When did you leave there?
- A Left there early the next morning.
- Q And where did you go?
- A Went up to Mr. Price's place at Mica Meadows.
- Q You and Jack left together, did you, at that time?
- A Yes, sir.
- Q How did you go to Price's place?
- A We walked.
- Q Do you remember what time you got there?
- A We got there about the middle of the day sometime.
- Q Was anybody there?
- A Saw Mr. price there and some other men there; dont remember who they were.
- Q How long did you stay there?
- A Stayed there until after dinner; we got a meal there.
- Q Where did you go?
- A We went in to Ray Wells' cabin; got a horse and some provisions at Mr. Price's.
- Q Ray Wells' cabin was up on Marble Creek, was it?
- A Yes, sir.
- Q How far from Mason's and the rest of them?
- A Right near the cabins. They were all placed pretty close together.



Q Do you remember what time you got to Ray Wells' cabin?

A Late in the evening, perhaps four or five o'clock; would not state just the time; got in before dark.

Q Did you see anybody there that night?

A I saw Mr. Mason and his wife before we got to Wells' cabin on the way in.

Q Passed them on the way, did you?

A Yes, sir. Then Ray Wells was there and his sister. She went away some place and we stayed there in her place.

Q Stayed over night?

A Yes, sir.

Q Did you stop at Mason's house as you went in?

A I think we did. I believe we did.

Q Do you remember where you got supper?

A Got supper at Ray Wells'.

Q Did you see anybody but Ray Wells that night?

A Yes, sir.

Q Who?

A Fred Tyler.

Q Where did you see him?

A He came down the trail and stopped there a few minutes.

Q Did you have any conversation with him?

A I passed the time of day with him. We got wet coming in and we were working our guns off on the porch. He asked me to let him see my automatic. I handed it to him and he looked at it.

Q You stayed there that night?



A Yes, sir.

Q Where did you go next morning?

A Jack Simpkins' cabin.

Q About how long did you stay in that Marble Creek district?

A I stayed there until the last of July or the 1st of August.

Q What were you doing?

A Helping Mr. Simpkins cut some trails, sow some grass; help Mr. Mason build a house; spent some time hunting and fishing; helped Mr. Russell clear up some land, that is the son, the young brother.

Q That was young Russell was it?

A Yes, sir.

Q That is James Russell's son?

A Yes, sir.

Q Do you know what his name is?

A Joe Russell.

Q What other members of the Russell family were there there?

A There was a young lady named Agnes, if I remember correctly.

Q Anybody else?

A Well, she had a little brother there.

Q Did you do anything while you were there about looking for a homestead.

A I made inquiries yes, sir.

Q Did you attend a meeting at Buffalo Creek while you were there?

A I never attended any meeting ~~there~~; saw a number of men there once while I was in there.



Q What were you doing there at that time?

A Hunting and fishing.

Q When you saw that crowd there, what were they doing?

A They had guns, some of them, seemed to be hunting and some fishing on the river.

Q Do you know what they were talking about or whether they were talking about anything when they got together?

A They were perhaps discussing the jumpers' proposition and Northern Pacific scrip or something of that kind.

Q You didnt pay much attention to them yourself?

A No, sir, I was not interested in them.

Q Was Simpkins with you that day?

A Yes, sir.

Q Did you see Phillips while you were there?

A Yes, sir.

Q Whereabouts?

A On the trail, different places.

Q Did you see Boule?

A Yes, sir.

Q Where did you see him?

A On the trail as we would be passing. We passed all those settlers or jumpers in there at different times, Lindbley and Tyler and Boule.

Q Griffiths?

A Griffiths.

Q Do you know where their cabins were?

A Yes, sir.

Q Where were they?



A Mr. Tyler's cabin was on Mr. Simpkins' claim and the other jumpers settled on different parts of Mr. Mason's claim.

Q Did you have any trouble with them while you were there?

A No, in no way, shape or form, not a word.

Q Did you have any conversation with them beyond what you have stated?

A No, sir. I passed the time of day, passed them a number of times on the trail when they would be passing by. All I ever spoke to them was passing the time of day with them as we would meet them.

Q Yes. Now, you say, you left there on the last of July or the 1st of August?

A Yes, sir.

Q Have you any way of fixing that time?

A Well, nothing only I was out a number of days before Mr. Mason's birthday.

Q You heard Mr. Phillips' testimony in the other trial and heard it read this time?

A Yes, sir.

Q Did you do any shooting down near Tyler's cabin any day?

A I never fired but one shot near any one's cabin while I was in there.

Q Did you shoot over a cabin at any time?

A No, sir.

Q Did Jack Simpkins in your presence?



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A No, sir.

Q Did you shoot, at any time?

A I shot a woodchuck; fired one shot and killed him in the trail.

Q Whereabouts?

A It was just across from Tyler's cabin, on the trail. The woodchuck was on the trail and I saw him.

Q Did Tyler see you?

A Tyler and Phillips came out and looked down there when we were skinning the woodchuck.

Q Was there anything said?

A No, sir, we skinned the woodchuck and left it in a little cabin on the creek---we was going over to Mr. Masons'---and as we were going back we took the woodchuck home, cooked him and ate him.

Q Do you recollect that Mr. Phillips had something to say about the cabin when Tyler and Phillips came along?

A Yes.

Q What was said?

A That was, we had a table placed---I had to shut the door---in order to get in, to get inside --- in order to get into the seat, we had. We had a stake drove up with a board on it and sat on that, and I went to shut the door, just as I went to shut the door-- the trail went right by there--- just as I went to shut the door there was two or three men went by. I asked Simpkins who it was. I didnt notice who it was at first.

Q Is that all there was to that?

A Yes, sir.



Q Did you get pretty well acquainted with Mason while you were there, and his family?

A Fairly well, yes, sir.

Q Do you remember when they left that district, in relation to the time you left?

A They left before, Mr. Darrow.

Q Before you left there?

A Yes, sir.

Q Do you know whether they left all together, or how did they---

A I dont know.

Q Dont remember?

A No, sir.

Q Do you know how long before?

A No, sir, I dont.

Q Now, when you went out, did you come alone?

A Mr. Simpkins and I went up to Mr. Joe Russell's cabin, where him and his siter were living, and from there Mr. Joe Russell went out with us to Price's.

Q Did you have any appointment with Russell?

A No, sir.

Q You just met in there?

A Yes, sir.

Q He went with you?

A Yes, sir, as far as price's.

Q His sister and brother didnt go out at that time?

A No, sir.

Q Then you three went to Price's, did you?

A yes, sir.



Q What did they do then?

A Well, I left Jack Simpkins and Joe Russell at Price's, and I got a horse and went out to the river?

Q Do you know where he was going?

A Joe Russell said he was going back to get his sister, Mr. Darrow.

Q What was his object in coming out to Price's?

A To get some horses to bring his sister out, as far as I know.

Q Now, you left both Joe and him at Price's.

A Yes, sir. She was very fleshy and he had to get a horse to bring her out.

Q Who was fleshy?

A His sister.

Q You left both Joe and Jack Simpkins at Price's, did you?

A yes, sir.

Q What did you do?

A I went out to Mr. Mason's.

Q What were you going out for?

A I was going to help Mr. Simpkins out on some prospecting.

Q How did you come from Mica Meadows down to Mason's?

A From Mica Meadows I rode a horse.

Q Rode a white horse, you say?

A yes, sir.

Q Do you recollect what time you got to Mason's?

A It was in the afternoon some time.



Q You know what you did when you got there?

A I went over to Mr. Glover's place.

MR. KNIGHT: I didnt understand that.

A I went over to Mr. Glover's.

Q Yes. Do you know whether Rus sell and his brother or sister came out soon after?

A Well, I think they did.

Q Do you know where they came, whether they came to Mason's, or dont you?

A I dont remember, Mr. Darrow.

DARROW: Well, we will get there again.



Q You got to Glover's that night, did you?

A Yes, sir.

Q Do you remember when Jack Simpkins came out after that, if at all?

A In a day or so after that, yes, sir.

Q Did you see him?

A Yes, sir.

Q Whereabouts?

A We was up on that prospect of his together.

Q What did you do, if anything?

A We got some rock there, and wanted to get some tools to start to working?

Q What did he do with the rock?

A He took it out with him to get it assayed; he said he was going to.

Q Now, how long did you stay there at Glover's?

A I stayed at Glover's from the eighth of August.

Q How do you fix the time?

A Well, I left on the eighth of August, the morning of the eighth.

Q What date is there that you recall?

A I was there at Mr. Mason's birthday dinner, and I left; went over home with Mr. Glover that night, and went down the river again the next morning.

Q What time did you go over to the birthday dinner?

A Went over in the forenoon.

Q Do you remember when you were asked to come over there?

A The evening before.



Q Whereabouts?

A Over at Mr. Glover's place.

Q Who was there?

A Frank Price and Myrtle Mason.

Q Do you remember what time you went over there that Sunday morning?

A I would not state just what time; it was in the forenoon, though.

Q Do you remember anything specially that happened that day?

A Nothing any more than we had quite a bit of sport with Mr. Mason; giving him a threshing, and had a good dinner.

Q You did have a good dinner?

A Yes, sir.

Q During the time that you were at Glover's before that, had you been to Mason's?

A A number of times.

Q Do you remember about how often you went over?

A Well, I would be safe in saying that I was there once every day, I think, Mr. Darrow; maybe oftener than that.

Q How often were you there previous to this seventh day of August?

A I cant tell you; a number of times.

Q Well, about how long was it from the time that you came out until the birthday party?

A Well, it was--

Q (Interrupting) About how long?

A It was about a week or ten days; something like



that; I would not say positive.

Q Do you remember what time you left Mason's that night?

A Well, it was late in the evening.

Q Where did you go?

A Went to Mr. Glover's.

Q Who was with you?

A Newt Glover.

Q Where did you stay that night?

A Stayed at Mr. Glover's.

Q Where did you sleep while you were there?

A In Mr. Glover's barn, in the hay.

Q Do you know whether you helped any with the haying that week, or dont you know?

A I helped Mr. Glover some while I was there.

Q Do you know whether you helped Mason any?

A I might have; I dont remember whether I did or not; I cant say.

Q What did you do the next morning?

A Went down the river in Mr. Glover's boat?

Q That was the morning of the eighth, was it?

A Yes, sir.

Q How far did you go?

A Went to Little Falls, and I walked across the Meadow to the head of navigation.

Q Did you get any breakfast?

A Got breakfast at Mr. O'Neill's.

Q At Mr. O'Neill's, that is the St. Joe Hotel, isnt it?

A Yes, sir.

Q Did you see anybody there at breakfast that you knew?



A I saw Frank Price there.

Q Anybody with him?

A There was a lady, some lady with him; it was the lady that testified here; I dont remember her name.

Q Did you have any conversation there that day, that morning, while you were eating?

A Yes, sir.

Q Where did you go after that?

A Took the boat and went on the river.

Q Who did you see on the boat?

A I met Captain Laird; I met Mr. Laird before I got on the boat, though.

Q Where did you meet him?

A I met him there in front of the hotel.

Q Did you have any conversation with him?

A Yes, sir.

Q Where did you ride on the boat?

A I rode in the pilot house most of the time.

Q Were you out of the pilot house while you were going down?

A Yes, sir; I got off at St. Maries and Harrison, both.

Q Were you on any other parts of the boat?

A Yes, sir; I was all over the boat.

Q Anybody else at the pilot house at any time?

A Yes, sir; the "pusher" was in there, and I think there was other people coming and going out of the pilot house.

Q Purser, you mean?

A Yes, sir; he is the man that takes toll.



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Q Did you get off at St. Maries?

A Yes, sir.

Q How long did the boat stop there?

A Well, just a short time.

Q Get off again at Harrison?

A Yes, sir; I got off at Harrison and got something to eat.

Q Did you do anything else at Harrison?

A No, sir; that is all that I did there.

Q Do you know how long the boat stopped at Harrison?

A No, sir; I do not.

Q Did you go from Harrison on the same boat?

A Yes, sir.

Q Where did you go to?

A Coeur d'Alene City.

Q Where did you go from Coeur d'Alene City?

A From Coeur d'Alene City to Spokane over the Electric Road.

Q What time did you get to Spokane, about?

A It was late in the evening; I would not state what time it was.

Q Do you remember what you did after you got there?

A Yes, sir.

Q What?

A I got me a room there at a lodging house; I changed my clothes there and went to a show, and I did a number of things there.



Q How long did you stay around Spokane?

A I stayed in Spokane some four or five days, as well as I remember.

Q Do you know what you were doing?

A Well, I went up to visit my uncle and aunt and my cousin and hiswife.

Q Did you buy anything while you were there?

A I bought a pair of shoes and I got some other clothing; I dont remember what.

Q When did you visit your uncle and aunt?

A I think it was the third or fourth day after I got in Spokane I went out.

Q Where did you go with them, if anywhere?

A I went to the hospital with them and stayed all night with them one night, my uncle and aunt, and I went to the hospital with them the next day to see my cousin's wife and baby.

Q How long did you stay in Spokane after that?

A I left that day, after I saw my cousin's wife and baby.

Q Where did you go to?

A Coeur d'Alene City.

Q Did you meet anybody there?

A Met Jack Simpkins there.

Q Had you any arrangement about meeting Jack before you went away?

A Yes, sir.

Q At Coeur d'Alene?

A yes, sir.



Q How long did you stay at Coeur d'Alene?

A I stayed one night.

Q Have any business there?

A Yes, sir.

Q What?

A Wanted to find a man that had a homestead;  
I wanted to see if he would sell it, up in the Marble  
Creek country.

Q Did you see him?

A No, sir; I couldn't find him.

Q Then where did you go?

A Took the boat next morning and went back to  
Harrison.

Q Then where?

A Went to Wardner.

Q Straight along?

A Yes, sir; we made connection with them, as well  
as I remember, with the train.

Q And where did you go when you got to Wardner?

A Went to Mr. Simpkins's home.

Q Simpkins with you?

A Yes, sir.

Q How long did you stay there?

A I stayed there until his wife came home; she  
was off some place on a visit, perhaps three or four  
days.

Q How long was that?

A Perhaps three or four days; something like that.

Q After she got home what did you do?

A After she came home we went back into the Marble



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creek country-- up to Glover's and Mason's.  
from

Q When you went back ~~to~~ Wardner, how did you go?

A Back from Wardner we took the train and went to Harrison; from Harrison we took the boat to the head of navigation and went over to Mr. Mason's place and then on over to Glover's.

Q What train did you take from Wardner?

A I dont remember at that time whether we went on the freight or passenger, Mr. Darrow.

Q Do you remember when you got to St. Joe?

A We got there the same day we left Mr. Simpkins's.

Q And then went where?

A Went to Mr. Mason's.

Q Do you know whether Mr. Mason was there when you got in?

A I would not state positively whether he was or not.

Q Do you know when you got there?

A Do I know when I got there? I dont know; it was in August, some time the latter part, as I remember.

Q About how long after you went away?

A Well, it was, it must have been about ten days; something like that; a week or ten days; a little over maybe, or a little less.

Q You are not sure about the time?

A No, sir; I am not.

Q Mr After you got to Masons what did you do?

A Went over to Mr. Glover's.

Q Jack go with you?

A Yes, sir.

Q How long did you stay there?



A I stayed there several days, I know, until I got a letter from my wife.

Q Then what did you do?

A I went back to Denver.

Q What were you doing while you were there?

A Hunting and fishing and prospecting.

Q How often did you go over to Mason's, if at all?

A Well, we was over there very often.

Q Well, about how often?

A Well, I would be safe in saying I was there some time every day, and oftener than that lots of times.

Q When you left Denver to go up there, did you have any money?

A Yes, sir.

Q About how much?

A When I went up over the hills from Independence, Colorado, I had two hundred and fifty dollars, I believe it was, and I gave my wife fifty or seventy-five when I left down there.

Q Were you or your wife, either or both of you, receiving any relief during the time?

A Yes, sir; my family drawed relief all the time.

Q While you were on a strike?

A Yes, sir.

Q How was it that you were drawing relief, whether you had money or not?

A Well, we were in the disturbed district; they allowed you relief.

Q No matter whether you had any money of your own or not?



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A No, sir.

Q You knew Ed Bouley?

A yes, sir; I saw him a number of times.

Q You knew Tyler?

A Yes, sir.

Q Had you heard whether they were jumpers or not?

A yes, sir; I guess I had.

Q Discussed up there to any extent?

A I have ~~not~~ often heard them talked about, yes, sir.

Q Do you remember of hearing of Bouley being shot?

A yes, sir.

Q Where were you then?

A I was at Mr. Glover's place on the river.

Q Do you remember the date that you heard it?

A No, sir; I do not.

Q Do you remember whom you heard it from?

A Yes, sir.

Q Whom?

A Newt Glover told me, the first I heard of it.

Q Do you know how he got the story?

A He told me that he heard Frank Price holloa it across the river.

Q Do you know about how long you had been back there when you heard the story?

A I had not been back very long, Mr. Darrow; A couple or three days, perhaps; something like that; I would not state positively.

Q You would not say exactly?

A No, sir.

Q Who was with you when you heard it?

A Jack Simpkins and I was cutting some wood at



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Mr. Glover's place.

Q Did you go anywhere after that?

A I think we went down to Mr. Mason's.

Q The same day, do you mean?

A Yes, sir.

Q Was this matter talked of down there?

A I think I heard them speaking of this jumper being killed, yes, sir; what price holloed across, that is all I know about it.

Q Do you know how long you stayed there, about, after you heard that Bouley was killed?

A Well, it might have been two or three, or four or five days; I don't remember exactly how long.

Q After you came out of the Marble Creek district, the last of July or first of August, did you ever go back there?

A I never did; no sir.

Q Ever go back to Price's?

A Never was at Price's after I came out, the last of July or first of August.

Q Did you ever go up in there during August, or any other time, and go to Jack Simpkins's cabin; from there go to Tyler's cabin, early in the morning, and missed him and stayed around all day, and then caught him on the trail and held him up, and took him to Simpkins's cabin and kept him all night and took him out the next morning and killed him?

A I never did, no, sir.

Q Do you know anything about Tyler's death or whether he is dead or not?



A I do not.

Q Did you ever go up there with Jack Simpkins and Newt Glover?

A I never was in there with anybody after I went out, the last of July or the first of August.

Q Did you ever have anything to do with killing Tyler, or know anything about it, except what you heard when you were down there on the river?

A No, sir.

Q Or did you ever go back in there to blow up any cabin?

A I know nothing about it; the first I heard of it was in the cell with Harry Orchard.

Q That was in Boise, wasn't it?

A The penitentiary, yes, sir.

Q Well, how did you get away when you left finally Mason's?

A I stayed all night with some boys in the hay mow and we went down early the next morning to Little Falls and went across the Little falls to the head of navigation and took the boat to Coeur D'Alene City and went to Spokane, and I bought a ticket back to Denver by way of Alliance, Nebraska.

Q You said you never were back to Price's cabin at any time after you came out?

A I never was, no, sir; I was at Price's cabin three times.

Q After you came out the last of July or first of August?

A yes, sir.



Q When you got back to Denver where did you go?

A I stayed there a short time and went to Goldfields, Nevada.

Q How long did you stay at Goldfields?

A I think it was about two weeks; I was taken sick there.

Q Where was your wife in the meantime?

A She was in Denver.

Q Did she go to Goldfields with you?

A No, sir.

Q Then where did you go?

A I went back to Denver.

Q How long did you stay at Denver?

A I stayed in Denver until the spring of 1905, in February, I believe it was.

Q Then where did you go?

A Went to Park City, Utah.

Q What did you do at Park City?

A Worked in the mines there.

Q Your wife go with you?

A She came there after I went there, a short time afterwards; probably a month afterwards.

Q How long were you working in the mines?

A I worked there up until the latter part of July and along in August, 1905.

Q What name were you going under?

A I was going under my own down town, and under an assumed name up at the mine.

Q What name did you assume up at the mine?

A I turned my own name around and made it Adam Stephens.



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Q What was your purpose in that?

MR. HAWLEY: We object as irrelevant, incompetent and immaterial.

MR. DARROW: We have got a right to shew.

THE COURT: I think that has been developed sufficiently

MR. DARROW: If it has, it is satisfactory.

Q You took your own name at home and gave another name at the mines?

A Yes, sir.

Q How long did you say you stayed there?

A I stayed there until the latter part of July---until sometime in August, as well as I remember.

Q From February?

A Yes, sir.

Q Were you out of a job then?

A No, I got a telegram from my uncle to come to Oregon.

Q Now, did you live ~~anywhere~~ with anybody when you left there?

A Yes, sir.

Q Who?

A Joe Mahelich.

Q Joe Mahelich; that was in Park City?

A Yes, sir.

Q Did you ever give Joe Mahelich a gun that you took off of Tyler?

A I never.

Q Or ever tell anybody that you did?

A Well, I was supposed to tell a man that I did once, yes, sir.



Q You never gave him any?

A No, sir.

Q When did you leave Park City?

A Where did I leave?

Q When?

A I left in July or August.

Q For what purpose?

A To go to my uncle's place in Oregon, to get a homestead.

Q That was in 1905, was it?

A Yes, sir.

Q That was your uncle, Mr. Lilliard, who is here with you?

A Yes, sir; that is the gentleman there.

Q Did you go to his homestead?

A Yes, sir.

Q Whereabouts?

A Ten miles north of Baker City, in Oregon.

Q Did you take up a homestead?

A I did.

Q Whereabouts, with reference to his?

A It adjoins his on the east.

Q When did you take up yours?

A I took mine soon after I went there, up to my uncle's

Q Your wife there with you?

A Yes, sir; I sent for her in a day or so after I got there.



Q What children do you have?

A I had two with me; that is, one with me there at that time.

Q And one born afterwards?

A Yes, sir; another one born just before I was arrested

Q How long did you stay there on your homestead?

A I stayed on my homestead until in February, 1906, the 19th, the evening of the 19th.

Q Been away any during that time?

A I never left the place, no, sir; I never was away at night while I was there. I have frequently made trips to Baker City; I was hauling a good deal of stuff from Baker City; improving my place.

Q What were you doing during the summer and fall?

A We put in a pumping plant for irrigation; pretty nearly three quarters of a mile of pipe, thirteen inch pipe line.

Q How far is this homestead from Baker City?

A And I sowed 225 acres to wheat there. How far my homestead is from Baker City?

Q Yes.

A Ten miles north.

Q Near Haines?

A Four and a half miles east of Haines.

Q What happened in February there on your homestead?

A I was arrested.

Q Who came after you?

A S. C. Thiele and Sheriff Brown and Colonel Panting and the driver.



Q What time of day?

A Late in the evening.

Q Where were you?

A I had been over to the granary and came into the barn lot to put my tools away in the tool-house, and they met me in the lot.

Q Who spoke to you first?

A Thiele.

Q What did he say?

A He wanted to know if my name was Adams and I told him I was.

Q What else did he say?

A He wanted to know where I was from; I told him I was from Texas.

Q What else?

A He wanted to know if I knew Harry Orchard, Haywood Moyer, Pettibone, Simpkins and St. John; wanted to know if I had a family there. I told him I had. He wanted to know where they were. I told him they were in the house. So he told those fellows to watch me while he went in the house, and he went in the house and came back and he holleaed he says, "That is the man; take him in."

Q What did you tell him about ~~anything~~ knowing Harry Orchard, Moyer, Haywood and Pettibone?

A I told him I did not know them.

Q Did he ask you whether you had been in Colorado?

A Yes, sir.

Q What did you tell him about that?

A I told him I had not.



Q Did you know who they were?

A I thought they were some Colorado officials; that is what I thought.

Q They took you, didnt they?

A Yes, sir. Yes, I asked him what authority he had for asking me these questions, and Sheriff Brown then handed me a fugitive warrant.

Q Fugitive from where?

A Well, I dont remember; it had Steunenberg's name on it; something in connection with Steunenberg.

Q And then where did you go?

A We went in the kitchen and I changed my clothes, and I was put in a hack and taken to Baker City, Oregon.

Q How did you go to Baker City?

A Rode between Thiele and Sheriff Brown, in the hind seat.

Q Had you ever seen Sheriff Brown before?

A I expect I had, Mr. Darrow, but I didnt know who he was; I had been in Baker City often.

Q Had no acquaintance with you?

A No, sir; I might have saw him, but I dont remember that I ever did.

Q Did you ever see him afterwards?

A I saw him at my trial in Wallace.

Q You called him as a witness, did you, up there?

A Yes, sir.

Q Well, where did you go that night?

A Went to the jail; I was put in jail and locked up in a cell.

Q Did you say anything to them about a lawyer?



A Yes, sir; I asked Sheriff Brown to get me a lawyer.

Q Did you get any?

A I did not.

Q When did you see any of them next?

A The next morning.

Q When?

A The next morning.

Q Whom did you see?

A I saw Sheriff Brown and S. C. Thiele.

Q What time?

A Well, it was pretty early in the morning; something like seven or eight o'clock I judge.

Q Before breakfast or after?

A I think we had had a light breakfast before I saw him; I would not be positive about that.

THE COURT: Speak a little louder.

A I think we had eat something before I saw him.

Q Did you say anything to him about any lawyer then?

A He told me to come out; he opened the door and asked me to come; and I refused; I said, "I demand the right of an American citizen to have an attorney."

Q What happened then?

A He turned around and opened the side door that led up into kind of a hall, and this man Moore came up, after I saw him there; Moore had done some business for my uncle and I in regard to the land, and I had a slight acquaintance with him.

Q Did you see Moore then?

A Well, I was taken and put in the cab; I saw him, and we was put in a closed cab and driven to the depot immediately.



Q Did you have any conference with him at the jail?

A No, sir; I had no chance.

Q Put you in the cab?

A Yes, sir.

Q Anybody with you in the cab?

A S. C. Thiele and Sheriff Brown was with us all of the time.

Q You were immediately taken, all four of you, put into the cab?

A Yes, sir.

Q And went to the depot?

A Yes, sir.

Q Did you have any conference with him at the depot?

A I told this man Moore that I expected they would take me to Colorado, and if possible, to stop me and hold me there until I got in communication with my uncle.

Q Where was your uncle then?

A My uncle was in Texas.

Q How long had he been gone?

A I dont know; some little while.

Q Did anybody come in on that train with requisition papers?

A A man named Rube Robbins---a man named Rube Robbins, that I afterwards found out was Rube Robbins---came in on that train; he handed the papers to Thiele, and Thiele handed the papers to the attorney. He said, "I can hold you on these papers, but " he says, "I advise you to go on down with those fellows."

Q What did you do then?

A Sheriff Brown took me on the train, and after I got on the train, I told Brown, I says, "I believe they are going



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to take me to"-----

MR. HAWLEY: We object to this conversation.

MR. DARROW: Q Did you have any talk with Brown, or he with you, about what would be done with you?

A Yes, sir.

Q What was it?

MR. HAWLEY: We object to this as irrelevant, incompetent and immaterial and not pertinent to the issues.

MR. DARROW: The man who had custody of him, and it begins here as to what was promised him.

MR. HAWLEY: Not an officer of Idaho, he was in Baker City, turned over to Colorado officers.

MR. DARROW: An officer of Baker City.

THE COURT: I shall overrule your objection.

MR. DARROW: Go on.

A I told him I thought they were going to take me to Colorado. He says, "No, they are not; going to take you to Boise. He said, "If you go down there and do what those people want you to, you will come out all right."

Q Did he say whether he knew anything about it?

A He said, "I am on the inside, and know what I am talking about."

Q Where did you go?

A I went direct to Boise.

Q Do you know where Caldwell is?

A Yes, sir; we passed through Caldwell.

Q Didn't stop?

A No, sir; never was off the train until I got to the place called Nampa, and where we changed cars for Boise.



A I got to Boise late that evening, the same day I left Baker City.

Q Where were you taken?

A Met there by the Prison Hack and taken direct to the penitentiary.

Q Who were you with?

A I was in custody of S. C. Thiele and Rube Robbins.

Q The Prisoner's Hack was at the train, was it?

A Yes, sir.

Q Well, where did you go?

A I was stripped and taken into the warden's office there, and then into a little room; stripped and searched and then thrown into the cell that Harry Orchard.

Q How long since you had seen Harry Orchard?

A I had not saw him since quite a while before I left Denver for Park City.

Q Had you heard of his being arrested for killing Ex-Governor Steunenberg?

A I saw some account of it in the paper, yes, sir.

Q So you knew of that?

A Yes, sir.

Q Were you told where you were going to be placed before you got there?

A No, sir; I did not know it.

Q What kind of a cell was this?

A Well, it is a small cell; about four or five by six; something like that.

Q Where was it with reference to the blind cells?

A Well, it was the second tier of cells, and it was the last cell back from the stairway, from where you went into the door; there are sixteen cells; I believe the cages were



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sixteen cells long, and next to the last cell; the one we was put in was a "blind cell", what we call a "sweat-box", or something like that; close, solitary confinement cell next to us.

Q And on the other side was what?

A There was nothing there, only just out into the hallway.

Q Nothing on the other side?

A No, sir.

Q A "blind cell" the other way?

A Yes, sir.

Q Who put you in there?

A Well, I was taken there; Thiele went along and the Captain of the Guard, and Warden Whitney; he joined the posse inside, after they got inside of the yard.

Q How long did you stay there?

A I stayed in that cell six or seven days.

Q Who was with you during that time?

A Harry Orchard.

Q What did he have to say to you about this matter, if anything.

A Well, he told me that he would mix me up in different-

MR. HAWLEY: Wait. We object to any conversation between himself and Orchard, not being competent and material or relevant or pertinent to any of the issues.

THE COURT: I think I shall sustain the objection.

MR. DARROW: I think we have got a right to show everything that happened leading up to this confession. It was gone into before.



MR. HAWLEY: That has nothing to do with the matter, whether it was gone into before or not.

THE COURT: I don't think it was objected to.

MR. HAWLEY: I never did think it was proper; because it went in before proves nothing.

MR. DARROW: The conditions under which this confession was made are surely competent to go to the jury as bearing upon what it is worth, in the way it was obtained, through threats, promises and duress and the condition of the man's mind at the time that he was in the cell with Orchard all of these days and talked to about this matter and learned things from him and all of that; it seems to me it is clearly competent.

MR. HAWLEY: There are certain well-known rules governing the admission of a confession and also the degree of weight that is to be attached to evidence of that kind, and certain persons who talked with him under those circumstances are supposed to have some weight, but I know of no rule that allows any person to come out and relate matters of conversation or inducement with people who are not officers, or in connection with the officers, or any matter of that kind. He was not an officer, had no authority or license or seeming license to promise immunity or payment of reward of any kind. Sometimes it would lead to indefinite kind of statements from different persons, that would give possibly a foundation for evidence or so-called evidence to be put in, that could not be contradicted. We think, if your Honor please, that the rules of evidence should apply here and therefore we make the objection.

THE COURT: I think the objection should be sustained; it will be sustained.



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Defendant excepts and exception allowed.

Q Did you have any conversation with Harry Orchard?

A Yes, sir; talking to him all of the time, I was in ~~the~~ there.

Q How often?

A Continuous, you might say, while I was in the cell with him.

Q Anything said between him and you with reference to Idaho?

MR. HAWLEY: We object as irrelevant, incompetent and immaterial, and an attempt to do by indirection that which cannot be directly done.

THE COURT: I shall sustain the objection.

MR. DARROW: This witness has surely got a right to say what he heard about these transactions, where he got the basis for this story. We claim that he never made this confession, and every word of it was told to him, and where he got the basis for this story, and from whom he got it is certainly competent in this case. If it is not, then nothing is competent. If a man took a club and beat a confession out of a man who signed it, and introduces it, that is all there is of it. He has got a right to show where it came from.

MR. HAWLEY: That is not a parallel case in any form or shape or manner; nothing to do with it. Under some circumstances there might be a connection in the matters of this kind which could be introduced, or it possibly might be some explanation of something that was afterwards testified to. While I don't believe that under any circumstances it



could be, still admitting that possibility or that probability, certainly this is not the time to introduce it now. He had no authority to act; he might have talked; he might have talked about a thousand things. What they talked about could not be competent.

MR. DARROW: To be sure; the Court understands my point.

THE COURT: I understand your point.

MR. DARROW: We admit that he got this story from some source.

THE COURT: Yes, I understand.

MR. DARROW: And we have a right to show where he got it. There has been no confession proved here by Harry Orchard. That is not the question. The question is, under what inducements or threats or circumstances was this Mcparland story related, and where did this witness get it.

THE COURT: The question to which I sustained the objection was "Did he talk to you about affairs in North Idaho?" was that it?

MR. DARROW: yes; that was it.

THE COURT: I shall take back my ruling and allow you to ask that question just to that extent.

MR. DARROW: very well; we will confine it to that extent. Q Did he talk to you with reference to the affairs in North Idaho?

A Yes, sir.

Q You learned from him whether he had been up there?

A Yes, sir.

Q State whether he left the cell any time while you were there?

A yes sir.

Q How often?



A Every day.

Q How long was he gone?

A Well, different lengths of time; from an hour to two hours, different times; something like that.

Q How long did you stay there before anybody else saw you, or before McParland saw you?

A I stayed there either the fifth or sixth day, I believe that I saw McParland; something like that; four or five days anyway.

Q Did anybody else come there, was anybody else brought there?

A The attorney Moore, and Bond come there.

Q Who brought them there? Did they come together?

A yes, sir.

Q Who brought them there?

A Warden Whitney brought them in.

Q Did you have any conversation with them?

A I did not get to talk to them; they talked to me though.

Q What did they say to you?

MR. HAWLEY: We object to that, as irrelevant, incompetent and immaterial and not pertinent to the issues, and hearsay testimony.

THE COURT: Objection overruled.

MR. HAWLEY: We desire an opportunity to cross examine before the question is answered to show it is not admissible.

THE COURT: You can cross examine.

BY MR. HAWLEY: Q Who was this man Bond?

A He was a relative of my uncle; a distant relative of my uncle's first wife, as I understand it.



Q A distant relative of your uncle?

A My uncle's first wife.

Q Your uncle who is here. Been on intimate terms with him, have you?

A No, not very.

Q How long was this that he came up there after you had been put into the cell?

A He came there, I think it was the third day; I think it was the third or fourth day.

Q He lived near Baker City, did he?

A Yes, sir.

Q And who was this man that was with him, this man Moore, is he the man?

A He was the attorney.

Q Is he the attorney that you had consulted there at Baker City?

A He is the attorney that sold me out, yes, sir.

MR. HAWLEY: We ask to have that answer stricken out as not responsive; neither responsive nor true.

THE COURT: Strike it out.

MR. DARROW: It is true.

MR. HAWLEY: It is not.

MR. DARROW: We say it is.

MR. HAWLEY: We say it is not.

THE COURT: Gentlemen, stop this controversy. The answer is stricken.

MR. HAWLEY: I will not have this conversation---

THE COURT: Proceed with this investigation.



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MR. HAWLEY: First, I will have to have this witness cautioned about bringing in matters of this kind.

THE COURT: I caution him to answer the questions and not volunteer anything.

MR. HAWLEY: Q Did Mr. Moore and Mr. Bond come there together?

A They were there in the office when I was taken out.

Q You were taken out of the cell to see them, were you?

A Yes, sir; by Warden Whitney.

Q And you saw them in the Warden's office?

A Saw them in the Clerk's office, in the third room back; there is a room between that and the warden's office.

Q And talked with them for how long?

A Perhaps five minutes; something like that; I would not say how long.

MR. HAWLEY: Now, we renew our objection, your Honor. These were not officers. One was an attorney who had represented him there; the other was a relative of his; at least whether he is a relative of his or not, I dont know; certainly no conversation could be pertinent that they had with him. They could not offer him inducements that were valid.

MR. DARROW: I dont care to be heard; I think it is competent; everything that led up to the confession.

THE COURT: I believe I was wrong. I will sustain the objection.

Defendant excepts and exception allowed.

BY MR. DARROW: (Resuming) Q How long was it after you got in there before you were taken out to see McParland, i



A I think it was the fifth or sixth day, Mr. Darrow.

Q Who took you out?

A warden Whitney?

Q Did anybody talk to you previous to this?

A Mr. Whitney did.

Q Did you converse about yourself?

A Yes, sir.

Q What time of day did he take you out to see McParland?

A About nine o'clock in the morning.

Q Nine o'clock in the morning?

A Yes, sir.

Q Did he tell you where he was going to take you?

A No, sir; he just told me to come out and I went with him.

Q Where did you go?

A Went into the Clerk's office; that is, the third room back of the Warden's office from the front of the building, the front of the penitentiary.

Q What did Whitney say to you when he took you out?

MR. KNIGHT: We would like to know whether this is the first time he took him out; the first day or the third day.

MR. DARROW: We will take it as it comes; the first day.

A The time he took me out to talk to me; is that what you want?

Q Better say the first time he talked to you about it.

MR. HAWLEY: To keep it from being mixed up.

MR. DARROW: I think so.

A The first time ~~they~~ took me out, he never took me out to talk to me but once himself there at that time.



Q Well, what did he say at that time?

A He says, "Steve", he says, "I am a friend of yours;" he says, "I want to give you some friendly advice", he says, "Harry Orchard has made a confession and he has implicated you in some crimes in this state", he says, "and you want to think of your family and your children", he says, "you have got people and have got good people, and you have been well-raised and", he says, "I advise you," he says, "what we want you to do is to corroborate Harry Orchard's testimony and help convict the officers of the Federation of Miners, Haywood, Moyer, Pettibone, St. John and Simpkins, if we get prosecuted, him;" he says, "Now, you do that and you will never be ~~for~~ <sup>prosecuted,</sup> ~~gany~~ and I will see that you will come out all right; we will all stand by you."

Q Did he say what would be done if you did not do it?

A We said if I did not do it, I would be prosecuted in North Idaho or taken back to Colorado and mobbed or hung there.

Q How long was this before he took you out to see McParland?

A I think it was the day before, or two days before perhaps.

Q And where was it?

A He took me in the Clerk's office, in this third room back from the front of the building.

Q When was the first time you saw McParland?

A Warden Whitney took me out and introduced me to him in this Clerk's office; that is the first time I ever saw him.

Q Did he tell you who he was?



A Yes, sir---well, Mr. Whitney did not tell me who he was; just introduced ~~me~~ <sup>him</sup> as McParland.

Q What became of Whitney then?

A Whitney went out towards the front office.

Q And left you and McParland there alone, did he?

A Yes, sir.

Q What did McParland do then?

A McParland told me he was manager of the Western Division of the Pinkerton Detective Agency.

Q Yes.

A He told me he came to see me as a friend, to give me some friendly advice. He said that Harry Orchard was arrested and had made a confession and implicated me in crimes in Idaho and in other places, and says, what they wanted me to do was to corroborate Harry Orchard's testimony and help convict the officials of the Federation of Miners; he said they was the men they wanted. He said if I did that

I would never be prosecuted at all, neither here or anywhere else, if I helped to corroborate Orchard's testimony.

Q Did he give you anything before that?

A He gave me some cigars.

Q When did he begin giving you cigars?

A When I first met him.

Q How long did he give them to you?

A They had kept me in cigars all day.

Q What did he tell you about himself, if anything; who he was and what he had done?

A Well, he told me how he broke up the organization called the Molly Maguires, told me about---shall I state what he said?



Q What did he say?

A He said he prosecuted the Molly Maguires and hung twenty-three of them, by using them as witnesses that had actually done the killing themselves. He said that he paid them well after he secured these confessions, and they was never prosecuted.

Q Did he give you the names of any of them?

A I remember one name, "Kelly, the bum".

Q What did he say about "Kelly, the bum"?

A He said he gave, "Kelly, the bum" a thousand dollars and his liberty.

Q His what did you say?

A His liberty.

Q Did he say how many men had got their liberty by testifying in those cases?

A I think he named some five or six, Mr. Darrow.

Q Did he tell you anything about Tom Horn?

A Yes, sir.

Q What did he say about Tom Horn?

A He said if he could have got to saw Tom Horn, got him to talk, that he could have saved his life.

Q Did he say how?

A By turning State's Evidence, as he stated it.

Q Did he say what had happened to Tom Horn and how it happened to him?

A Yes, sir; he said he was hung. He said some of the cowboys had to keep him from talking while he was being hung.

Q Did he tell you about anything <sup>else</sup> that had been hanged or not hanged on account of their confessions? Did he tell you about a man in Arizona?



A He told me about a man that done some killing there, how he saved him at Tombstone, I believe that was.

Q What did he say he had to do with that case?

A He said him and this man was sleeping together---no, I didnt mean that; I meant the Steunenberg matter and the matter down here, talked to you about it?

A He said he represented the Governor and the State of Idaho in the Steunenberg case.

Q What did he say about the North Idaho matter?

A He said he wanted to connect the formal chain of evidence over this North Idaho matter through me and Jack Simpkins and Ed. Boyce, to connect them up, to make a corroborative story with Harry Orchard's confession.

Q What did he say about money, if anything?

A He said all that could be done would be to connect the officials up to money matters.

Q What did he say, if anything, as to what he knew of the North Idaho matter?

A He said there was a man killed up there, two men; he said there had been a man found out there in the woods between some logs.

THE COURT: Did he say where he got the story?

A From Harry Orchard, he told me.

Q Did he say where he learned of you?

A From Harry Orchard.

THEREUPON, the jury were duly admonished, as required by law; the officers were sworn to take charge of the jury, and the jury retired in their custody, and the Court took a recess until two o'clock P. M., Tuesday, November 19, 1907.



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TUESDAY, NOVEMBER 19, A. D., 1907.

P. M. SESSION.

At this date, present as before, defendant came in Court with his counsel, the jury came in Court in charge of the officers, and being duly polled, all answered to their name and the trial of this cause proceeded as before.

STEPHEN W. ADAMS,                      On the stand for further direct examination.

BY MR. DARROW:

Q Mr. Adams, how long did Mcparland stay with you that day, the first day he saw you?

A He stayed with me until about five o'clock or six o'clock in the afternoon that day.

Q Did you get anything to eat?

A Yes, sir; we had lunch brought in.

Q Where did you get your lunch?

A Some one brought it in the room; I think it was the Warden.

Q You and Mcparland eat together?

A We ate on the table in there, desk, yes, sir.

Q What did he say, if anything, as to what would happen to you unless you made a confession?

A He said I would be taken to North Idaho and hung, or back to Colorado and mobbed or hung there.

Q Did he ~~say~~ <sup>recite</sup> any scriptural stories to you?

A Yes, sir, a number of them.

Q Do you remember any he told you of in scripture?

A I only remember one; that was something about King



Q King David?

A I believe that was the name of it; he told me a number of them, but I dont remember.

Q Do you remember what he said about any of these scriptural ~~xxx~~ characters?

A Yes, sir.

Q What they had done and what happened to them?

A He told how they had repented and so forth, and how they saved themselves, that is, got forgiveness and so on

Q What did he say would happen to you if you did ~~not~~ follow his advice?

A He said I would soon be ~~able to go back~~ able to go back to our ranch in Oregon.

Q What did he ask you to do, if anything?

A He wanted me to corroborate Harry Orchard's confession; at least the parts that I was mixed up in.

Q What did he say; did he talk to you about particular matters?

A Yes, we talked about this matter especially.

Q You mean about the Tyler and Bouley matter?

A Yes, sir.

Q What did he say to you when he left you that night?

A He said: "Think well over what I have said, Steve." He says, "You better make up your mind to do as I ask you." He says, "Think of your family and your little children and the condition you leave them in!" He says, "You better do that; that is the only way you have of saving yourself, and if you dont do it, you will be taken to North Idaho and convicted or hung, or taken back to Colorado and mobbed or hung there."



Q Did you say anything to him the first day about any of these matters?

A I did not. All the answers I gave to McParland the first day was in regard to some of my people.

Q And your detailed history?

A Yes, sir.

Q Where were you taken to after that?

A Taken back and throwed in the cell with Harry Orchard.

Q What time did you get in the cell?

A It was late in the evening.

Q Did you have any talk with Harry Orchard that night or he with you.

A He was talking to me all night.

Q How much did you sleep that night?

A Very little, if any at all.

Q When did you see McParland again?

A I saw him next morning about nine o'clock.

Q What did he say to you then?

A He asked me if I had not concluded to do as he wanted me to; asked me how I was feeling.

Q Where did you see him next morning?

A Saw him in this same office.

Q Who took you in there?

A Warden Whitney.

Q How long did he talk with you?

A We just had a short talk that morning.

Q What did he say?

A He says, "You better make up your mind", he says,



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"to help us out on this"; he says, "if you dont, "he says, "You know what the consequences will be", he says, "This is the last time I will ever see you, the last chance you will ever get to save yourself."

Q Well, what did you finally do or say?

A I asked him what would become of me and my family in case I did do what he wanted me to. He said, "I will stand by you, and I will see that you never are prosecuted on anything that you implicate yourself in in this state, and you will soon be back on your place on the little ranch in Oregon."

Q What did you finally say?

A I told him under those conditions I would do the best I could for him.

Q You signed a statement, did you?

A I did afterwards, yes, sir.

Q What were your reasons for doing it?

A To save my life.

Q Was that statement true, as to your connection with Bouley and Tyler?

A No, sir; I have no personal knowledge of any truth in it.

MR. KNIGHT: What is that answer?

A I have no personal knowledge of any of it being true, except I was up in that country in 1904.

MR. DARROW: Q Was the statement true as to your having killed either one of them---I will say killed either one of them?

A No, sir; it is not.



Q How was it taken down?

A I think Mr. Hopkins took it down in shorthand, if I remember correctly.

Q How were the questions answered?

A Well, I would answer the best I could by what I had been told to say; if they were not correct, McParland corrected them.

Q How is it as to whether those answers had been talked over beforehand?

A They had.

Q How long was he there that second day?

A He was there pretty much all day.

Q About how long was any stenographer there?

A He left, I think, as well as I remember, they went out together.

Q How long?

A They was there all day.

Q When was the statement handed you after that?

A Well, it was a week or so afterwards; I don't know just how long it was; sometime.

Q Did you ever say anything to him that day about this statement being made of your own free will without any promises?

A I never did, no, sir.

Q Did you ever make this answer: "Yes, sir, and I hope that the reign of terror inaugurated by Moyer, Haywood and Pettibone and other members of the Executive Board of the Western Federation of Miners will cease?"

A No, sir.

Q Did you ever use the word "inaugurated"?



A I dont think so.

Q Do you know what it means?

A No, sir.

Q Do you ever recall using that word at any time?

A No, sir, I do not.

Q Who brought this statement back to you that has been shown to you?

A Warden Whitney.

Q You say sometime, a week or so after the stenographer was there?

A yes, sir.

Q Do you know whether it was written down the way the stenographer's notes were that day?

A I dont know; I couldnt tell you anything about it.

Q What did you do, if anything, towards looking it over?

A Well, I glanced over some parts of it, and I told Mr. Heubener it was not anything like the statement I had given to McParland; that I supposed I would have to sign it in order to save my life.

Q Did you say anything to him about any particular places in it?

A Well, I might have spoken to him about some of them; I dont remember whether I did or not.

Q There are some places where there is writing in it; have you seen those? I will call your attention to them, some of them; one on page 11, another on page 7, and one on page 4; there may be some others. Look at page 4 and 7 and see whether that writing is yours. That is 4, and look



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at 7, the interlined words (handing witness paper)?

A No, that is not my writing.

Q I guess there is some back on pages 2 and 3. You might look at them; look from the first.

A I dont see any of my handwriting there. I spoke to Mr. Heubener in regard to something that I did not think corresponded with the story I told him or something; he might have corrected it.

Q It is not your handwriting?

A No, sir; it is not.

Q When did you see Mr. McParland again?

A The first time after that you mean, Mr. Darrow?

Q Yes.

A I saw him often afterwards; I dont know how many times I saw him.

Q Did you see him on the day you signed it?

A Yes sir; he was there when I swore to the statement, the day I signed it and swore to it.

Q Who else was there?

A Warden Whitney and Mr. George Huebener.

Q Did you say anything to McParland then about any part of this statement?

A Yes, sir; I did.

Q What did you say to him?

A I told him I did not think it was right, after making all of these promises to a man to get him mixed up in this affair and then have him sign all his rights to his life away.

Q Did you refer to the particular place where you signed your life away?



A To the last page of that instrument, yes, sir.

Q What was it?

A It was in regard to saying there was no promise made, and different matters there that I dont understand.

Q What did he say in answer to that?

A He said that he could not have them appear on that sheet; it would not do for people to see that, it would not do for them to know of these promises and so forth.

Q What else did he say about promises?

A He said that he would stand by me, and the Governor would, and everybody would stand by me, just the same.

Q Did he say anything about Moore having gone to Colorado?

A Yes, sir; he told me Moore had went to Colorado to see the Governor there.

Q For what purpose?

A Something in regard to this confession, I didnt know what; I dont believe I ever learnt just exactly what he did go for; he told me he went to see the Governor though; I was told that.

Q Well, after the time you signed it, did you see McParland again?

A Yes, sir; I saw him different times since.

Q Where?

A I saw him once in the penitentiary, that I remember distinctly of, and I saw him at the Wallace jail.

Q What was done with you after you gave this statement?

A I was put in a nice little room in the hospital part of the penitentiary.

Q How long after you made the statement, were you put in there?



A I think immediately after it.

Q What was done with Harry Orchard?

A He was put in the same <sup>room</sup> ~~cell~~ with me.

Q What kind of a room was it?

A A room about twelve by twelve, I judge.

Q In the hospital?

A Yes, sir; in the hospital part of the penitentiary.

Q Then what was done after that?

A Well, I was allowed to have walks up and down the dead line, what they called the dead line, in there.

Q Where is that, outside or inside?

A It is inside of the big wall.

Q I mean out of doors?

A Yes, sir.

Q Afterwards, were you given any other accomodation?

A Yes, sir; they sent for my wife and brought them down there and I was allowed to see my wife in the presence of a guard.

Q Then what was done with you?

A She afterwards---they afterwards got her to move into the female ward of the penitentiary, and I was allowed to go over there and eat my meals with her.

Q Whereabouts did they put her?

A They put her in the female ward.

Q Children there, too?

A Yes, sir.

Q And did you go to living with them afterward?

A Yes, sir; after some time I did.

Q What?

A Yes, sir; afterward I did.

Q How long after?



A Well, I dont remember just how long, Mr. Darrow; some little time, for a couple of weeks, perhaps it might have been longer.

Q Where did you live?

A Lived in what they called the old warden's house; they have built a wall around it now; at that time it was walled in; it was whre the warden lived, before the new warden's house was built.

Q What accomodations did you have there?

A We had a bath-room, kitchen, dining room and bedroom.

Q You all lived there together?

A Yes, sir; Harry Orchard came over and eat his meals there too, that is, for some time, not all of the time.

Q The Governor call on you?

A Yes, sir.

Q Say anything to you about what you should do.

MR. HAWLEY: We object to this, any conversations after the alleged confession.

THE COURT: Objection sustained.

Defendant excepts and exception allowed.

MR. DARROW: This, your Honor, was before the matter, as I understand it, that Thiele testified to and Buckley Wells; it has been sworn to in this case.

THE COURT: All right; I was not thinking of that. I will overrule the objection.

MR. HAWLEY: I would like to find the date.

MR. DARROW: Then again, it might relate to what the Governor had already promised; I am not certain about that.



MR. KNIGHT: The testimony is quite familiar to the Court and counsel.

MR. DARROW: Yes, sir.

THE COURT: I will overrule the objection.

THE WITNESS: What is the question, please?

MR. HAWLEY: I would like to have the date fixed.

MR. DARROW: Q What did the Governor say to you?

MR. HAWLEY: We would like to have the date fixed.

THE COURT: Yes, the date should be fixed; that is proper.

MR. DARROW: Q what date, if you remember?

A There is a circumstance that I can name that the date can be fixed by.

Q Well, give it as nearly as you can?

A He was there to see me the day before Bob Wetter was to be hung, and a man by the name of Bond.

Q Do you remember when that was; that wont help us out much unless you would know that?

MR. HAWLEY: Ask the question whether it was with reference to the trip to Colorado.

MR. DARROW: Q Do you know when that was?

A I dont know the date that I took that, no, sir.

Q Do you know whether he was there any other day than that?

A I saw the Governor once before that in the Warden's office in the penitentiary one night.

Q When was it with reference to the time that you went to Colorado, if you remember?



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A The first time I saw him?

Q Yes, sir.

A It was before that; it was when Harry Orchard was taken to Caldwell for trial, for a hearing.

Q What conversation did you have with the Governor?

MR. HAWLEY: At that time?

MR. DARROW: Yes, at that time?

A The first time?

Q Yes, sir.

A Well, we was talking about Harry Orchard committing suicide.

MR. HAWLEY: We object to it, unless it is a matter of inducement or something of that sort. We ask that that be stricken out.

THE COURT: Yes, sir; it has nothing to do with it. It will be stricken out.

Q What conversation with reference to yourself, if any?

A He said that me and Orchard ought to stick together and go through with these confessions, was the only way we would ever save ourseves.

Q Did you ever have any other conversation?

A Yes, sir; the time he came over to the female ward, I introduced him to my wife.

THE COURT: When was that, Mr. Adams, with reference to whether you had been to Colorado or not?

A It was before, I think.

THE COURT: Q Before you went to Colorado?

A Yes, sir; I think so.



THE COURT: Go on.

MR. DARROW: Q What took place there?

A I couldnt state positively whether it was before I went to Colorado or not, Mr. Darrow, I would not like to say as to that.

Q You cant state positively?

A No, sir.

Q Well, can you say what you base the opinion on as to that?

A I think it was before, Mr. Darrow, but I cannot swear to it positively.

Q What took place there?

MR. HAWLEY: We object to that.

THE COURT: The objection is sustained unless the witness knows whether it was before he went to Colorado.

MR. DARROW: He says that is his best judgment, your Honor.

A I think it was before, but I dont recollect positively I believe it was.

Q When was it with reference to your going to Pocatello? can you fix it that way?

A It was after that.

Q Do you remember when you went to Colorado?

A No, sir, I do not, Mr. Darrow; it was in April though, I believe.

Q Have you got any way of stating whether this was before or after you went to Colorado? If you have not, why let it go?

A I have not.

Q How is that?



A I dont think I have.

Q Not at this time.

A No, sir.

Q Well, I will ask the question, what was sent to you by the Governor at that time?

MR. HAWLEY: We object to that as irrelevant, incompetent, and immaterial and being hearsay.

THE COURT: I sustain the objection, until the date is fixed more definitely.

Defendant excepts and exception allowed.

Q What did the Governor do at that time?

MR. HAWLEY: Objected to as being irrelevant, incompetent and immaterial.

Objection sustained. Defendant ~~excepts~~ and ~~exception~~ allowed.

Q How long was he there?

MR. HAWLEY: I object to that on the same ground.

THE COURT: Objection sustained.

Defendant excepts and exception allowed.

Q Mr. Borah or Mr. Hawley call on you?

A Yes, sir.

Q Which one?

A Both of them.

Q How often?

A Well, I saw them there several times, Mr. Darrow.

Q When did your uncle come there?

A He was there about a week before I sued for my liberty

Q How is that?

A About a week before I sued for my liberty.



Q What was the date of that?

A It was about the 1st of September.

Q Where were you living at the time you sued for your liberty?

A In the Female Ward in the penitentiary.

Q What became of you after you asked for it?

A I was taken and thrown in the cell from which Bond had been hung.

Q Were you searched?

A yes, sir; I was searched before I was put in there.

Q When were you taken out again?

A I was taken out when I was produced in court.

Q Anybody come to see you at that time?

A A man by the name of Moore came in there.

Q Anybody else?

A And Warden Whitney and Mcparland. I was taken out to see Mcparland in the Clerk's office.

Q Mr. Hawley call on you?

A He called on me just before I was locked up in the cell.

Q What did Mr. Mcparland say to you?

A Mr. Mcparland tried to get me to go on through with that statement; walked up and down the floor, and lectured me all of the afternoon, for about two hours, to go on; was trying to make me change my mind, trying to scare me into it.

Q What did he say?

A I could not repeat all he did say; he said very much.

Q You were taken out on a writ then; where were you taken?



A I was taken to the jail, Ada County Jail.

Q Charged with what?

A Charged with the murder of a man by the name of Gregory, I believe it was.

Q In Colorado?

A Yes, sir.

Q What became of that charge?

A I was discharged on it.

Q Then what happened to you?

A I was arrested by Sheriff Sutherland?

Q There in Boise?

A Yes, sir.

Q What judge were you taken before on the writ of Habeas corpus?

A I could not tell you, Mr. Darrow, I don't know his name.

Q Well then, after Sutherland arrested you, what did he do then?

A He put me in a closed cab and took me back and threwed me back in this death cell again.

Q In the Penitentiary?

A Yes, sir.

Q That was the time you were arrested on this Tyler case?

A Yes, sir.

Q Now, to go back a little from that, did you go down to Colorado while you were there?

A Yes, sir.

Q Whom did you go with?



A Buckley Wells and a man named Reynolds, that is, I went to a place near Orchard, with a man named Thiele and George Johnson, Mr. Hawley's detective.

Q Did you have a conversation with Mr. Thiele going over?

A Yes, sir.

Q What was it he asked?

A He asked me what it was I said in that statement.

Q What did you reply?

MR. HAWLEY: Speak louder.

A He asked me what it was I had said in that statement.

Q The statement made to McParland?

A Yes, sir; that is this written statement.

Q And your answers were in reply to that question, were they?

A Yes, sir.

Q Did you give it to him, as nearly as you could remember?

A Some parts of it, yes, sir.

Q How long were you with Buckley Wells on the train?

A Something near a week, I guess, we were gone a week or ten days; I don't remember how long it did take us.

Q Where did you stay?

A I stayed in Buckley Wells' house while I was in Telluride, office of the Smuggler-Union Mine where he was living.

Q How often did you see him?

A I saw him, he was not away from me very much except at night while I was there.



Q Did you have many conversations with him?

A About the case do you mean?

Q In regard to anything and everything, did you talk with him much on your trip?

A Very little.

Q Well, did you talk with him about anything.

A No, sir---oh, well, just about generally.

Q I dont mean about these so-called confessions, but about any other matter; about the weather or anything else.

A Oh, we talked about the weather, I suppose, yes, sir; I expect we did.

Q You were with him you say about a week?

A About that, I guess.

Q Did you ever tell him you had "humped off" any men in Idaho?

A I never did, no, sir.

Q How much were you with him on the train?

A Well, you might say continuously.

Q Continuously.

A He was out and in some.

Q Who else was on the train with you?

A The Marshal of Telluride, a man by the name of Reynolds.

Q Now, to get back again to Angus Sutherland and the penitentiary; you were taken to the penitentiary, how long did you stay there?

A I stayed there, I think it was that night and the next day and the next night, until five o'clock in the morning, if I remember correctly.



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Q Did you have a chance to see your lawyers there?

A They refused to let me have a private conversation with my lawyers; I saw them.

Q Did you have a private consultation with them?

A No, sir, I could not.

Q Then where were you taken?

A I was taken to a little town about twelve miles west of Boise, some kind of a sidang---

MR. HAWLEY: We object to all of this, going into a lot of stuff here as immaterial. The question is whether he reached Wallace or not. What does it matter how he came, what route he travelled or anything of that sort. It has nothing to do in this case, your Honor, and it is extraneous matter.

MR. DARROW: I will make it short.

THE COURT: Make it short.

MR. HAWLEY: I object to any of it.

Objection overruled.

A (Continued) I was taken about twelve miles west of Boise, and they flagged a train there, some little siding---

MR. HAWLEY: We object as not being competent where they flagged the train or how he got on the train.

THE COURT: Objection overruled. I don't think it is very material.

Q What did you do then?

A We took a train and went to a place near the Meadows there; they brought a four-horse rig there and drove across the country to another railroad, and then we took a train again to the west, and I believe to Moscow, and we got another



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rig and drove across to Farmington, as well as I remember, and from Farmington, we drove across to Tekoa, and next morning we got a rig to drive out to Lovell, and it is over the line in Idaho.

Q How long were you getting to Wallace from Boise?

A I think it was about seven or eight days, something like that.

Q Who was with you?

A Sheriff Sutherland, Jen<sup>u</sup> Johnson and Warden Whitney.

Q They finally landed you at Wallace, did they?

A Yes, sir.

Q When did you get to Wallace?

A Get to Wallace about the forepart of September; I dont know what date.

Q Forepart of September you say?

A Yes, sir.

Q You were tried there in last February?

A Yes, sir.

Q And the jury disagreed, and then you were brought here?

A Brought here on a change of venue by the state.

Q When were you brought here?

A It was after my case was set for trial; that came up at Wallace immediately after that, a few days after that.

Q Did you see McParland again in Wallace?

A Yes, sir.

Q How long after you got there?

A I believe it was that evening.

Q Before your lawyers or after?



A Before I saw the lawyers.

Q What did he say to you there?

A He said Mr. Darrow beat me up there and had got Glover and Mason to swear against me, and that would save him a very painful duty; he would not have to do the job.

Q Say that over.

A He said Mr. Darrow had beat him up there, and he said that he had got Glover and Mason to swear against me there and that would save him a very painful duty, that he would not have to do it.

Q That is, that I (Mr. Darrow) had got Glover and Mason to swear against you?

A Yes, sir.

Q What did he say, if anything more, as to what you ought to do or should do or had to do?

A He said I better keep out of the courts and go back and go through with that confession.

Q What did you say to him?

A I told him he knew that was not true, and if he didnt open the door, I would kick it down.

Q Well, did he go out?

A He knocked on the door and had the Deputy Sheriff open the door.

Q Has he ever attempted to visit you since?

A I dont believe so, Mr. Darrow.

Q Did Buckley Wells come to see you?

A Yes, sir.

Q Whereabouts?

A In Wallace Jail.



Q What did he say to you?

A He said he wanted me to go down with him and go through that deal below.

Q Where was that?

A That was during the Haywood trial.

Q What did you tell him?

A I told him I refused to have anything to say to him at all.

Q That was last summer sometime?

A Yes, sir.

Q How long have you been in prison now since you were arrested?

A It will be two years the 19th of the coming February.

Q Two years the 19th of February?

A Yes, sir.

Q Since you were taken from your Oregon farm?

A Yes, sir.

MR. DARROW: You may cross examine him.

#### CROSS EXAMINATION

BY MR. HAWLEY:

Q How old were you when your father died?

A I was twenty years of age.

Q And your mother had died about a year later?

A Yes, sir.

Q And up to that time, you had lived at home?

A On a farm.



Q Helping the old folks?

A Living with them all of the time.

Q After that, with whom did you live?

A I lived with my uncle, made my home there.

Q That is, J. W. Lilliard, the gentleman that sat by you during this trial?

A Yes, sir.

Q How long did you continue to live with him?

A I lived with him and made my home with him until about 27 or 28 years old, as well as I can recollect.

Q Whereabouts?

A About half way between Fort Scott, Kansas, and Nevada, Missouri.

Q Did you go to Texas with him when he went?

A I did not.

Q When you were living with him, were you working for him?

A Yes, sir.

Q For wages, or simply living as a member of his family?

A For wages; he usually paid me for my work.

Q How?

A He paid me for my work.

Q When he went to Texas, did you stop living at his place?

A I stopped before that; I went away before he went to Texas.

Q You left, and where did you go?

A I went to Nebraska, and through Dakota, and through the Northern states.

MR. HEITMAN: I didnt hear, Mr. Adams.



A I was working through Nebraska, the Northern part of Missouri, Dakota and Montana.

Q How long did these wanderings through Montana, Dakota and Nebraska continue?

A Well, they continued up until about 1898 or 1899, that is, before I returned to Cripple Creek; I came out to Washington; I forget the name, Washington.

Q When your father died, did he leave an estate?

A We had a home there, yes, sir.

Q Was that estate settled; did you get any money out of it?

A No, sir; I did not.

Q Did you ever?

A My brothers did; no, sir, I never did; I left it with my brothers.

Q When you left your uncle and went to travelling, what money did you have, if any?

A I dont remember the amount.

Q Enough to go up to some other place to go to work?

A Certainly, always had money; was working all of the time.

Q Did you have any particular amount; did you have any in the bank or have it in your pocket.

A No, sir; I never put any money in the bank.

Q Sir?

A I never had any money in the bank.

Q Could you tell us how much money you had when you started out after leaving your uncle?

A No, sir; I could not.

Q Did you have Fifty dollars?



A I would not tell you how much I had; I dont remember.

Q You dont remember anything about that?

A I know I had some money.

Q What kind of employment were you engaged in in these different places?

A I was working on the farm part of the time in the harvest field, doing common day 's work, common laborer.

Q Part of the time you were not working at all?

A I was working pretty nearly all of the time, yes, sir; sometimes I was loafing.

Q In the habit of drinking some?

A I dont drink very much.

Q Ever gamble any?

A Never did.

Q Never did gamble?

A No, sir.

Q Finally you got up into the state of Washington, I believe you say, and engaged in the saw mill business?

A Yes, sir.

Q What year was that?

A I think I went there, as well as I remember, Mr. Hawley, about 1897, somewhere in 1896 or '97.

Q How long did you stay?

A I was there, I went there, I think ~~was there~~ <sup>one fall</sup> and stayed until maybe next winter some time.

Q Then it would be until along about 1898?

A Well, it was about 1898 or 1899, as well as I can recolle ct.



Q Where did you go to from there?

A I went from there to Cripple Creek, Colorado.

Q Why did you go to Cripple Creek?

A I got a letter from my brother, stating that wages was good there and plenty of work.

Q When you left Washington, how much money did you have

A I dont remember how much I had, Mr. Hawley.

Q You had enough to pay your fare, did you?

A I did.

Q You did not have to borrow money for the fare?

A I did not; no one to borrow from.

Q You had no bank account; you say you never had?

A No, sir.

Q Could you give an idea as to how much you had over and above your fare?

A No, sir, I would not.

Q You had no considerable amount?

A Well, I dont know how much I had; I dont remember.

Q Did you have as much as Twenty Dollars?

A I expect I did, likely.

Q You expect likely you had?

A Well, I had more than that; I had been working pretty steady up to that time.

Q How much did you have?

A I would not tell you, sir, and I would not try to tell you.

Q You could not tell us anything about that. Do you think you had as much as fifty dollars?

A I would not try to tell you the amount.

Q After you went to Colorado, what business did you go into?



A I went to driving a dump cart, the first work I done there.

Q How long did you continue at that?

A Perhaps three or four months; something like that.

Q What year was that?

A Well, it was right away after I went from Washington down there.

Q Do you know whether it was 1898 or 1899?

A I could not swear positively.

Q After you continued three or four months driving the dump cart, what did you do then?

A I went to work in the Vindicator Mine.

Q How long did you work in the Vindicator?

A I was there twenty-three shifts, if I remember right, at that time.

Q Then the mine shut down?

A I got sick.

MR. DARROW: Speak a little louder, if you please.

A I got sick.

Q How long did you continue sick?

A I dont remember how long.

Q There was no striek on at that time?

A There was not.

Q This was before the troubles commenced at Cripple Creek, the first strike?

A yes, sir.

Q How long did you continue sick, you say?

A I could not tell you how long I was sick.

Q Cant you approximate it; cant you give us some idea?

A I cant.



Q Was it a week or a month or three months?

A I cant state.

Q You cant tell whether it was a week or three months?

A No, sir.

Q Have you got no idea?

A I would not say how long it was.

Q Well, cant you give us any information on that;  
is your recollection a failure on that?

A No, sir, not entirely, I guess, but I dont recollect.

Q Well then, give us your best impression?

A I dont know how long I was off of work there.

Q You could not tell us whether it was a week or a month?

A I would not do it, no sir, because I dont remember.

Q You dont remember?

A No, sir.

Q Where were you living at the time?

A I was boarding with a man by the name of White.

Q Were your brothers there, or either of them?

A One of them was.

Q Where was he working?

A He was working on the Weding Lease.

Q He had no family?

A No, sir; single.

Q You continued to board at White's all of the time,  
did you?

A No, sir; I boarded only some of the time there.

Q Did you go to any hospital?



A No, sir; I was not in the hospital.

Q What kind of sickness was it you were troubled with?

A Got cold working in the water.

Q And you have no idea how much time you spent there on account of your sickness?

A No, sir; I do not.

Q Did you have any money at the end of your sickness?

A I expect likely I did.

Q I am asking you whether you did or not?

A I expect I did.

Q How much did you have?

A I would not say.

Q Give us an idea approximately.

A I dont remember that.

Q Do you know whether you had any at all; will you swear to that?

A Yes, sir; I always had money.

Q And you cant swear whether you had five dollars or fifty dollars?

A As to the amount I would not.

Q You dont know anything about it, do you?

A Not exactly, no.

Q Well, can you approximate it if you dont know exactly.

A No, sir.

Q After that, what did you do.

A I went to working on other mines all of the time I was there.

Q What other mines?

A I worked on the Dante Mine, Finley Mine, and then I



was leasing part of the time that I was in Cripple Creek.

Q What year was it that you recovered from your sickness?

A I could not tell you that; I dont remember what year that was.

Q Do you know when it was that you commenced working in the Finlay Mine?

A No, sir; I do not.

Q Do you know how long you continued working there?

A No, sir, I do not.

Q You dont know how many shifts?

A No, sir.

Q You recollect the number of shifts you worked in the Vindicator?

A Well, I did.

Q You speak of some other mines besides the Finlay, what mine was that?

A Dante.

Q How long did you work there?

A I worked there quite a while; then I got a lease on that ground.

Q How long did you work for wages?

A Well, I would not tell you that; I dont know.

Q You dont know?

A No, sir.

Q Who was with you in the mine?

A A man by the name of Jones and a man by the name of Clements.

Q What ~~mark~~ sort of a lease was it, a part of the mine or the entire mine?

A The entire mine from the fourth level to the surface.



Q Dont you know how long you worked on it?

A No, sir.

Q Cant approximate it?

A No, sir.

Q Cant give us any idea at all in regard to it?

A I cant.

Q Was it as long as a year?

A I worked the lease altogether, it might have been a year.

Q Was it a year you think?

A I would not say.

Q Do you think it was six months?

A I would not say, sir.

Q You cant say whether it was three months or a year, could you?

A I told you I thought it was about a year?

Q Sir?

A I said I thought it was about a year?

Q What year was it that you quit work then?

A I cant tell you that.

Q You dont know. Where did you go from there?

A I stayed there and worked around the mines and leased, up until 1901 sometime, and then I bought an express wagon.

Q Did you have another lease besides this one, the first lease that you mentioned?

A I dont remember that I did, Mr. Hawley.

Q Did you make any money out of that lease?

A Well, I made some, yes, sir.



Q Made wages?

A I beat wages a little I think.

Q Then you went to work for wages again, did you?

A I was working for wages all of the time I was in Cripple Creek, except when I ran the express wagon; I was working.

Q In 1901, did you stay there until 1901?

A Yes, sir; well, I was away sometimes; I went out to other camps and worked sometimes.

Q You were not there steady then?

A No, sir.

Q What other camps were you in?

A I was working on Goose Creek tunnel, north of divide.

Q That is not a mining tunnel, is it?

A It is a tunnel that miners bore.

Q Sir?

A It was a tunnel that was put through by miners; we had machines.

Q A drainage tunnel?

A Used mining machines, yes.

Q Where were you in 1901?

A I was in Independence, running a wagon part of that year, I know.

Q How long did you stay there after 1901?

A I think I stayed there up until 1902 sometime.

Q Where did you go then?

A I think I went to Telluride---no, I went to Silverton and worked up there on the Lyon tunnel above Silverton.



Q Were you running a wagon during this time, working on a wagon, or working with a team?

A Between 1901 and 1902?

Q In 1901 and 1902, until you left Cripple Creek?

A yes, sir.

Q And you got out of that business and went to Silverton, you think?

A Yes, sir.

Q Did you go to mining there in Silverton?

A yes, sir; went to work on the machine in the Lyon tunnel.

Q How long did you stay there?

A Well, I was there something like two months, Mr. Hawley; I would not state positively.

Q From there where did you go?

A Went back to Independence.

Q Did you go to Telluride in the meantime?

A I went after I went back to Independence, yes, sir.

Q What did you do at Independence; did you go back there to work?

A I think I did, yes, sir.

Q What did you work at there?

A Mining again; mining all the time I was there.

Q Where; what particular place were you working?

A I was working for a man by the name of Voss, if I remember right.

Q What was Voss doing; what was he working?

A A mine there.

Q What was the name of it; did he have a lease?



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A I dont know the name of it.

Q How long did you work for him?

A I dont know; I could not tell you that.

Q You went from there to Telluride?

A I think I did, yes, sir.

Q What caused you to go to Telluride?

A I went to work there on a pole line on top of the  
range.

Q Pole line?

A Yes sir; electric pole line.

Q Power plant?

A yes, sir. drove anchor bolt heads.

Q You did not start over there to mine then?

A I went over there to work; I went there to work.

Q Were you employed in Cripple Creek for that purpose?

A For working?

Q To go over there to work?

A No, I was not employed for that purpose.

Q Or did you go over there to look for a job; how  
long did you continue at that?

A Well, I dont remember how long I did.

Q Did you afterwards go to mining in Telluride?

A Well, yes, I worked there afterwards.

Q Where?

A Worked on the curved station tunnel.

Q How long did you work at that?

A I worked there until just before I got married at  
that time.



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Q Were you working in the Smuggler-Union Mine at all?

A No, sir; never did.

Q Never worked in it?

A No, sir.

Q This was not one of their properties?

A I dont think so; if it is I dont know it.

Q What time were you married, do you say?

A I was married in 1903, in November, if I remember correctly.

Q In November, 1903?

A Yes, sir.

Q Had you worked there in Telluride up to that time?

A Not all of the time; I was out of there and at different times I was around to Leadville and worked a while before I was married.

Q Now, as a matter of fact, were you not in California in 1903?

A I might have been; went down there sometime.

Q Dont you know that you were there?

A I believe I did go down there once.

Q Do you know Kid Minister?

A Yes, sir.

Q You knew him in Telluride, did you not, and also in Cripple Creek?

A Yes, sir; I knew him in Telluride and Cripple Creek both; saw him there.

Q You and Kid Minster went to California together, did you not?

A I believe we did.



Q What time did you go?

A I would not tell you; I dont know.

Q What part of California did you go to?

A It was in Jackson, California.

Q Jackson, California?

A yes, sir.

Q How long did you stay in Jackson?

A I dont know, not exactly.

Q Could you tell us approximately, if you cant tell us exactly?

A No, sir. I could not.

Q You have got no idea whether it was a day, a week or a month?

A Well, it was over a day.

Q Was it over a month?

A I would not say.

Q You dont know?

A No.

Q What is your best judgment in regard to it.

A Well, it might have been a month and it might have been two months; I dont remember.

Q You were there some considerable length of time, were you?

A Yes, sir.

Q And it might have been as long as two months?

A It might have been.

Q Was Minster with you all of the time?

A Not all of the time, no.

Q Did he go with you?

A yes, sir.



Q What caused you to go there?

A Went down there looking for work; expecting to get work there.

Q Were you not working in Cripple Creek?

A Yes, sir.

Q Did you quit work at Cripple Creek to go there?

A Well, I dont know that I did.

Q Were not wages higher in the Colorado camps than in the California camps.

A I dont know as to that, Mr. Hawley.

Q Didnt you ascertain that down there?

A No, sir, I dont remember that I did.

Q Dont you know, as a mining man, that wages are higher in Colorado than in California in the mines?

A No, I dont.

Q And you left Colorado, where you had had these leases and been engaged in this mining and went to Californis looking for a job?

A Well, I went down there for a trip more than anything else.

Q I thought you said you went down looking for a job?

A well, I expected to go to work if I found work that suited me.

Q Were you acquainted around Jackson in California?

A No sir.

Q Jackson is where; one of the little mining towns in the interior of the state, isnt it, in the mountains?

A I cant tell you exactly where it was situated; I was there, but I dont know what part of the country.



Q You know what county it is in?

A No, sir, I do not.

Q It is a mining camp, isnt it?

A Yes, sir; several mines there.

Q Quartz mines or pacer mines?

A I dont know; I never went down in any of them.

Q Dont you ~~remember~~<sup>know</sup> whether they were quartz or  
placer mines?

A I do not.

Q Didnt you have any curiosity in regard to them?

A I dont think I investigated while I was there.

Q Did you stay there two months looking for work?

A I did not say I stayed there two months; I said I  
might have.

Q You might have?

A Yes, sir.

Q What kind of work were you looking for; what kind of  
mining work; placer or quartz?

A I always worked when I was out of work at anything  
that I could get to do; I never was particular what I did.  
I worked on a section for a \$1.25 a day and such as that  
sometimes for my health.

Q Who furnished you money to go there?

A I had my own money.

Q How much money did you have when you left?

A That I cant tell you; I dont know.

Q You dont know?

A No.

Q Can you approximate how much you had?



A No, sir.

Q You had enough to pay your way to Jackson, did you?

A Yes, sir, and money enough to pay part of my way back.

Q I was going to ask you if you beat your way back; you came back in a box car, didnt you?

MR. DARROW: I object to that.

MR. HAWLEY: I have got a right to prove this, I have got an object in proving this.

Objection overruled.

Defendant excepts and exception allowed.

Q As a matter of fact, you were broke, Mr. Adams, and beat your way to Ogden and was arrested there for beating your way, were you not?

A No, sir.

Q Were you arrested in Ogden?

A Yes sir.

MR. DARROW: To that I object. You cannot impeach or discredit a witness with any such thing as that.

MR. HAWLEY: I am not trying to discredit the witness on that, if your Honor please.

MR. DARROW: You cannot prove an arrest.

MR. HAWLEY: Oh, the remark about the arrest.

MR. DARROW: Yes, sir; it is a mere incident.

THE COURT: I dont think it is proper.

MR. HAWLEY: I will admit that.

THE COURT: The objection will be sustained and the answer stricken out.



MR. HAWLEY: So far as the arrest is concerned.

THE COURT: Yes, sir.

MR. HAWLEY: I admit that. I thought the objection was on another ground.

MR. DARROW: No, not now.

MR. HAWLEY: Q How long did you stay in Ogden at that time?

A Only a short time.

Q You sent where for money?

A Sent to Haywood.

Q To Haywood?

A Yes, sir.

Q William D. Haywood?

A yes, sir.

Q And William D. Haywood sent you money to come back to Colorado on?

A He sent me Seventy-five dollars; he did not send me that to come back to Colorado on; he sent me that because I wired him for it; I borrowed that money of him.

Q Haywood was then, as now, Secretary of the Western Federation?

A Yes, sir.

Q And you telegraphed for it and it came?

A Yes, sir.

Q Had you went to California at the solicitation of Haywood?

A What?

Q Had you went to California on business of Haywood?

A No, sir.



Q Or at his solicitation?

A No, sir.

Q Was Kid Minster with you at this time at Ogden?

A Down in California?

Q In Ogden.

A Yes, sir.

Q He came back with you, did he.

A Yes, sir; part of the way.

Q Did you go to Colorado again after getting this money from Haywood?

A Went to Telluride.

Q To Telluride?

A Yes, sir.

Q Did not go to Denver?

A Yes, sir; afterwards.

Q Did you go to Denver before you went to Telluride?

A No, sir.

Q You had not been ~~married~~ married at this time?

A No sir; got married that fall, the fall after that.

Q How long was it before you went to Denver from Telluride?

A I dont remember, Mr. Hawley.

Q Now, had you worked at all in California?

A No, sir.

Q Or you had not made sufficient inquiries for work around Jackson there to know whether it was a placer or a quartz mining camp?

A No, sir; I did not.

Q You had spent then two months, or whatever it was time right around Jackson, had you not?



A Well, I was in different places around there and the country there.

Q Right around in that immediate vicinity?

A Yes, sir.

Q Had you investigated in any of those small places around Jackson to find whether they were placer camps or quartz camps?

A I did not.

Q Dont know anything about it?

A No, sir.

Q Had you made any application for work in any of them?

A I did not, no.

Q Had you any people living there, any relatives?

A I had not.

Q Had you any acquaintance in that vicinity?

A No, sir.

Q You simply had straggled in there and stayed there?

A The same as I went other places else, yes sir.

Q And didnt do any work?

A No, sir, I didnt while I was there.

Q You then started back for Colorado?

A Yes, sir; I thought Colorado was a better country than that?

Q What time was it; about what was the date, as nearly as you can say, Mr. Adams---I dont expect you can fix the date exactly---when you reached Telluride?

A I cant tell you.

Q Was it in the summer or fall?



A I dont remember that, Mr. Hawley.

Q What did you do after going to Telluride?

A I think I worked in a cyanide plant there a while.

Q Was that the first work you did?

A No, it was not the first work I ever did.

Q There in Telluride?

A No, I had worked there before.

Q I mean was it the first work on this trip after this California trip.

A I think it was.

Q Now, tell us how long you worked in the cyanide plant?

A I dont know just how long.

Q What did you do after that?

A I went back and went to work in Colorado, over in Independence, I believe.

Q You stopped work and went to Independence and resumed your work there?

A I think I did, yes, sir; I sold a house there in Independence.

Q How long did you stay in Independence before going to Telluride?

A well, I dont think I stayed there very long. I sold a house I had there, if I remember right, at that time.

Q And then returned to Telluride?

A Yes, sir; I started to come to the Coeur d' Alenes and changed my mind and went back to Telluride and went to work there.



Q Now, as a matter of fact, didnt you come to Idaho that year, 1903?

A I did not; I was in a portion of Idaho; I came as far as Pocatello, I believe.

Q Yes, sir; you came to Pocatello?

A Yes, sir.

Q What time of the year was it that you made that Pocatello trip?

A I dont remember.

Q Was it before or after your California trip?

A It was afterwards, I think.

Q You dont recollect the time of year, whether it was fall or summer?

A I know I went back to Telluride and went to work there, and worked there sometime before I got married.

Q That is, after the Pocatello trip?

A Yes, sir.

Q Who came with you on your Pocatello trip?

A There was not any one.

Q You came alone, did you?

A I did.

Q Where did you start from?

A I started from Independence; first started from Independence and then came to Denver.

Q Did you go to Denver and stay awhile?

A I dont think I stayed there; I might have stayed over night.

Q Did you talk with any one in Denver about some proposed trip?

A No, sir.



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Q Who did you talk to in regard to taking a trip into Idaho in 1903?

A No one.

Q What had induced you to make that trip?

A I started to come up to the Coeur d' Alene country; I think we came up to do and get to work, and I changed my mind and went back and went to work and got married.

Q You think you changed your mind when you had got how far?

A I think I had got to Pocatello.

Q Did you talk to Moyer?

A No, sir.

Q Haywood?

A No, sir.

Q Or Pettibone?

A No, sir.

Q None of them advised you to make the trip?

A No, sir.

Q Where did you get the money to make your trip with?

A I had been working for a while, and I sold a house for \$150.00, if I remember right.

Q You put the proceeds of the house into this trip, did you?

A Yes, sir, part of it, whatever I needed.

Q You are certain of that as anything else, are you not?

A I am.

Q Did you not state a few minutes ago that you sold the house before your California trip?

A I did not say whether I did; I say I think--- I know I sold the house before I started up here.



Q You sold the house after the California trip, was it not?

A I would not say as to that.

Q And you came over from Telluride to Cripple Creek in order to sell that house?

A I did not do any such thing; I never made any such statement.

Q Didnt you just testify to that?

A I never made that statement at all.

Q If you did, you desire to correct it, do you?

A I did not say it.

Q And after you sold that house, did you not, a few minutes ago, state that you went back to Telluride and went to work?

A I believe I did; I worked a while after I went back there.

Q Is that true?

A I think it is, to the best of my recollection.

Q Then it was before you sold the house you went to Telluride and went to work? By the way, what work were you doing in Telluride after selling the house? What work did you do after selling the house?

A I went there, and the only place I worked there was in the ~~cyanide~~ cyanide plant; I worked in the cyanide plant the last I remember.

Q You went to work in the cyanide plant right after the California trip, did you not?

A I believe I did, yes sir.

Q And after working in the cyanide plant, you went to Independence and sold your house?

A I believe I did.



Q And then you returned from Independence to Telluride again?

A I did not until after the Pocatello trip, if I remember rightly.

Q Oh, you went to Pocatello in the meantime?

A Yes, sir; and then went back and went to work there again.

Q Now, you started for the Coeur d' Alene, did you?

A I did.

Q You thought there was plenty of work and good wages in the Coeur d' Alene.

A Yes, sir.

Q That is all that started you, was it?

A That is all.

Q Did you talk with any one with reference to it?

A I did not.

Q Had you had any communication from people up here in the Coeur d' Alene?

A No, sir.

Q Did you know any one in the Coeur d' Alene?

A I talked to different miners that had been in the Coeur d' Alenes.

Q How much money did you have when you started?

A I dont remember that.

Q Did Haywood pay your expenses?

A He did not.

Q Nor Moyer?

A No sir.

Q Nor Pettibone?



A No, sir.

Q Nor any one connected with the pederation?

A No, sir.

Q You came out of your own volition and on your own motion, did you?

A I did.

Q Which way did you come to Pocatello from Denver?

A I cant tell you what road then, I dont know.

Q Did you come by the way of Cheyenne?

A I could not tell you whether I did or not; I dont remember; I bought a ticket, I know.

Q The Union Pacific Road runs from Cheyenne into Pocatello, together with the Short Line, doesnt it?

A I dont know what them trains are; I am not acquainted with them.

Q Did you go by way of Salt Lake and Ogden?

A I dont remember whether I did or not.

Q You dont remember whether you went around the Denver and Rio Grande by the way of Salt Lake and Ogden or came by the Union pacific and Short Line by the way of Cheyenne and Granger?

A I dont remember whether I did or not.

Q You have no idea in regard to that, Mr. Adams?

A I dont remember, Mr. Hawley.

Q This was in 1903?

A Yes, sir.

Q Is your recolle ction entirely a blank on that, Mr. Adams?

A Well, I dont remember when I came up there, what road; I am not acquainted with that country.



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Q You have been in Salt Lake?

A Yes, sir; I have been through Salt Lake.

Q You have been in Ogden?

A Yes, sir.

Q You had been in Ogden and got stranded in ~~Ogden~~ Ogden after the California trip a short time before?

A yes, sir, I did.

Q Did you not know whether you came by the way of Ogden on this last trip?

A I dont remember, Mr. Hawley.

Q You came to Pocatello in any event?

A I did.

Q You paid your fare up there?

A I did.

Q Came as a passenger. After you got to Pocatello, did you stay there?

A Wanted to go back to Telluride.

Q How long did you stay in Pocatello?

A I dont remember whether over night or two nights.

Q Didnt you, as a matter of fact, stay three or four nights.

A I would not say, sir.

Q Didnt you, as a matter of fact, stay nearly a week there in Pocatello?

A I would not state whether I did or not.

Q Do you know a man named George W. Rich?

A I do not.

Q Do you know a man who kept a lodging house on the east side of the town, the east side of the railroad track, in the middle of a block between Center Street and the street



south?

A No, sir; I dont.

Q Where did you stop while there?

A I stopped in a lodging house there.

Q Do you know the name of the man who kept it?

A I do not; I never knew his name.

Q What were you doing there in Pocatello at this time you were there?

A I got along there and wanted to go back to Telluride.

Q What were you doing during the time you were there?

A I was not doing anything, loafing around.

Q Loafing around?

A Yes, sir.

Q Did you get acquainted there in Pocatello?

A No, sir.

Q Did not get acquainted with any of the people in that vicinity?

A No, sir.

Q Did not know any of them?

A No, sir; and dont yet.

Q You kept your room all of the time you were there in this lodging house, did you?

A I dont remember whether I did or not?

Q You did not go to more than one lodging house?

A Well, I dont know; I might have.

Q Where did you eat?

A Eat at the lunch counter.

Q Lunch counter where?

A I would not tell you which one; I always manage to find one when I get hungry.



Q And did you do nothing except knock around there; look around?

A That is all I did.

Q Did you go to any of the other little towns around there?

A I did not.

Q You confind yourself to Pocatello all the time you were there?

A I believe so.

Q After thinking the matter over, can you give us an idea now as to the number of days you were there?

A I cannot.

Q You dont know whether it was a week or two or three days or four or five days?

A I do not.

Q But you know it was some little time?

A I would not say how long.

THE COURT: You will have to speak louder.

A I would not say how long?

Q Did you make inquiries there as to the conditions in the Coeur d' Alene or in any other mining camp?

A I might have.

Q I am asking you whether you did or not?

A I dont remember; I expect likely I did.

Q Were you drinking then?

A Well, I might have drank some.

Q Had you went there for any purpose?

A I had not.

Q had you taken anything there with you?

A No sir; nothing except my clothes.



Q You had not any combination of stuff that you intended to use there for any purpose?

A I did not.

Q You did not?

A No sir.

Q Are you acquainted with the substance that is called "Pettibone dope" sometimes.

MR. DARROW: I object to that.

A No, sir.

THE COURT: I think that is objectionable.

MR. DARROW: All of this is no part of the cross examination.

MR. HAWLEY: We think it is all a part of the cross examination, a very material point.

THE COURT: I think the other inquiries you have gone through, his life and his movements, is all proper cross examination.

MR. DARROW: I have not objected to any of it.

MR. HAWLEY: We are perfectly willing to have you take any objection, Mr. Darrow, if you want to make it at any time.

Q Now, after this trip to Pocatello, you returned again to Denver?

A I returned to Telluride.

Q To Telluride?

A Yes, sir.

Q Did not go to Denver?

A I did not.

Q Did not go to the headquarters of the Federation and make any report?



A I did not go there at all.

Q Simply went to Telluride?

A Yes, sir.

Q Do you remember how you went to Telluride, whether you went by Salt Lake and Ogden or by Cheyenne?

A I could not tell you what road I went over in there.

Q As a matter of fact, you cant go to Teluride by way of Cheyenne without going through Denver, can you?

A I dont think so.

Q No, but when I was aksing you about your movements in 1903 and you told about being in various camps in Colorado, had you forgotten this trip to California, and this one to Idaho?

A I had until you called my attention to it, yes sir.

Q You had overlooked that until your attention was called to it by my questioning.

A yes sir.

Q You had forgotten that you had made any such trips at all?

A I had forgotten that I had made that one, yes sir.

Q You had forgotten that you had made either one of them had you?

A No, sir, I dont think so.

Q Then, why didnt you speak to Mr. parrow in regard to these trips?

A I dont think he asked me. I didnt understand him to ask me. If he had, I would have answered him.

Q Now, I would ask you what you did after coming back to Telluride at this time?

A I went to work in the curved station tunnel.

Q What time of the year was it?



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A It was in the fall sometime.

Q What time in the fall?

A I could not tell you that; I dont remember.

Q Had you made any trips anwyehere else outside of this?

A I stayed there and worked until just before I got married, and then I took a trip to the jail in Cripple Creek.

Q You got married there what time?

A In November, I believe it was, 15th.

Q What made you leave there?

A I went over to Independence to make a place to take my family after I was married.

Q What made you leave Telluride the trip before this, the time that you went to California?

A I left the same as I always did; I wanted a change of camps or something.

Q How long was it with reference to Arthur Collins' death when you left it that time?

MR. DARROW: To that I object, your Honor.

MR. HAWLEY: I am trying to fix the time.

MR. DARROW: That is no way to fix the time.

MR. HAWLEY: I have a right to fix the time.

MR. DARROW: I object; he has no right to make any such inference with this witness at this time.

THE COURT: I believe that is improper. Objection sustained.

Q After you went to Cripple Creek, or after you were married, you went to Cripple Creek?

A Yes, sir.



Q Did you work any there at Telluride after being married?

A No, sir.

Q Did you have a job there in Telluride when you were married?

A I had a job before I was married; I quit just before I was married.

Q How long had you been working after your Pocatello trip there?

A I dont remember how long.

Q Well, about how long, Mr. Adams?

A I would not say because I dont remember.

Q Do you know whether it was a week or a month?

A well, I dont remember that.

Q Cant you give us any idea at all about that?

A I cant because I dont remember.

Q Well, can you tell us how much money you had when you were married?

A I could not tell you that, no.

Q Did you have fifty dollars, twenty dollars, ten dollars?

A I expect I had more than that.

Q How much more?

A I would not say; I dont remember how much I had.

Q You were married in any event?

A I was.

Q And you had quit work shortly before you were married?

A I did.



Q And after you were married you went back to Cripple Creek, did you?

A Yes, sir; I was married the 15th, left the 19th and got there the 20th and was arrested the 21st.

Q Did your wife go with you to Cripple Creek?

A No, sir.

Q What did you go to Cripple Creek for?

A I went there to get a place and to bring my family.

Q What?

A To get a place for a home for my family, a place to move them to.

Q How long had you been away from Cripple Creek?

A I couldn't tell you that; I don't remember.

Q How long had you been back before your arrest?

A I was only there, I got there the day before.

Q And you were arrested the next day?

A Yes, sir.

Q Was there any particular thing that happened there in Cripple Creek or the Independence Mine?

A The Vindicator Mine was blown up.

Q What was the time that Beck and McCormick were killed?

A Yes, sir.

Q Had you ever worked in the Vindicator Mine?

A I worked there twenty-three shifts, once.

Q How long before that?

A When I first went to the camp.

Q Had you worked there in 1903 any time?

A I did not.

Q Were you acquainted with the mine at any time?



A No, sir; never was in it after the time I quit work, when I got sick.

Q Then you had not been working at that particular part of Cripple Creek for a number of months prior to this time you say?

A Well, the first work I done in the mine there, after I went to Cripple Creek, I done there, the first mine I worked in, twenty-three shifts, the time I got sick.

Q Was that in 1902 or 1903?

A I would not tell yu; it was 1901, perhaps; I dont know; I dont remember the date; it was when I first went to the camp.

Q You dont recollect the date; you cant give the year.

A It was soon after I went to the camp.

Q Were you arrested and were you thrown in jail?

A In Cripple Creek?

Q Yes, sir.

A I was.

Q Charged with complicity in that explosion?

A I dont know whether I was charged with anything or not; I was held there in ajil about ninety-three days.

Q There was martial law at that time, was there not?

A I believe the soldiers were there, yes sir.

Q There was martial law?

A Mob law.

Q On a ccount of the troubles. I am asking you if there was martial law there?

A yes, there was martial law there.

Q And you were arrested under the martial law, were you?

A No, sir.



Q Were you ever brought to trial?

A Never was.

Q Were you discharged without a trial?

A The Nowle prossed my case.

Q Nowle prossed?

A Yes, sir.

Q Then had there been an indiotment found against you?

A I dont know; I dont know much about law, Mr. Hawley.

Q Were you brought into court, Mr. Adams?

A No, sir; never was.

Q You saw nowle prossed, do you know whether there was a dismissal of an indictment?

A That is what I was indicted that the case was nowle prossed.

Q You were ~~there~~ there?

A Yes, sir.

MR. DARROW: I think it was an information.

MR. HAWLEY: I guess it was an information, yes, that is what I am anticipating that there was an information filed and the District Attorney dismissed it.

THE WITNESS: Some kind of process, I suppose, to hold me there.

Q Were there some parties tried under information?

A There was some tried after I was out, es, sir.

Q Did you stay there after that?

A Yes, sir.

Q Martial law continued in the district, did it not?

A Yes, sir.

Q And what did you do after that?

A After I was out, I stayed there and lived off ~~what~~ of



the relief from the union for some time.

Q Where was your wife during this ninety-three days you were in jail?

A She came there Christmas Day to see me.

Q She took up her residence there, did she?

A Yes, sir; she lived with my brother until I got out of jail.

Q Did you have any money when you were put in jail?

A I had some money, yes, sir.

Q How much?

A I dont remember.

Q Well, cant you give us some idea?

A I dont know how much I had; I generally had some money though.

Q Did you have as much as twenty dollars, do you think?

A Yes, sir, more than that at that time.

Q As much as fifty dollars?

A Yes, sir; more than that.

Q Where did you get it?

A Working and selling my house, and I sold my express wagon and I saved some money.

Q Did you do any work after that at all in Cripple Creek,

A I dont think I did.

Q Then you stayed there ~~ninety~~ for what length of time until when?

A June 6, if I remember correctly.

Q June 6th?

A Yes sir.



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Q Of 1904?

A Yes, sir.

Q Do you know what time it was, whether it was early in 1904 or late in 1903 that you were discharged from custody, that the nowle presse was entered on the information or process against you?

A It was in the spring of 1904, if I remember correctly?

Q Spring of 1904?

A Yes, sir.

Q Where were you living after you were discharged, what part of that place?

A Living in Independence.

Q Independence?

A Yes, sir.

Q And were not at work?

A No, sir.

Q In fact, there was a strike on and martial law had been declared, was there not?

A yes, sir.

Q Martial law had ceased at that time, had it not?

A Not if I remember right, I dont think it ever ceased until after I left there; I dont think it did.

Q Had not most of the soldiers been withdrawn?

A Well, I could not tell you as to that, Mr. Hawley.

Q There were militia, were there not, well, whatever there were?

A yes, sir.



Q Wasnt it a matter of common notriety there and common knowledge with you all?

A Oh, yes, there were lots of soldiers there, I know that.

Q You know when you left, do you not?

A I dont remember when I did; I think they were still there when I left.

Q And you stayed there until June 6th, did you not?

A If I remember correctly, yes, sir.

Q Stayed right there in that place?

A From Independence, I moved to Midway.

Q Well, that is one of those little places right there?

A It is just a short ways from the place I left.

Q All of those places, Independence, Midway and Victor and all of those places are in that little Cripple Creek mining district?

A Yes, sir.

Q All in one little mining community there?

A Yes, sir.

Q All in one big neighborhood, you might say; it is really all one?

A When you are away from there, they call it all Cripple Creek.

Q Cripple Creek?

A Yes, sir.

Q There are different localities that you are familiar with named.

A Yes, sir.

Q After you had got out of jail there, you had stayed right there?



A I did.

Q And you had money?

A Yes, sir; I had some money.

Q And had not attempted to go away?

A Well, I did not up until June 6, no sir.

Q You did not go until the 6th. What was it caused you to leave on the 6th.

A I heard there was a mob coming after me.

Q You heard that. Did you see any mob?

A I was told that by reliable men.

Q Did you see any mob?

A I saw a number of soldiers and citizens there going around.

Q As a matter of fact, the Independence depot had been exploded at that time, had it not?

A I heard so.

Q And some fourteen men had been killed?

A I heard there was.

Q Were you charged with complicity in that?

A I was not.

Q Do you know whether you were or not?

A Well, I know I was not arrested at all.

Q You say you were not arrested for it?

A No, was not arrested until I heard this mob was coming up and was going to do some hanging and so on, and I got out over the hills.

Q Did you hear who they were going to hang, who were interested in that explosion?

A I was told by the speakers that my name was mentioned.



Q By the speakers where?

A At Victor, there was a man told me that, a man made a speech there and talking about hanging people, and said he mentioned my name.

Q You heard that there had been, after this blowing up and killing of these fourteen men, that there had been a meeting at Victor and that your name had been mentioned as one of them that did the deed?

A No, sir; they said they was going to hang some of those Federation men; going to hang somebody, and they mentioned my name.

Q And you were not there; you had not heard this?

A I saw this man; this man came to my house and told me about it; that was the first I knew of it.

Q All you heard was what some one told you in regard to it?

A That was all.

Q How far was Victor from Midway?

A It is about perhaps two miles or two and a half; I dont remember.

Q How far was your residence at Midway from the Independence depot, where the explosion occurred?and where all of these men were killed?

A I think it was about a jile and a half, it might have been a little more.

Q As soon as you heard this, you immediately started out, did you?

A As soon as I heard there was a mob coming, yes, sir.



Q Did any one go with you?

A No, sir.

Q How long did you stop after that mob, or after you heard that there was talk about hanging you?

A I stopped there until I could get my wife over to my brothers.

Q Your wife went over to your brother's?

A Yes, sir.

Q For what purpose?

A I told her to go over there and stay with him.

Q How long was that before you started?

A It was not very long; a few minutes probably.

Q A few minutes?

A A short time afterwards.

Q Did you take anything with you when you started?

A Yes, sir.

Q What was it?

A I refuse to answer that.

Q What?

A I refuse to answer that question.

Q What you took with you?

MR. DARROW: I object to the question because it relates to a matter upon which there has all sorts of statements been made as to the prospect of his going to fight this out some time in Colorado.

THE WITNESS: That is the reason I refuse to answer it; it is on account of some Colorado matters.

THE COURT: I dont think that you ought to press it.

MR. HAWLEY: I dont know what it referred to. probably the counsel could tell me privately, but I do say this, as



a matter of law, that this investigation is none of our seeking, that if they are justified to bring in the wanderings of this party and all of his movements and going through his life---which I admit they have a right to---that I have a right to prove to the fullest extent on cross examination.

THE COURT: I think the door is open to cross examination

MR. HAWLEY: This particular matter.

MR. DARROW: I think we can agree, Mr. Hawley.

MR. HAWLEY: Let us go outside a moment.

(Thereupon Mr. Hawley and Mr. Darrow left the Court room together for a few moments and thereafter returned)

MR. DARROW: I dont know what is in the witness's mind; probably one thing in his mind and another in counsel's mind. I suppose if he has made statements that at sometime in the future might be used against him and he is afraid of incriminating himself, he can refuse to answer. I dont think

Mr. Hawley should ask the question for that purpose.

THE COURT: I dont think he would.

MR. HAWLEY: If he states it on that ground, if that is thr ground of the refusal, I shall certainly stop right here on that.

THE WITNESS: That is right, Mr. Hawley.

Q That it might incriminate you?

A It might not only incriminate, but lead into affairs that I dont care to answer at the present time.

Q You think it might incriminate you?

A It might; I expect to be prosecuted in Colorado, from what I hear.

Q Now then, I will try and stop that part of it. I will ask you what money you had when you left?

A I had about \$250.00 or \$300.00.doll



Q Where did you get that money?

A I had saved up a little at different times from where I had worked.

Q Where had you kept this money?

A I kept it with me.

Q You had not worked at all there, had you, after the Independence explosion, up until the time of the Independence explosion, from the time you had been put in jail?

A I did a little work, yes, sir.

Q How much work had you done?

A I done what they call high grading, sometimes during the troubles also, so as to live and keep my family.

Q How much high grading have you done, how much had you realized from that?

A I would not tell you just how much; I don't know just how much.

Q What do you mean by "high grading"?

A I mean getting ore and selling it.

Q Getting ore from some one's mine.

A Well, it was a mine that they were working sometimes.

Q Simply stealing ore, isn't it, rich streaks.

A No, I don't call it stealing, because it is a kind of legitimate work.

Q Taking ore from a mine that doesn't belong to you?

A It is not considered so, in a mine that is not being worked; catch a pocket of ore and take it, it is all right.

Q It is considered legitimate by those that you are associating with to go into a mine and take a rich pocket of ore, a mine belonging to somebody else, out of a rich pocket of ore and work that pocket up and take the proceeds



without the permission of the owner?

A Sometimes there was nobody working it.

Q That is, at any rate, what you mean by "high grading" is it not?

A Yes, sir.

Q Taking rich pockets of ore from another person's mine without their consent?

A Sometimes there aint any one claiming the mine.

Q Do you mean to say that you had this money before you went into the prison, on the ninety-three days' imprisonment?

A I did not have it all, no.

Q How much of it did you have; how much money did you have at that time?

A I dont remember.

Q And you did not do any work afterwards except "high grading"?

A That is all the kind of work; there was no work there; the miners were all out on a strike then.

Q How is it that you remember the amount of money that you had at that time, when you cant give us any information in regard to the amount of money you had at any other and prior times?

A I happened to remember that.

Q You remember that?

A Yes, sir.

Q Has that been impressed upon your mind?

A No, not thoroughly; I remember it; that is all I know; I cant explain it how I remember it.



Q You cant remember any other amounts at any other times; you cant give us any information in regard to that?

A I generally tried to keep enough to live on.

Q How long did it take you to go to Denver on this trip?

A It took me three days and three nights, or two days and three nights, I think, to make it to South Platt.

Q To South Platt?

A Yes, sir.

Q Did you make that trip on foot?

A I did.

Q Where is the South Platt, what part of Colorado; where is it with reference to Cripple Creek?

A About eighty miles ~~northwest~~ as near as I can tell you north of Independence.

Q Is there a road goes there?

A There is a kind of a trail through the woods in places?

Q There is a wagon road goes to North Platt, isnt there?

A It is a kind of dim road in places, the road I went was, I know; that is all I can tell from.

Q I am not asking you about that one, but there is a good wagon road connecting the Cripple Creek country with the North Platt?

A well, if there is, I dont know it.

Q There is a railroad runs into North Platt also, isnt there?

A There is one runs from there to Denver, I know.



Q Isnt there one ~~runs~~ runs from Cripple Creek in there?

A Not that I know of.

Q Isnt there another railroad coming in from the west there to the North Platt.

A The road I got on is the South Platt.

Q South Platt, I meant?

A And I got one to Denver on the road is all I know.

Q You didnt follow any wagon road when you started out, did you?

A I followed the best trail that I knew how to go over there.

Q You took the first direct route you could, did you not?

A Certainly.

Q Struck across the hills, did you not?

A I did, part of the way.

Q You started out without reference to any road or trail of any kind, did you not?

A I had an idea ~~that~~ where I was going when I started, yes, sir.

Q Now, you knew the general direction, but you didnt by the direction of any road or trail or anything of that sort?

A I kept a trail of some kind all of the time after I got to the road; I struck over the hills from my house until I struck a road.

Q How long did you go over the hills before you struck any road or trail of any kind?



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A Struck a railroad that carried me to ~~Divide~~ that night, the first night and then I took across the country.

Q How far was that?

A It is about eighty miles altogether.

Q To where you struck the railroad the first night?

A To where I struck the railroad?

Q Yes, sir.

A Perhaps four or five miles.

Q You cut straight across the country, without reference to any road or trail, until you struck that railroad?

A You bet I did.

Q And after you struck that railroad, did you pay any attention to the direction, to know what direction you ought to travel?

A Well, I knew something about this country because I had worked over there before.

Q Was this a railroad that ran into South Platt?

A I got on the train there, yes, sir; there is a railroad there.

Q Where you struck it the first night?

A No, that dont go to South Platt; that stopped at Divide.

Q Where did you get the second day then?

A I couldnt tell you; I kept going all the time until I got there to South Platt.

Q Who did you stop with the first night?

A I dont remember whether I stopped with any one or not. I think I stopped in an old shack, if I remember right.

Q Do you know Mr. Póbst or Póbst?



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A I have seen the people, yes, sir.

Q When you roomed that four or five days?

A Yes, sir.

Q Had you stopped with them?

A I stopped a few minutes there at that place, yes,  
sir.

Q A few minutes at their place?

A Yes, sir.

Q As a matter of fact, you made that cabin, that  
first night, and slept therewith Jim Pobst, didnt you?

A No, sir, I did not.

Q You did not?

A No, sir.

Q How long did you stay there?

A I dont think I was there over a couple of hours;  
I got something to eat there.

Q You got something to eat?

A Yes, sir.

Q Did you leave anything in place of it?

A Yes, sir; I paid for the meal, I believe.

Q Did you leave a rifle there?

A I think I did.

Q You kept a going then. It was night when you got  
there, wasnt it?

A At Pobst?

Q Yes, sir.

A I believe it was dark.

Q And you only stayed about an hour?



A I think that is all.

Q And you started out and kept travelling in the night time?

A I kept travelling until I got to South Platt, yes sir.

Q Now, the Pobst live a number of miles south from Cripple Creek, do they not, and Independence?

A I dont know just how far it is.

Q It is some twelve or fifteen miles over there, isnt it?

A I expect it is more than that.

Q Yes, twenty miles.

A I would not say how far it is.

Q You just kept going after you got something to eat?

A You bet I did.

Q And travelling in the night time?

A Yes, I did.

Q Were you still afraid this mob was after you?

A I didnt know but what maybe somebody would get hold of me.

Q As a matter of fact, did you have the remotest idea that if there was a mob there at Cripple Creek, they were going to follow you over those mountains twenty miles?

A As a matter of fact, I expected anything there at that time.

Q You expected really the mob would keep following you, did you?

A They was doing everything they wanted to there at that time.



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Q And you had taken your rifle along to protect yourself, had you?

A Yes, sir, I did then; I took it with me.

Q And you took this shooter along?

A You bet I did.

Q Why did you give your rifle away there at Pobst's, if you thought the mob was liable to continue following you?

A I thought I would keep away from them after that.

Q Was it a mob you were afraid of or a warrant?

A It was a mob more than anything else; that is what I left for, to keep away from the mob.

Q Was it a mob that was travelling or a fear of yours?

A I didnt know but what those persons would arrest me and turn me over to the mob; I expected them to do anything.

Q Did you keep going all night?

A I didnt loose much time.

Q I am asking you if you travelled as far as you could?

A I travelled as far as I could.

Q Where were you next morning?

A I cant tell you what point.

Q Wasthere a trail or road from Pobst into South Platt?

A well, I followed a trail across there and there was a good road part of the way, I remember.

Q You did not keep on the road, did you?

A I did after I struck it.

Q After you struck it?

A Yes, sir.

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Q What time did you reach South Platt?

A I reached there in the afternoon, I believe, the day I got there.

Q Then you travelled continuously across that country from midway to South Platt, only stopping about an hour at Pobst's place?

A I perhaps stopped and rested different times; I expect I did.

Q Excepting stopping and resting?

A Yes, sir.

Q How far had you proceeded in that direction that day and part of the night and the next day until afternoon?

A It is only a guess with me; I guess it would be about eighty miles; it might be more and it might be less.

Q You kept going except stopping when you would eat?

A When I got tired, yes, sir.

Q And you did not stop at any place; just kept going?

A Yes, sir.

Q Impelled by the fear that the mob was after you, was it?

A I was afraid some person would pick me up and take me back and let the mob get me.

Q You were afraid some person would pick you up?

A They might, yes, sir.

Q On what charge?

A On any old charge there then.

Q You didn't have any particular fear of any particular charge?



Adams-X  
C-110

A No, I didnt have no fear of anything if I could get a trial.

Q You had left there after the dismissal of the action against you for helping in the Vindicator affair; you had stayed there until the 6th of June, the day of the Independence explosion?

A Yes, sir.

Q And you had not felt any fear up to that time?

A No, I did not.

Q You had not been afraid of stopping in that district?

A No, sir.

Q Had not been scared by any mob?

A I had not heard of any getting after me until that time.

Q And all you knew about a mob was what had been told you by this man who said he had heard a speech at Victor, or somebody made a statement?

A He is a man that I dont think lied to me.

Q And it was that statement that caused you to have this fear?

A Yes, sir.

Q And after you knew you were out of danger of a mob, you were afraid of an arrest?

A There was several women came and warned me besides this man I spoke of.

Q You were afraid of an arrest then?

A I wasnot a fraid of an arrest.

Q Well, after you got to South Platt, what did you do?



A When I got to South Platt, I took the train for Denver.

Q Did you go as a passenger?

A It might have been a mixed train; I dont remember what kind of a train it was.

Q Did you meet anybody at South Platt that you knew?

A No, sir.

Q You say you were not afraid of arrest at this time?

A I was not afraid of arrest, provided I could get a trial, no, but I couldnt get no trial at that time.

Q You were afraid of arrest because you were afraid the officers would turn you over to a mob?

A Because the state would not enforce the law.

Q I understood you to say---I dont desire to do you an injustice---that you were afraid to be arrested because the officers would turn you over to the mob, or you were afraid they would?

A That was what I had an idea they would do, yes.

Q You dont desire to modify that statement at all? If it is wrong, say so, and correct it?

A I dont understand the question, I dont believe.

Q I say if that answer, as you made it, is not a correct answer, change it if you want to.

A I dont desire to change it, I dont think.

Q Well, what time did you go to Denver?

A I got to Denver late in the evening of the day that I took the train to South Platt.

Q What time in the evening?

A Late in the evening.



Adams-X  
C-112

1707

Q Was it daylight yet?

A I dont remember; it might have been a little dark;  
I dont remember just what time I got in.

Q Where did you go?

A I went to a rooming house over on Stout Street.

Q What rooming house?

A I forget the lady's name that runs it; it was  
up over Pettibone's store.

Q At the rooming house over Pettibone's store. Did  
you see George Pettibone that day?

A I cant say whether I did or not.

Q Did you see him the next day?

A I think likely I did, yes.

Q Go up to headquarters and see Moyer and Haywood  
and the rest?

A Yes, sir; I saw a number of miners up there, coming  
up just the same as I was.

Q you went right to headquarters, did you?

A I dont know that I went there that night; I might  
and might not.

Q How long did you stay in Denver?

A I stayed in Denver up until in the last days of June  
or first days of July.

Q Something like three or four, between three and four  
weeks?

A Well, I dont remember just how long it was.

Q You feel right certain as to that date?

A No, sir, I aint; I was there about up until about  
that time.



Q Where did you live while you were there?

A Twenty-second and Welton.

Q Under what name?

A Under what name, you say?

Q Yes.

A Dixon.

Q Did your wife join you there?

A Yes, sir.

Q Was Harry Orchard there?

A I dont think he ever was.

Q He was not living with you at that time?

A No, sir.

Q What were you doing there in Denver?

A I didnt do anything there, Mr. Hawley, did not work any.

Q You were in constant communication with the Federation leaders, were you?

A No, sir.

Q Did you see Pettibone often?

A I see them at different times, not very often though.

Q Pettibone was one of the leaders, recognized as one of the Federation leaders, was he not?

A I never knew him to be.

Q He was the man that did business for the Federation, did he not?

A I dont know that he did; I know he helped a number of miners find some places.

Q You always went to him first thing, didnt you?

A No, sir.



Q Did you send to him at the time you were in trouble in Ogden and wanted money?

A No, sir.

Q You telegraphed him?

A No, sir.

Q Are you sure of that?

A I am.

Q Did you make a habit of being around the Federation headquarters?

A I did not.

Q Did you have any talked with Moyer or Haywood?

A I dont remember that I did.

Q Were you well acquainted with both Moyer and Haywood?

A Not very well; I have seen them.

Q You knew Haywood pretty well, didnt you?

A No, I dont know that I did at that time.

Q You dont think you had much acquaintance with him?

A I dont think so.

Q You had had enough acquaintance with him to send to him, several months before, for Seventy-five dollars.

A yes, sir.

Q And he had sent it to you?

A Yes, sir.

Q Did you have any communication with Moyer of any kind, any talks with him?

A I might have seen them at headquarters, I expect I did a number of times.

Q Had not had any talks with him except a casual acquaintance?

A I never had any except that.



Q When did you get acquainted with him intimately?

A Well, I seem him different times, Mr. Hawley.

Q Did you ever become more intimately acquainted with him after that? You say you were not intimate; simply had a casual acquaintance at that time?

A I met him at headquarters, the same as other miners.

Q Just the same as other miners did?

A Yes, sir.

Q But you had no intimate acquaintance?

A No.

Q Did you meet him at any time until the commencement of this trial, after that?

A Who, Moyer?

Q Yes, sir.

A I dont know that I ever did, Mr. Hawley.

Q Then from the time that you left there in 1904, you did not meet Moyer to have any conversation or talk with him up to the time of this trial, did you?

MR. DARROW: He says that he does not know that he ever did.

MR. HAWLEY: I am asking him if he ever did.

A Oh, I expect I met him afterwards, yes, sir.

Q Did you ever become more intimately acquainted with him than you were in 1904?

A I expect I did get a little better acquainted with him probably.

Q Do you know whether you did or not?

A I would not say; probably.

Q If you did, when was it?



Adams-X  
C-116

A I talked to him more since this trial started than I ever did before.

Q Mr. Moyer was the gentleman that sat by your side the first two or three weeks of the trial, isnt he.

A He sat by me a part of the time; I didnt talk to him very much though.

Q No, I am not asking whether you talked to him at all; he sat by your side the first three weeks of the trial, didnt he?

A Well that I would not say, for three weeks; I would not say for how long.

Q Well, up until a few days ago?

A I would not say how long he sat there; I dont remember

Q until about a week ago?

A He was there a part of the time during the trial.

Q Sitting right along side of you, right along there?

A You know as much about that as I do.

Q I am asking you if that is the case. The jury want to know about it; I know about it?

A Yes, sir.

Q When was it that you started to go to Idaho?

A It was the latter part of June or the first of July, 1904.

Q Now, you met Jack Simpkins there, did you?

A I met him at headquarters, yes, sir.

Q How long had you been acquainted with Jack Simpkins at this time?

A That is the first time I ever met him, I think, Mr. Hawley.



Q Had you ever been at any of the Federation conventions?

A Never did.

Q Had you ever been at any of the Executive Committee meetings prior to this time?

A No, sir.

Q You knew that Jack Simpkins was one of the Federation officers, didnt you?

A I was not at any of the meetings any time, no.

Q You knew Simpkins was one of the Executive Committee?

A I saw him there, yes, sir.

Q And he was there in Denver a out the last of June on Executive Committee busines, wasnt he?

A I believe I saw him there at that time.

Q How long was it you saw Simpkins in Denver, before you started for Idaho?

A I could not tell you just about how long it was, Mr. Hawley.

Q Give us the best of your knowledge.

A I saw him soon after I went to Denver from Cripple Creek.

Q It was about the last of June, or first of July, as a matter of fact, along in there?

A It was perhaps the middle of the month of June.

Q Well, you didnt go from Cripple Creek to Denver until-- well, that was the middle of June, you think?

A I think so; something like that.

Q You think an Executive Committee meeting was held about that time?



Adams-X  
C-118

A I understood that was in session at the time I got to Denver, Mr. Hawley.

Q And you did not attend any of the meetings?

A I never was at one in my life.

Q Did you get intimately acquainted with Simpkins?

A No, not very intimately; I ~~know~~<sup>met</sup> him and had a talk with him.

Q Where did you meet him and have a talk with him?

A In the headquarters, Federation headquarters.

Q What was the subject of your conversation?

A I was asking about some timber land up here in Idaho.

Q you were asking him about timber land up here in Idaho?

A yes, sir.

Q Did you bring up the conversation?

A I dont know whether he did or I did; I think I did though.

Q You think you talked to him about it?

A Yes, sir.

Q Please relate that conversation, as nearly as you can; give us the substance of it, what you said and what he said.

A I was talking about the conditions there; that I didnt think I would be able to---I didnt want to stay around there any more and I was going to try to get out and get a timber claim somewhere. He said he thought there was a good show for a man up in the Marble Creek country, where he had his homestead, and I concluded to come up.



Adams-X  
C-119

Q Had you talked about the timber claim before this, or did he call your attention to the timber claim?

A I could not say as to that, which one of us spoke about it.

Q Did you know anything about Marble Creek at this time?

A No, sir; never did.

Q You never had been in Northern Idaho, had you?

A No, sir.

Q You had started and quit your trip in 1903?

A Sir?

Q I say, you had started, but had quit at Pocatello in 1903?

A Yes, sir; I started to the Coeur d' Alenes and quit, yes, sir.

Q Well, after you started, or after you commenced this talk and he told you that there was a show, he thought, up there at Marble Creek, did he tell you what kind of a country it was?

A He said there was some good timber in there. He said if I could get hold of a timber claim, it would be a good place for me.

Q Did you ask him any further questions in regard to it?

A I dont know just what we did; we talked over it again some. I might have said more; I expect likely I did ask him in regard to the particulars of it.

Q Did you make any engagement or appointment with him to meet him here in Northern Idaho.



A No, sir.

Q Did you tell him that you were not coming up?

A I did not.

Q Or would come up?

A No, sir; I told him I might after awhile.

Q Did you talk with any one else in regard to the chances up here?

A No, sir.

Q Did you talk with Moyer or Haywood over it at all?

A No, sir.

Q When was it that you concluded that you would make the trip?

A The last of July or First of August, about that time.

Q You came to a conclusion pretty suddenly, did you, in regard to it?

A Yes, sir, I can tell you why, if you want to know.

Q Well, we may get around to it after awhile. If I want anything else on that point, I will ask you?

A All right.

Q Had you done any work there in Denver <sup>this</sup> ~~within~~ three or four weeks you had been there?

A No, sir.

Q Simply been loafing around there?

A Yes, sir.

Q With your wife and family?

A Yes, sir.

Q And had been doing nothing at all?

A No, sir.

Q Had you been seeking any job?



Adams-X  
C-121

A Well, I was looking around for a place, yes, sir, to go to;

Q There was lots of other camps in Colorado, were there not? still running?

A Yes, sir.

Q Was there trouble in Telluride at that time?

A Trouble in Telluride, I dont know; I believe there was.

Q No trouble in the southern Colorado camps, was there?

A I cant tell you; I dont think so though.

Q Had you formerly lived in Utah at all; had you been at any of those mining camps?

A No, sir.

Q But you concluded that you would quit the mining entirely, did you?

A I wanted to, yes.

Q well, had you made any inquiries from Simpkins as to what kind of country Marble Creek was?

A I talked it over with him, yes, sir.

Q And you came up. How did you come up?

A I came to Wardner on the train; I bought a ticket to Wardner.

Q Then you went down and saw Simpkins there, or found that Simpkins was not at home?

A yes, sir.

THEREUPON, the Court admonished the jury, and officers were sworn to take charge of the jury, and the jury retired in their custody, and a recess was taken for ten minutes.



Adams-X  
D-1

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AFTER RECESS.

The jury came into court in charge of the officers, and, being duly polled, all answered to their names, and the trial of this cause continued as follows:

STEPHEN W. ADAMS

On the stand for  
further cross-examination.

BY MR. HAWLEY:

Q When you were in Denver, Mr. Adams, during this time, prior to your departure for Idaho, you were round on the streets, different places?

A At nights.

Q In day time you was around, too?

A I was, that is, early in the night, I took a walk, my wife and I, frequently.

Q When you had any interviews with the Federation people, was it day time or night time?

A The only time I ever saw them I think was in the evening. I may have been up there some time during the day, but dont believe I was.

Q You were around Pettibone's at various times, was you?

A I may have seen Pettibone a time or two.

Q You didnt feel nervous at all about your safety there?

A I didnt up to about the time I left, then I did

Q How far is it from Denver to Cripple Creek?



Adams-X  
D-2

A Something over 100 miles; I dont know just the distance.

Q Several lines of railway run in there?

A yes, sir.

Q Denver is the capital of the State of Colorado, is it not?

A Yes, sir.

Q Headquarters of the different departments of government?

A Yes, sir.

Q Executive and military, and all that?

A I dont know anything about the military part of it

Q You did not feel that your life was in danger?

A I didnt for some little time. At the time I left I did.

Q You began to fear about it before you left?

A I saw in the papers there was miners taken back and put in jail.

Q You heard parties had been arrested there, and saw the newspapers stated that some miners had been arrested at Cripple Creek or arrested there and taken back to Crippe Creek?

A Arrested at denver as I understood it.

Q Charged with complicity in the Independence explosion

A I dont know what they were charged with; dont know whether they were charged with anything or not.

Q Did you think that these parties had been arrested charged with crimes--

A I saw my name mentioned in the paper; that caused my leaving.

Q Oh, you saw your name mentioned in the papers. In what connection?



A Telling what they were going to do with me if they got hold of me. I had laid 93 days in jail and I didnt want anyb more of it.

Q In what papers did you see your name?

A Some Denver papers.

Q Mentioned in connection with Cripple creek matters, was it?

A I dont know as it was in connection with anything except with Sherman Bell and some of them military officers.

Q You knew you were wanted?

A I didnt know as I was.

Q You were fearful of being arrested?

A Yes, sir, I was.

Q What were you fearful of being arrested for?

A It is no pleasant thing to lay in jail.

Q I am not arguing with you in regard to that. I am asking you what you were afraid you would be arrested for?

A I was afraid I would be arrested and throwed in jail like I was before. I had had a dose of that before.

Q was you afraid you would be arrested on account of the Independence explosion?

A No, sir.

Q What were you afraid you would be arrested for?

A I was afraid I would be throwed in jail and lay there as I had before.

Q Didnt the newspapers say about what you would be



arrested for?

A Dont know as they did say that, or anything except they would take me.

Q cant you tell us whether it was concerning some crime you was charged with?

A I dont know as it was.

Q Did they state you was to be arrested for complicity in any crime?

A I dont think so.

Q Did it say officers were searching for you because you were supposed to have been implicated in Independence matters?

A ~~Yes~~ If I remember correctly it was Sherman Bell made the statement he wanted me, or something like that.

Q This was a statement in the newspapers made by Sherman Bell that you were wanted by him?

A Something in connection with me, I dont know what it was.

Q Sherman Bell at that time was--- Adjutant General, Adjutant General of the State?

A yes, sir.

Q As such he was at cripple creek during martial law?

A yes, sir.

Q Martial law had again been proclaimed immediately after the Independence explosion, hadnt it?

A I dont know whether it was; I think it was under continuous martial law, if I remember; it was all the time

Q Then it was all the time you were stopping there after after you was released from jail until you left the night of the explosion?

A Yes, sir.



Q You got fr ightened then?

A I was afraid of getting the dose I got before.

Q Was it that fear that induced you to leave?

A Yes, sir.

Q You left on account of that?

A I did.

Q How long was it before you left that you had become impressed with this fear that some onewas seeking to arrest you?

A I left there as soon as I thought I was in danger of being throwed back in jail again.

Q As a matter of fact you left as soon as you saw this article?

A Pretty soon after I did.

Q Was it the same day?

A I couldnt tell you.

Q Was it more than one day after?

A I wouldnt say how many days it was.

Q But it made such an impression upon your mind that you became frightened?

A I didnt want any more jail at present. I was tired of it.

Q So you concluded to leave?

A I did, yes, sir.

Q Did you talk it over with your wife before you went?

A Yes, sir.

Q Did you talk it over with Headquarters?

A I dont believe I did.



Adams-X  
B-6

Q Didnt anybody at Headquarters talk the matter over with you?

A No, sir.

Q There was a good many Union men there at that time, that had come from Cripple creek?

A Yes, sir.

Q Did this article mention any one besides yourself?

A I think it did.

Q The fact was there was a thousand or two of them there in Denver?

A I dont know.

Q You know there was a large number?

A I know a good many miners was there.

Q Was Harry Orchard there at that time?

A I think I saw Harry Orchard once while I was in Denver.

Q Was his name mentioned in this article?

A I dont remember, Mr. Hawley, whether it was or not.

Q Where did you see Orchard on this occasion?

A I think he was in Pettibone's store buying some stuff.

Q That was shortly after you was there, was it not?

A I think so.

Q What name was Orchard traveling under there at that time?

A I dont remember there at that time.

Q Was John Neville with him?

A I dont believe I saw Mr. Neville. I might have, but dont remember whether I did or not.

Q You dont remember?



Q After hearing this news you began to be afraid and as soon as you could arrange it you left Denver, didnt you?

A I left soon after.

Q How much money did you have at this time?

A I had about all I had when I left Cripple creek. I was drawing relief and I hadnt used it.

Q Youwere drawing about \$50.00 a week relief?

A Something about that.

Q You had been there about four weeks?

A I dont know how long I had been there since I got out.

Q You think you had \$250.00?

A It could not have been four weeks.

Q I am not saying it was, but in the neighborhood of four weeks, from the sixth of June to the last of June or first of July?

A It was about the ninth or tenth of June when I got to Denver.

Q And you had about \$250.00 when you left for Denver?

A Yes, sir.

Q Did you give your wife some of it?

A Yes, sir.

Q How much did you give her at that time?

A About \$75.00 I gave my wife, if I remember correctly.

Q You had paid your expenses to Denver and paid your expenses in Denver?

A I didnt pay my expenses there. I was drawing relief..



Adams-X  
D-8

Q You had some little expenses, drank some at that time?

A When I felt like it I took a glass of beer.

Q You always did that all your life, didnt you?

A No, sir. I never drank only water.

Q What is that?

A No, sir; in my earlier days I didnt drink at all except water.

Q I am speaking of these later days. We all fall from grace when around mining camps; most of us, I am not speaking of my learned friends on the other side. You did not earn any money there in Denver?

A No, sir.

Q When you made up your mind to leave there, you left your wife some money there?

A Yes, sir.

Q How much did you give her then?

A \$50.00 or \$75.00.

Q Do you recollect whether it was \$50.00 or \$75.00?

A I dont.

Q But you expected to be gone some time, didnt you?

A I didnt know how long I would be gone.

Q Did you pay up the house rent in advance for some considerable time?

A I dont think I did; no.

Q How did you go by train from Denver?

A I bought a ticket to Wardner.

Q You went right to the depot there at Denver, bought your ticket and took it and went out the same as any other passenger, didnt you?



A I dont think I did. I think I took a freight out of Denver.

Q Took a freight?

A I think so.

Q How far did you go by freight?

A I dont know whether I went any further than Cheyenne or not.

Q You paid your way?

A yes, sir.

Q When you bought your ticket at Cheyenne for the rest of the trip, didnt you?

A I dont know whether I bought a ticket in Cheyenne or not.

Q Well, you didnt beat your way into this country did you?

A No, sir.

Q Thats what I am getting at. You paid your way in the same as any passenger, and came as a passenger?

A yes, sir.

Q Did you go to Pettibone or Moyer or Haywood for money before you started?

A No, sir.

Q They didnt advance you any money?

A No, sir.

Q Did you have any trouble in Denver while you was there during this time, with any one?

A No, sir.

Q You hadnt been arrested at all?

A yes, sir-- no, sir, no; I hadnt.

Q Did you try to disguise yourself when you got out of Denver?



A I did not.

Q Didnt have any fear sufficient to cause you to disguise yourself?

A I was a little careful where I went.

Q After you got to Cheyenne, did you meet any one on the train you knew?

A No, sir.

Q You met people when you were traveling on?

A yes, sir:

Q You got to Pocatello, didnt you?

A I dont think I came that way; couldnt tell you which way I came now.

Q Did you come by the way of Butte?

A Couldnt tell you whether I did or not.

Q Your memory is quite defective on these matters of detail, is it not?

A There are a good many of them.

Q You dont remember whether you came from Denver by way of salt Lake or from Denver by way of Cheyenne, are you certain of that?

A I believe I came through Cheyenne.

Q You think so because you think you ~~gaxxaxirka~~ took a freight up to Cheyenne?

A I dont know.

Q If you came to <sup>Cheyenne</sup> ~~Butte~~ did you come by Ogden or straight through by by Granger to Pocatello?

A I expect I came by Pocatello, but I dont know. I couldnt swear to it.

Q Did you go to Idaho Falls, Butte and Garrison and ~~into the Coeur d'Alene country th~~



into Missoula, that way, around to the Coeur d'Alenes?

A I came through Tekoa, I remember that.

Q Then you came by the way of Pendleton, didnt you?

A I remember of changing cars in Tekoa; I think I did; yes, pretty positive I did.

Q Then you didnt go directly into Coeur d'Alene over the Northern Pacific Railroad, did you?

A I dont know what railroad I came over, Mr. Hawley.

Q Then you came over the Lake Route, or at least to Harrison?

A No, I dont remember crossing a lake. I believe we crossed a trestle somewhere down the river, somewhere on the lake.

Q Your memory is very defective in regard to that matter, is it?

A I didnt know the country, Mr. Hawley.

Q You did know Pocatello, because you was there in 1903, was you not?

A I was at Pocatello at tha time I went to see my wife. I know I ~~came~~ changed at Tekoa. I will swear to that.

Q I am asking you if your memory is not very shaky in regard to happenings in 1904?

A If I knew how the roads run I could tell you exactly, but I dont know how the roads run nor how many roads there is.

Q Did you meet any one you knew on the way?

A No, sir.



Adams-X  
D-12

Q Now, after you got to Wardner and found Simpkins was not there, you went up to Wallace and Burke?

A I went to wallace and stayed all night, then I went to Burke.

Q That was the third of July ?

A The third of July I went to Burke.

Q You fix that date because you know the next day was the fourth?

A yes, sir.

Q Who did you go to Burke to see? What was your business there?

A Vincent St. John was up there.

Q What name was Vincent St. John going by up there?

A Jack Vincent.

Q How did you ascertain he was Vincent St. John, who told you?

A Some miner, I suppose.

Q You didnt know. You knew it when you left Denver, didnt you?

A I did not know it.

Q You didnt know vincent St. John was up at Burke under the name of Jack Vincent?

A No, sir.

Q You didnt know he was in this part of the country at all?

A No.

Q Did you have any business with him?

A No.

Q Had you had any acquaintance with him before?

A I had met him before.



Q Where had you met him?

A He used to be president of the union at Telluride.

Q That was just a passing acquaintance you had during the time you working there as a miner?

A Thats all.

Q Did you see Vincent S. John?

A Yes, sir.

Q Did you make any inquiries of him as to timber claims up there?

A No, sir.

Q The next day you came to wallace and the day after you went to wardner. Is that correct, or was it that same day?

A I went down to Wardner on the 5th, the next day after the 4th.

Q Did you find Simpkins at home?

A He was at home, but I didnt see him that night, the night of the 5th. I spoke to him.

Q Did you go down on the train or did you walk down?

A I walked down.

Q What time of day was it you started?

A It was late in the evening. I got there after night; nine or ten o'clock at night, I guess.

Q The train had gone?

A I missed the train.

Q Simpkins had gone to bed when you got there?

A yes, sir.

Q You knocked at the window, did you, or at the door?



A I went up on the porch and either holloed or knocked; anyway I spoke to him through the window.

Q Did you tell him who you was?

A Yes, sir.

Q Did he express any surprise at seeing you?

A He didnt see me as I know of.

Q Did he express any surprise at finding you was there?

A I couldnt tell you as to whether he was surprised or not.

Q Did you tell him what you was there for?

A I told him I would like to see him.

Q What did he tell you?

A He said he didnt have any extra bed, had gone to bed, to come next morning and take breakfast with him?

Q You did that?

A Yes, sir.

Q When you took breakfast with him, did you explain your earrand in this country?

A He told me he was going up to his timber claim and I could go up with him.

Q Did you talk to him then about taking a claim?

A I dont know whether I did then or later on.

Q Did he tell you that he was going in to his timber claim again?

A Yes, sir.

Q He had been up there before this, had he not?

A I dont remember whether he told me he had or not. I think he did, though.



Q Had you written to Jack Simpkins before you came t there, to meet you and take you up there?

A No, sir.

Q You are positive you had written no letter to him before this?

A I am, yes, sir.

Q And that your meeting was not the result of any prior engagement between you and him?

A There was no engagement at all.

Q Well, when did you start for the timber claim?

A We started on the next morning, on the sixth of July.

Q Excuse me. I am not trying to bother you at all, Mr. Adams, I may be mistaken. Was it on the night of the fifth you got down there?

A Yes, sir.

Q You had breakfast the morning of the sixth?

A That is correct.

Q He told you he was going up to his timber claim?

A He told me the night before, Mr. Hawley, that he wanted me to come up and have an early breakfast so we could catch the boat.

Q He did tell you there when you talked to him in bed, he told you that?

A He told me he was going up to his timber claim and told me to come up early so we could catch the boat.

Q That is what you talked about there?

A I think so, Mr. Hawley.

Q He didnt express any surprise at seeing you?

A We talked about this, thats all I know.



Q And the next morning you went and had breakfast with him?

A I did.

Q How long was it after you had breakfast before you started out on the road?

A Well, we started immediately. I think we started early. We had an early breakfast in order to catch the boat. We had to go on the freight in order to catch the boat at Harrison.

Q Did you have a grip with you?

A I didnt have any grip, no, sir.

Q Didnt you have any gripsack or anything to carry clothing in?

A No, sir.

Q You started out without any gripsack, or anything to carry any clothing in at all?

A Yes, sir.

Q You went as far as Mason's that night?

A Yes, sir. Got in to Mason's that same night and stayed all night there.

Q Did you have any talk with Simpkins going up about a timber claim or homestead for yourself?

A I might have.

Q Do you know whether you did or not?

A I dont know. I dont remember.

Q When you got up to Mason's, did you see Mason or Glover?

A I saw Glover.

Q Did you have any talk with him, or mention timber claim, or where would be a good place to locate a timber claim?



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A I dont think I did then.

Q You knew he had lived up there and had some knowledge of the timber?

A I d idnt know anything about him only that he was there on Mason's place.

Q Did you walk to Price's the next morning?

A Yes, sir.

Q What time did you get to Price's the next morning?

A Along towards noon some time.

Q You had had breakfast at Mason's place?

A Yes, sir; we had at Mason's place on the river.

Q I mean on the river.

A Well, thats right.

Q You had bought supplies-- Simpkins bought supplies at price's place, didnt he.

A Yes, he bought some provisions.

Q Got a horse to pack it in?

A Yes, sir.

Q Who packed it in on the horse?

A I think I led him or drove him. We might have changed off on that. ~~xxxx~~

Q Price didnt go with you?

A No, sir.

Q How did you return the horse?

A I think some of the settlers brought it out, if I remember right.

Q You think some of the settlers brought it out?

A yes, sir.

Q Did you reach Simpkins's cabin that night?



A Yes, sir.

Q You stopped at Ray Wells's, I believe you said.

A Yes, sir.

Q You saw Fred Tyler that evening?

A Yes, sir.

Q Was you introduced to him?

A I was not, I don't know that I was introduced to him. I spoke to him.

Q Did he come into the cabin?

A No, he just came up on the perch where we was wiping our guns.

Q You and Simpkins and Ray Wells was there?

A And his sister.

Q Who?

A Ray Wells's sister was there.

Q You spoke to him?

A Yes, sir.

Q You all spoke to him?

A Yes, sir; I think so.

Q He discussed your automatic gun, didn't he?

A Yes, sir; he looked at it? Asked me about it and I showed it to him.

Q Had some little talk with him?

A We passed a few words, not a great many.

Q Did him and Simpkins talk together?

A They spoke; I don't know as they did much, Mr. Hawley.

Q No threatening language or anything of that kind used?

A No, sir.



Q Did you find out who he was?

A Mr. Wells or Mr. Simpkins told me he was Fred Tyler.

Q You knew he was a jumper, or they claimed he was a jumper?

A I didnt know that, no, sir.

Q When they told you he was Fred Tyler, did you know what his business was?

A Not at that time.

Q Not at that time. When did you ascertain what his business was?

A I found out some time while I was in there, during the season.

Q But when they told you that was Fred Tyler, you didnt know anything about what his business was?

A No, sir.

Q How long did you stay there, Mr. Adams?

A Until the last of July or the first of August.

Q You didnt come out after this trip in, you got there on the 8th, the 7th or 8th, correct me if I am wrong, it is immaterial, but I think it is the 8th; thats right, aint it, Mr. Darrow?

MR. DARROW: Yes.

A I got to Simpkins's cabin on the 8th, yes, sir.

Q When you got to Simpkins's cabin you found he had been living there before?

A yes, sir.

Q There was grub there and things that showed the cabin had been occupied?

A I dont know whether there was any grub there or not.



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Q There was stuff there; bedding and stuff that showed it had been occupied?

A Yes, sir; there was stuff there.

Q Was there some grub there?

A I dont know whether there was any grub; there was stuff there, a bed and things.

Q There was grub or stuff that showed somebody had been living there prior to that time?

A If my memory serves me right, I think there was.

Q You understood from Simpkins he had been living there right along during the summer for some time prior to your coming in?

A He told me he had been up there before, yes.

Q And you understood when you got to Wardner that he was up to his timber claim?

A Mrs. Simpkins told me so.

Q Yes. Mrs. Simpkins told you so and you had no reason to doubt it?

A No.

Q He had come down and immediately went back with you?

A He came down for the 4th of July celebration?

Q You stopped in there then until the last of July or the first of August?

A Yes, sir. I made one trip out to Mr. Price's while I was there to get some more grub. Mr. Simpkins and I.

Q Did you talk to Price in regard to timber claims?

A I might have; I think very likely I did. I talked with different settlers in regard to that.

Q Who did you talk with in regard to that?



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A I dont remember, different ones.

Q Did you talk with Russell in regard to it after you got there?

A Yes, sir.

Q Did you talk with Simpkins in regard to it after you got there?

A Yes, sir.

Q Did you talk with Mason about it?

A I expect I did.

Q Did they point you out any land that they thought would make a good claim?

A I dont think they did, no, sir.

Q None of them pointed out any?

A No, sir.

Q Did you go to any particular section of land in any locality to look at land?

A Why, I was through the country there, over the country and saw the land in there, yes, sir.

Q Did you go to any particular locality for the purpose of getting a claim, for the purpose of locating on it?

A Well, I was looking for a claim, yes, sir.

Q When was it and what time and where did you go to any particular locality to look at any particular land specifically?

A I was all over the country, through the timber there hunting and fishing and looking at the country all the time.

Q Did you find out some particular part of the country or search in that Marble creek country for some



particular section for a claim that you could locate and go and examine it?

A I heard of a claim for sale and I went out to see about it.

Q Yes. Well, did you make a particular examination of any particular locality prior to that time? Had you made any such examination?

A No, sir.

Q You had simply been in there and talked in a general way about locating a timber claim? You hadn't done anything about any particular claim?

A No, sir.

Q You hadn't went to any particular locality and examined any particular piece of ground with a view to settling on it?

A No, sir.

Q And it was just before you went out you heard of some piece of ground that you thought was for sale?

A yes, sir.

Q What did you do in regard to that?

A I heard there was a man had a timber claim between there and the river.

Q Between Simpkins's place and the river?

A Yes, sir.

Q Whereabouts from Simpkins's place?

A I don't know, I didn't go there.

Q Did you know who this man was?

A I heard his name but have forgotten it.

Q Do you know what his name was?



A I do not.

Q Did you hear it at that time?

A I did.

Q Did you know it at that time?

A I did.

Q Do you know a man here that knows that name now?

A No, sir.

Q Do you know of any of these people here as witnesses in your behalf that know of such a man?

A No, sir; I do not.

Q How did you know he had a timber claim there for sale?

A Mr. Simpkins told me.

Q Mr. Simpkins told you?

A Yes, sir; said he had one and said I could buy it cheap.

Q He told you while you was in there?

A Yes, sir; just before I came out.

Q He told you where this claim was, that it was down between his claim and the river?

A Yes, sir.

Q Did he tell you it was a good claim?

A He might have, I dont know.

Q Did he tell you how many thousand feet of timber there was standing onnit?

A I dont think so.

Q Did he give you any information as to the lay of the ground so as to fit it for agricultural purposes?

A I dont think he did.



Q He gave you no information except that a man there had a claim?

A He told me a man had a claim there and I could buy it cheap.

Q Did he tell you what you would have to pay for it?

A Thats what I went out for, to see.

Q You went out to see about buying it, see what you could get it for?

A I went to Coeur d'Alene City to see about getting it.

Q That was your only purpose in going out to see?--

A No, sir---

Q What other purpose did you have in going out?

A To help Mr. Simpkins on his claim.

Q What other purpose did you have in going to Coeur d'Alene City?

A I started to Coeur d'Alene City to meet Jack Simpkins there and meet the man that owned this timber claim.

Q You and Jack had an understanding that you would meet at Coeur d'Alene City and you would see this man that had that location?

A Yes, sir.

Q You didnt know what was the price of the claim?

A I did not.

Q After you knew about this claim you went out to see the man that owned it?

A Yes, sir. Mr. Simpkins told me to do that.

Q How long had you been in there when Mr. Simpkins told you about it?



A I couldnt tell.

Q Had he told you about any other claims that were for sale in there?

A I dont know. He might have spoke about them.

Q Did you go down and examine this claim?

A No, sir.

Q You didnt go to see it or inquire into it to see whether it was a claim that would suit you?

A No, sir. I went to find the man that owned it.

Q You had no curiosity to ascertain the condition of the claim, to see what it was fitted for?

A I went to see if he would sell it, first.

Q Although you were there in the Marble Creek country then, you thought you would go to Coeur d'Alene to see the man and see if he would sell it before you examined it?

A Thats right.

Q Did he say how far it was from his cabin?

A No, sir.

Q It ~~was~~ <sup>is</sup> only six or seven miles from his cabin, <sup>is</sup> to the river, ~~xxxxx~~ it?

A I couldnt tell you.

Q All these timber lands are on the high land above the rise of the mountains in that section?

A I dont know. I cant tell you anything about it.

Q You made no inquiries in reference to it?

A Mr. Simpkins told me about it and thats all I know.

He didnt tell you exactly the land which he claimed that you could purchase?

A Yes, he said that I could buy that claim cheap.



Q He didnt tell you the exact amount for which the land could be bought?

A He said he thought I could buy that claim cheap.

Q Did you inquire about the nature of the land further than he thought it was for sale?

A I dont know. I expect I did.

Q Did you expect to enter land there? F

A The best land had been taken up.

Q There was not one acre out of fifty that had been taken up, was there?

A In that vicinity?

Q Yes, speaking of that section there?

A I dont know about that; there was a good many people living in there; there was quite a number of settlers.

Q There was a number of settlers but there was a great deal of timber land there also, wasnt there?

A Yes, sir.

Q Did you talk with Simpkins in reference to this conversation with him in Denver?

A I expect I spoke of it.

Q Did you tell him you had come out because he advised you to, to take a timber claim or homestead?

A No, sir.

Q You didnt let him know that you had come upon his advice?

A No, sir.

Q You didnt ask him after you had made that long trip on his advice to see that country and take up a timber claim to assist you in getting one?



A No, sir; I went there for that purpose.

Q You didnt call his attention to it?

A No, sir. I went there for this purpose.

Q You didnt look at any particular land, any particular quarter section in that whole country, with a view to settling on it?

A I was looking over that country while I was around there, then he told me about this claim that could be bought.

Q But you didnt look at any particular section?

A No, sir.

Q The whole country is covered with timber, is it not?

A There are several ~~partitions~~ <sup>burns</sup> up there, Mr. Hawley.

Q Well, outside of those burns?

A Yes, sir; good timber in them.

Q Heavy growth?

A Yes, sir.

Q Now, Mr. Adams, have you ever attempted to make any entry in there, further than that trip to Coeur d'Alene to meet Simpkins and have him show you the man that he told you had a claim to sell?

A Thats all I did, Mr. Hawley.

Q When you went in there first, what work did you do?

A Cut trails for Mr. Simpkins, clearing up his land and sowing some grass.

Q He had a clearing there by his cabin, did he?

A yes, sir.

Q Had he built a new cabin? Was that one he was living



in apparently a new cabin?

A I dont know just how new it was; pretty fair cabin.

Q Did you sow some grass seed there?

A Yes sir.

Q How much work did you do in there?on that?

A We worked there a number of days. Mr. Mason was over there and helped us some time, some sowing and log piling and burning them.

Q You were not doing any regular work, you were working in a kind of desultory way? Not working very hard?

A We worked pretty hard part of the time.

Q You were not working for wages?

A No, sir.

Q Simply doing that as a friendly act?

A To pay for what I was eating.

Q Helped Mason put up his house?

A Yes, sir.

Q Helped Mason to put up his house. How many days did you work on that?

A I couldnt tell you the exact time.

Q You were doing that as a friendly act, too?

A I was helping Mr. Simpkins, Mr. Mason helped Mr. Simpkins and we went over and helped him back.

Q Changed work as people often do in those localities?

A yes, sir.

Q You were not receiving wages?

A No, sir.

Q You worked for Russell also, didnt you?



A yes, sir.

Q How long did you work at Mr. Russell's place?

A Dont remember; several days.

Q Under the same conditions that you were working  
at wason's?

A Yes sir. Mr. Simpkins went over and I went with  
him to help him.

Simply  
Q ~~Simpkins~~ went to work in a neighborly way to help  
these people because you were living there with Jack Simpkins?

A Yes, sir.

Q Put in some time hunting and fishing?

A yes, sir.

Q Kill any game?

A Yes, sir.

Q Kill anything outside of that woodchuck?

A Yes, sir.

Q What did you kill?

A Several grouse.

Q Have a shot gun?

A No, sir.

Q Rifle, had you?

A , Yes, sir.

Q Didnt have any shot gun?

A No, sir.

Q You had a rifle?

A Yes, sir.

Q What was it?

A 38-56.

Q Whose was it?

A Simpkins's.

Q Of course you had a short gun?



A Yes, sir.

Q Did you fish in the river?

A Fished in the creek.

Q Yes, Marble creek, aint it?

A Yes, sir.

Q It is a big stream?

A Yes, its a good, big stream of water.

Q You did some fishing there?

A Yes, sir.

Q And you put in your time for between three and four weeks there at this employment?

A I got there the 8th and stayed there until the last of the month or the first of August.

Q You do not remember the exact date I believe?

A No, I dont.

Q When you went out Simpkins told you something about a prospect down on the river?

A He had some claims, yes, sir.

Q Did he tell you anything about the kind of prospect he had?

A He had some mineral claims there.

Q Did he tell you anything about that?

A Said he had claims there on the other side of the river from Glover's place.

Q Did he tell you whether they were silver or gold or lead?

A I expect he did; dont remember whether he did or not.

Q What did he want you to do?

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A Wanted me to help d evelop that prospect some.

Q What was he doing with it?

A He was going to develop that prospect.

Q Meant to go and do his annual assessment work, is that it?

A I suppose that was what he was going to do.

Q How many claims did he have?

A I dont know; I couldnt tell you.

Q Did he employ you?

A No, didnt employ me; asked me to go there.

Q Simply in a friendly way?

A Same as I went in up there.

Q Simply in a friendly way?

A Thats all.

Q What did he tell you at the time you came out to Price's, in regard to the prospect?

A He said he wanted to go back and lock up his cabin, and I left him at Price's, and I was to go down and work on the prospect and he would come out.

Q And that-- What was the arrangement and understand+ ing, if any there was, between yourself and Simpkins, about your going to work on a claim and going to Coeur d'Alene City?

A I went out there to do some prospecting on the river on his claim right across from Glover's place. He told me he would be out in a day or two himsel f. I left him at price's place. Him and I started from his cabin that morning and went to Joe Russell's cabin. Joe Russell was there, and his sister was there, and he said he was going with us to Price's place, and he did go with us



to Price's. When we got to Price's Jack got nails and a lock and one thing or another and said he was going to fasten up his cabin and would be out in a day or two. I got a horse at Price's and went out.

Q I asked you what was the understanding between you and Mr. Simpkins, with reference to the work you was to do on the claim and about your meeting in Coeur d'Alene City?

A We made arrangements for going to Coeur d'Alene City ; that was after we came out.

Q That's what I am trying to get at. Your arrangement to go to Coeur d'Alene City was not made until you after you got down the river?

A We were going to do this work and then we was going out to Coeur d'Alene to see about this claim.

Q Was that talked about in Marble Creek?

A I expect we talked about it.

Q Do you know you talked about it?

A We talked about this claim, yes.

Q As a matter of fact you went out to do this work on the St. Joe River? You met Miss Russell when you and Simpkins stopped at Price's, you met Miss Russell and Mr. Russell when you got to Price's?

A No, sir.

MR. DABROW: No. You have got that mixed.

MR. HAWLEY: Well, I got that mixed, then.

Q Then you went out to Price's---

A Joe Russell, I and Simpkins went to Price's.

Q You and Joe Russell went in---

A No, we went out to Price's.

Q Did you go to the river from Price's?

A I did myself, alone.

Q You rode a horse alone?

A I did.

Q Did Joe Russell go back with Simpkins?

A He said he was going back with some horses to get his sister.

Q What did Simpkins come out there as far as Price's with you for?

A He wanted to get a lock and some nails and stuff to nail up his cabin. I know he got a lock.

Q He was all ready to do his assessment work and yet he made that trip out to Price's and back to put a lock on his cabin?

A I think he had some other business.

Q Was the cabin locked when you went in there?

A I dont think so.

Q There was just as much stuff when you went in there in July as there was when you left the last of July?

A I dont think so. I think we took in more stuff than there was there.

Q Took in grub?

A Yes, sir. He had some axes and saws and stuff in there.

Q You had gone for a second supply of grub, hadnt you?

A Yes, sir.

Q Well, you went down. After you got down there what did you do?

A After I got down to Mason's



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Q To the river, yes?

A I went over to Glover's.

Q Was there any understanding between you and Simpkins as to where you would stop when you were doing this work for him?

A Was to stop at Glover's.

Q He was to arrange for your board?

A I suppose so.

Q You knew you was not to get wages and you expected him to do that much?

A Why, certainly.

Q While you were in Marble creek country you got acquainted with a good many of the people?

A I met several of them yes.

Q You knew a good many?

A Yes, sir.

Q Did you know where Buzzle creek was?

A I know where there was a river. I didnt know the name of it.

Q You were questioned this morning with reference to a meeting. Were you at a meeting on Buzzle Creek, or near some stream, whether you know the name of it or not?

A I saw a number of men there when I was there hunting one day.

Q You know Theriault, dont you?

A We ate dinner at a place called Theriault's, I think one day, there by the river.

Q Was that the day of this meeting?

A It was the day I saw some men on the river.

Q Was not that meeting called to order and was there not twenty men there; and the meeting called to order?

A I saw some men there, I didnt hear any meeting called to order.

Q Did you hear them speaking?

A They were talking there.

Q Were there not set speeches made there?

A I never heard any.

Q Didnt you see these men get up and make a talk, one after the other? Were not set speeches made there by these men?

A I heard them discussing just as any one else would.

Q Simply private conversation between two or three little groups around, was it?

A Yes.

Q There was no general talk that you heard?

A I overheard part of the conversation, but didnt hear any speaking though.

Q Do you know George Root?

A I dont know.

Q Who has been a witness on the stand?

A I dont know the man.

Q Do you know Steve Logan?

A I dont know.

Q You saw them hereupon the stand at this term of court?

A Yes, sir.



Q You saw on the stand this man George Root at the last term of court?

A Yes, sir; first time I knew who he was.

Q Didnt you know each of them and both of them in that settlement up there?

A I may have seen them up there.

Q Was you not introduced to George Root upon that occasion of that meeting?

A Might have been; dont remember it.

Q Swear you were not?

A No, sir.

Q Dont you remember being introduced to him by Jack Simpkins and him trying to move away and Simpkins telling you he was all right?

A I remember being introduced to several men.

Q But you dont remember about Root?

A No, sir.

Q Dont remember anything about Logan?

A No, sir.

Q Dont remember about being introduced to them?

A I remember I was introduced to some men.

Q But you dont recognize these men as among those you were introduced to?

A No, sir.

Q Do you remember any men you were introduced to?

A No, sir.

Q Is your memory defective?

A All I remember is Mr. Theriault; that is all I remember.

Q You was introduced to him?

A I expect I was.

Q Where did you see these men near Theriault's?

A I saw them down the river.

Q How far down the river? --- Was you not at that meeting?

A bI saw some men but I didnt hear any speaking.

Q Was you not there amongst the crowd?

A I saw those men there, yes, sir.

Q You got introduced to some men there in that crowd?

A Yes, sir; that is a fact.

Q Did you go over there with Simpkins?

A Yes, sir.

Q You still say you didnt hear any speaking there on that occasion?

A I did not.

Q Did you hear anything of the meeting?

A I heard some of them talking about jumpers or scrip, or something; I didnt pay any attention.

Q You didnt pay any attention?

A No, sir.

Q You did nt have any interest?

A No personal interest, no.

Q And didnt hear any speaking?

A No, sir.

Q When you went out on the river, you went up to Glover's place the first day I understand, and you went to work immediately afterwards on the prospect?

A Well, I wouldnt say immediately, I done some work there on the prospect though.



Q When did you commence working on the prospect?

A I couldnt tell you what day it was.

Q You commenced work before Jack came down,  
didnt you?

A Yes, sir; I expect I done a little work there;  
dont remember whether I did or didnt.

Q Dont you remember whether you done any work  
on the claim before Simpkins came?

A I would not be positive about it.

Q Who pointed out the locality of that mining claim  
to you?

A I expect Mr. Glover did.

Q Did he go up there with you?

A I think he did.

Q Went with you personally?

A I think he did.

Q Did you have tools?

A Yes, sir.

Q What tools did you have?

A Miner's tools, picks and shovels.

Q Where were you at that time, Glover's place, when  
he went up to the claim and showed you this?

A Yes, sir.

Q Did you take up tools the first day?

A I dont remember.

Q How long was it before Simpkins came down?

A A day or two.

Q Do you remember whether it was a day or two days  
or more?

A I dont think it was over a day or two, not over

two days.

Q And you dont know whether you was working or not?

A No.

Q Now, after Jack came down, how long did he stay there?

A He stayed one night.

Q Did he go up to the claim after he came?

A I believe he went up and got some rock.

Q What time did you get there?

A Dont remember.

Q It was late in the afternoon when you got there?

A I dont remember.

Q Did you leave the next morning?

A I dont remember what time.

Q Didnt he leave there early in the morning so as to get down to the Head and take the boat?

A I wouldnt swear to that.

Q Wehn was it you went up and got the rock?

A It was after he came down.

Q Was it the first day or the next day after he came down?

A He was not there but one night; it was while he was there.

Q Was it after he came down that night or was it the next morning?

A I dont remember.

Q Youbdont know?

A No, sir.

Q Did you get the rock for him or did he get it himself?

A He got it himself.



Q How much rock did he take?

A I cant tell you.

Q Did he have a bag of it?

A I expect so.

Q Did you go up with him?

A I expect I did.

Q Have you a distinct recollection of it?

A I do not.

Q Your memory is not clear on that point?

A No, sir.

Q Did he give you any directions about it while he was gone?

A I was to meet him in Coeur d,Alene.

Q Did he give you any directions as to work on the claim?

A He told me I might work if I wanted to.

Q He told you might work if you wanted to?

A Yes, sir.

Q Did he tell you where to work, or what to do?

A Yes, sir.

Q What kind of work?

A Tunnel work.

Q You had a tunnel there, did you?

A Yes, sir.

Q That was after you made arrangements to go to Coeur d'Alene City and see the man you heard had the timber claim to sell?

A Yes, sir; I was to meet him in Coeur D'Alene City.

Q When was that understanding come to by you and Simpkins, with reference to your meeting him there at

Coeur d'Alene?

A I was to meet him about eight or ten days after that in Coeur d'Alene.

Q Eight or ten days?

A Yes, sir; eight or ten, something like that.

Q That you was to meet him in Coeur d'Alene City?

A Yes, sir.

Q And he, was he coming back to his prospect, or up in the Marble creek country?

A I dont think he was.

Q You made arrangements to meet him?

A I dont think he was.

Q You made arrangements to meet him?

A I think I did.

Q And you dont know whether he intended to come back to this prospect or not?

A In the meantime?

A Yes?

A I dont know.

Q You didnt know whether he expected to come back to his prospect that summer?

A Yes, sir; I think he was intending to.

Q You agreed to meet him in Coeur d'Alene City?

A I went to see this man that had the timber claim.

Q And that was your purpose?

A Yes, sir.

Q Was that all your purpose?

A Yes, sir.

Q You had no other object or purpose?

A No, sir.



Q You had learned the name of the man?

A I knowed it at that time.

Q Why did you think it was necessary to wait eight or ten days for Simpkins to come there instead of going down there with him yourself on that trip?

A Simpkins wanted to go home, I believe, himself, on some business; I told him I would meet him in Coeur d'Alene?

Q You didnt want to go down and see this man alone?

A I didnt do it, no.

Q You preferred to wait there eight or ten days until Simpkins got ready to go with you?

A Yes, sir.

Q Did you have any understanding with Simpkins as to who was to furnish money to buy the claim?

A I was to buy the claim.

Q Did you have any understanding with him about paying his expenses to go down to Coeur d'Alene City on that trip?

A I had no understanding about it.

Q You went down at the appointed time?

A I went to Spokane before that.

Q You went to Spokane?

A Yes, sir.

Q You went to Spokane and expected to come back and meet Simpkins?

A Yes, sir.

Q What time was it after simpkins left before you went to Spokane?

A I left the morning of the 8th.

Q You didnt stay very long then after Simpkins left?

A Thats when I went.

Q You didnt do any prospecting in the meantime?

A I expect I did.

Q Do you know?

A I do know I did.

Q How many days?

A I couldnt tell you; I dont suppose I did a whole day at a time.

Q Well, how many parts of days?

A I couldnt say.

Q No idea at all?

A No, sir.

Q When you went to Spokane you went <sup>through</sup> ~~to~~ Coeur d'Alene City?

A I did.

Q Did you make any inquiries there in Coeur d'Alene of anybody there as to the whereabouts of this man that Simpkins told you about?

A I went directly to the electric car.

Q Took an electric car and skipped out. There is a car runs to Spokane every hour or two, is there?

A I dont know that; I dont know about the car line.

MR. DARROW: Is this a good time to stop or do you want to go further?

MR. HAWLEY: No, no, it is five o'clock and I will stop.

THEREUPON the jury was duly admonished, as required by law, and excused until tomorrow morning until ten o'clock.



IN THE DISTRICT COURT OF THE STATE OF IDAHO, FIRST  
 JUDICIAL DISTRICT, IN AND FOR THE COUNTY OF  
 KOOTENAI.

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 194.
	)	
STEVE ADAMS,	)	
	)	
Defendant.	)	

At this time, the defendant being in Court with his counsel, present as before, the record of Tuesday's proceedings was read and approved, and the following proceedings were had herein, to-wit:

THE COURT: Call the Jury.

THEREUPON, the Jury came into Court in charge of the officers, and, being duly polled, all answered to their names, and the trial of this cause proceeded as follows:

S. C. THIELE

Recalled for further cross-  
examination.

CROSS-EXAMINATION.

BY MR. DARROW:

Q Do you know Mrs. Adams?

A Yes, sir.

Q You went to Oregon and got her and took her  
down to Boise? didnt you?

A Yes, sir.

Q Did you have any conversation with her on the  
way down to Boise, in substance and effect as follows:  
in which you said to her that her husband had made a con-  
fession and that he had been promised immunity and would  
soon be back up on the ranch with her, and that she  
need not take anything with her; no clothes nor any-  
thing of that kind, because he would soon be back there.

MR. HAWLEY: I object as incompetent, irrelevant  
and immaterial; hearsay and not proper cross examination,  
and not pertinent to the issues.

MR. DARROW: This witness testified to certain  
statements, and it bears upon the question as to how  
those statements were obtained.

MR. HAWLEY: This is conversation with Mrs. Adams,  
alleged conversation.

THE COURT: I dont remember anything which would  
make it cross examination.

MR. DARROW: This is the only theory. Of course,  
it is claimed that these statements were all made under  
threats and promises. Now we claim that this is an



Thiele-X  
A-3

acknowledgment upon the part of one of the witnesses who has testified to statements, that promises had been made to the defendant.

MR. HAWLEY: We urge it could not be an impeaching question nor have anything to do with it; simply because there is no such issue.

Objection sustained.

Defendant excepts and exception allowed.

WILLIAM O'NEILL

A witness called on behalf of  
defendant, being first duly  
sworn, testified as follows:

DIRECT EXAMINATION

BY MR. DARROW:

Q Give us your name, please, in full?

A William O'Neill.

Q What is your business?

A Logging.

Q Formerly did you keep the hotel at the head of  
navigation at St. Joe?

A I did, sir.

Q That was the St. Joe Hotel, wasn't it?

A Yes, sir.

Q Did you keep it in the year 1904?

A Yes, sir.

Q People coming out of the Marble creek district  
in the habit of stopping with you?

A They was, yes.

Q You know Mr. Mason, I suppose, Mr. Alvin Mason?

A Yes, sir.

Q Newt Glover?

A Yes, sir.

Q The Russell family?

A Yes, sir.

Q Did you keep a register?

A Yes, sir.



Q What was the register for?

A Why, registering people coming and going.

Q Was that for rooms or meals?

A Mostly for rooms; any one coming to stay all night or a week, or anything like that; any one coming in just for a meal they never registered, for just one meal.

Q I show you this book and ask you whether this is your hotel register?

A Yes, sir, it is.

Q That covers the year 1904?

A Yes, sir.

MR. DARROW: Now, I suppose we may agree that either party may offer so much of this register in evidence as they desire?

MR. KNIGHT: Yes, anything that is material.

MR. DARROW: Yes, I mean as far as the identification of it is concerned.

MR. KNIGHT: Yes, sir.

MR. HAWLEY: There ought to be a formal offer, if anything is needed; not to use the book indiscriminately.

MR. DARROW: Before the case goes to the jury.

MR. HAWLEY: yes, a formal offer.

MR. DARROW: You dont care about it at this time?

MR. HAWLEY: No.

MR. DARROW: At this time I do want to offer the part of it of Monday, August first, that is the Russell family.

MR. HAWLEY: No objection.

MR. DARROW: I will just read it into the record at



this place. (Reading) Monday, August 1, the hotel register shows Joseph J. Russell, Agnes Russell, from Gordon, Idaho, and one name below: Orville Mason, Gordon, Idaho. I will just show the jury the matter. (Exhibiting same to the jury)

MR. DARROW: That is all we desire from him.

MR. KNIGHT: At this time I want to offer a part of Thursday, August 18th. Any objections Mr. Darrow?

MR. DARROW: Not a bit. That is Mr. Mason, isn't it?

MR. KNIGHT: Yes. (Exhibiting it to the jury)

THE COURT: Better read it into the record, Mr. Knight.

MR. KNIGHT: (Reading) Thursday, 18th of August, headed at the top, August. Part of the page is:  
A. Mason, Marble Creek, Room 24.

MR. DARROW: Was Elliott there that same day? You might show the whole thing if he was there.

MR. KNIGHT: On that page Mr. Mason was the only one that was there.

MR. DARROW: All right.

MR. KNIGHT: The 23rd I will offer also, dated August 23rd, Tuesday, 23rd, the names: J. M. Elliott, Room 5; Charles Manley, Room 2; A. M. Mason, Room 22-- identified by Mr. Mason when he was on the stand.

MR. DARROW: That is all right. The 23rd?

MR. KNIGHT: The 23rd. You agree that this is 1904?

MR. DARROW: Yes, sir. There are two more I wish to put it.

MR. KNIGHT: August 24, 1904, Wednesday, I offer the



names W. E. Chandler, Marble, Room 23; Sam Chin, Marble, Room 23; and a name intervening, and then: F. Price, Room 24. I will read that all: Mrs. Perkins, Room 8; Zella Perkins, Room 9; Mayme Shearer, Room 9.

A JUROR: What date?

MR. KNIGHT: August 24, 1904. (Exhibiting register to the jury)

MR. KNIGHT: That is all with this witness.

MR. DARROW: we want to show Tuesday the 16th: Mr. J. M. Elliott, Wardner. I don't see any need of having the witness to identify it: J. M. Elliott, Wardner. Tuesday the 16th. The record shows Tuesday, the 16th.

Now we want to show the Sabbath, which would be Sunday, the 7th: Mrs. Henkle, Moscow, which we have already introduced; and F. Price, same date; one name intervening there: F. Price, assigned to Room 25; Mrs. Henkle, assigned to Room 14. That is all we care to show at this time.

WITNESS EXCUSED.



Adams-X  
B-1

THEREUPON,

STEPHEN W. ADAMS,  
resumed the stand for further  
cross examination.

CROSS EXAMINATION

BY MR. HAWLEY:

Q In speaking yesterday about working, you used the term "shift" several times. Possibly the jury might not understand it. A shift means a day or nights work in a mine does it not?

A It does, yes, sir.

Q But instead of saying you worked five days, you would say you worked five shifts?

A That is correct.

Q That is what you mean when you used the word "shift".

A Yes, sir.

Q I simply wanted to explain it. There might be some confusion of the terms?

A A shift is considered eight hours' work there in the mines in Colorado.

Q It is eight hours' work in the mines in Colorado?

A Yes, sir.

Q If in a nine hour camp, nine hours would be a shift?

A Yes, sir.



Adams-X  
B-2

Q It is a day's work, whatever the hours may be?

A Yes, sir.

Q I believe you stated on your trip through Coeur d'Alene City to Spokane, you had made no effort in going into Spokane, by way of Coeur d'Alene City, to find the man who understood had a timber claim for sale?

A That is correct. I did not.

Q You were in Coeur d'Alene City but a few minutes as I understand it?

A I went direct from the boat.

Q From the boat to the car?

A Yes, sir.

Q And you got into Spokane on the 9th of August, on the evening of the 9th?

A I got into Spokane on the evening of the 8th.

Q On the evening of the 8th?

A Yes, sir.

Q I stand corrected. What was your object and purpose in going to Spokane?

A I went down there to have---to see the town and see my uncle and other relatives there.

Q Did you have any business there outside of seeing your uncle and your other relatives?

A No, sir.

Q That was the particular object of your going there was it?

A Yes, sir, I got some clothes while I was there.

Q You could have got the clothes anywhere, could you not?



Adams-X  
B-3.

A I suppose I could wherever there was a store,  
yes sir.

Q How long was it after you reached Spokane before  
you saw any of your relatives?

A Why, I think it was perhaps the third or fourth  
day after I got there, a short time afterwards.

Q It was on the 13th when you first saw him, was  
it not?

A I wouldnt swear. I was there three or four or five  
days, something like that.

Q The day you first saw them, you saw your uncle  
and went to the hospital and saw your cousin's wife?

A I went out with my uncle the first day I saw him  
and stayed all night.

Q That was on the 12th?

A I would not say what date.

Q If you saw your cousin's wife on the 13th,  
that would be the 12th you saw your uncle?

A Yes, sir.

Q What time of day was it you saw your uncle?

A I couldnt say whether it was in the morning or  
the evening; I believe it was in my cousin's place of busi-  
ness.

Q What were you doing in the meantime?

A I wasnt doing anything, running around there.

Q Where were you stopping?

A At a lodging house there in Spokane.

Q Running around town having a good time?



A Yes, sir.

Q Drinking a little beer, and matters of that kind?

A Yes, sir.

Q Fell in with a bunch of good fellows?

A No, sir.

Q Running by yourself.

A Yes, sir.

Q Drinking by yourself?

A Yes, sir.

Q You started what day up to Coeur d' Alene City?

A I would not say. It was the same day I saw my cousin's wife in the hospital.

Q How did you go out to Coeur d' Alene City, upon the electric car?

A Yes, sir.

Q Go out in the morning, afternoon or evening?

A I think it was in the afternoon that I went back there.

Q You saw Simpkins there, did you?

A I did.

Q Was he there waiting for you?

A I saw him there. I dont know whether he was waiting or not.

Q Did h e state how long he had been there?

A Dont remember whether he did or not.

Q It had been understood that you should meet there?

A Yes, sir.

Q How long did you and Simpkins stay there at Coeur d' Alene City after you reached there?

Adams-X  
B-5

A Stopped over night there and left the next morning.

Q Stopped over night there and left the next morning. Did you leave early the next morning?

A As I remember it, we took the boat for Harrison, the next morning.

Q Did you make a search for this man who owned the timber claim?

A Yes, sir.

Q How?

A Mr. Simpkins inquired of men there who he claimed he knew. I didnt know anything about it.

Q Did you ascertain this man's whereabouts?

A Mr. Simpkins told me he was gone and was not there

Q Did you find his whereabouts?

A No sir.

Q Didnt find <sup>out</sup> anything about him?

A No sir.

Q You went directly to Mason's on your return trip did you?

A No sir.

Q Where did you go?

A I went to Wardner.

Q What was your object in going to Wardner?

A Mr. Simpkins went home and I went with him.

Q How long did you stay in Wardner?

A We stayed there until Mrs. Simpkins came home, two or three days, maybe a little longer, stay ed along there maybe it was one or two days.



Adams-X  
B-6

Q Where did you stay while in Wardner?

A Slept down town at a lodging house and ate my meals with Mr. Simpkins.

Q What were you doing there?

A Why, just stayi ng there, wasnt doing nothi ng.

Q Did you go on into Mason's place afterwards?

A Afterwards, yes, after Mrs. Simpki ns came back, the day she came back.

Q What did you take in to Mason's?

A Took some stuff, as well as I remember, and dif-ferent kinds of tools, some hammers, I believe.

Q Hammers and steel?

A I believe so.

Q How many hammers?

A cant remember. Think there was two or three, think we took two or three.

Q How much steel did you take in? Did you take any steel?

A Yes sir, as I remember.

Q Didnt you have tools in there when you were working there?

A yes sir.

Q You had hammers didnt you?

A I dont think so.

Q You had drills?

A I dont think so.

Q You had picks and shovels

A yes, we had picks and shovels, yes, sir.

Adams-X  
E-7

1973

Q Thats all you took in?

A As near as I can remember; maybe we took something else.

Q Did it take Simpkins two or three days to get those things together?

A No, sir. We stayed there until his wife came home

Q Did Simpkins have any children?

A No sir.

Q What time did you reach Mason's?

A In the afternoon sometime.

Q Cant you give us the date?

A No sir.

Q How long was it until you heard of Bouley 's death?

A As near as I remember, it was three or four days. Might have been four or five days, might have been a week.

Q What were you doing?

A Fishing and hunting and prospecting.

Q Fishing and hunting---

A Prospecting.

Q How many days did you go fishing?

A I couldnt tell.

Q How many days did you go hunting?

A Couldnt tell you; didnt keep any track of it.

Q How many days work did you do on the prospecting

A Dont remember; dont know. We had no regular time for working.

Q What kind of work, tunneling or running a shaft---



A Tunnelling.

Q Do you remember how many days you worked there?

A I dont. I dont remember.

Q Was it an old tunnel that was there.

A The tunnel was there before I went there.

Q Had there been any work apparently done there for some time?

A I think there had.

Q What evidence was there of it; what did it show?

A I think Mr. Simpkins told me he done the assessment work the year before that.

Q The year before?

A Yes sir.

Q How many days did you put in all together on that work?

A I dont know.

Q Matter of fact, your work, before you went down was simply helping get out rock, was it?

A Yes sir.

Q It was a hard rock tunnel?

A Yes sir.

Q You had not helped to drill?

A I was not shooting any rock; was not doing any drilling.

Q After you came back, you say, it was five or six or seven days altogether before Bouley's death?

A Would not say how long I was back; dont remember.

Q You cant say how much time you put in on that mine?

A No sir, I cant.

Q Did you put in any time haying, helping Mason?



A When I went back?

Q Yes.

A No sir, I dont think I did.

Q Had you helped him before?

A Dont know whether I had before; wouldn t swear whether I did or didnt.

Q You dont know?

A No sir.

Q Had you been there when Mason was haying?

A I think I was.

Q You didnt give them any assistance?

A I might have; I most always helped them if there was anything they were worki ng at.

Q You dont know whether you helped them haying or not, dodyou?

A No sir.

Q Did any one give hi m any assistance there, do you know?

A Mr. Glover helped him some, I think.

Q Willyou swear to that?

A No sir, I would not. I didnt keep any track of it

Q You heard of Bouley's death?

A Yes sir.

Q Did you know Bouley i n his lifetime?

A I saw him several times in the Marble Creek country

Q Had you had any talk with him?

A Passed the time of day with him, thats all.

Q You say Frank Price brought the news of his death?



A Mr. Glover told me of it first.

Q He said he heard it from Price?

A Said he heard Price holler it across the river.

Q How long before this---was these occurrences before you received a letter from your wife?

A Well, it was---please ask that question again please.

Q How long after you heard of Bouley's death, did you get a letter from your wife?

A How long after that?

Q Yes.

A It might have been four or five days and it might have been one or two days. I left soon after.

Q You dont know whether it was one day or two days?

A I dont.

Q You did leave shortly after?

A Yes, sir.

Q Had you instructed your wife where to send letters?

A I had wrote to her.

Q Wrote to her from where?

A I wrote to her sometime while I was up in that country, if I remember correctly .

Q Mr. Adams, do you mean to say that you was not back into Meadow Creek---

A I do positively say I was not.

Q Marble Creek, I mean , after you left there coming out on that white horse?



Adams-X  
B-11

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1.000

A I never was in there after that, no sir.

Q You was not there on the 24th?

A I was not.

Q You was not in as far as Price's on the 24th?

A I never was at Price's place after I came out.

Q You didnt return into that Marble Creek country after you had went out?

A On the white horse?

Q Yes.

A I never was in there after that, no sir.

Q Then, when you say in your statement that you went out and saw Simpkins and he told you that you would rest a while and go back in and get the rest of those fellows off the other claims", you told something that was not true?

A I told what I had been told to tell.

Q You had been told to tell this by whom?

A By Orchard and McParland both.

Q By Orchard and McParland.

A Yes sir.

Q Then, if you said that "in about a week or thereabouts or probably two weeks, we went back up in there and met a fellow named Boley and another man coming down the trail near Simpkins' cabin. We opened fire on them, killing Boley; Jack Simpkins, I and Newt Glover. There was another man with us at the time whose name I do not know; " you also stated something that was not true?

A That was the story I was supposed to tell there in the pentitentiary, yes sir.

Q Also told you to tell by McParland?

A Yes sir.



Adams-X  
H-12

Q When you say you went down the river after that trip back to Glover's ranch and that Simpkins went down to Mason's; "you also state something that is untrue?"

A That part of it---how is that?

Q In answer to this question, "Q What did you do then? A We went back down the river to Glover's ranch. Simpkins went down to Mason's; "you stated something that was untrue?"

A That was part of that story, as well as I remember it.

Q When you said in answer to the question "Q How did you get out of there"; "A We walked to the river and out across through the timber to the St. Joe River, got a canoe and went down the river.", you also stated something that was false, did you?

A Yes, it was false, yes, sir.

Q When you were there---you made that statement, though, did you?

A I was forced to make that statement.

Q You was forced to make that statement?

A Yes, sir; I was.

Q And you made it, did you not? Or do you desire to look at the confession?

A I dont remember that statement well enough to say it is in the exact language or not.

THE COURT: Let him see the confession, if he wants to.

THE WITNESS: I dont care to see the confession.

MR. DARROW: I dont think he cares to see it.

Q Who did you find there or see there besides yourselves, your own party?

A Phill Laundry and Andrew Leland.

Q Who was Phill Laundry?

A He was one of the cooks there.

Q Well, who was Andrew Leland?

A He was another one who was cooking, working there.

Q State whether or not Frank Price was there, if you know?

A I dont know.

Q Did you see him?

A I did not.

Q Who else besides Leland and Laundry?

A There was one other there that was a stranger to me.

Q What sort of a looking fellow?

A Well, he was quite a bit above the average height and weight.

Q Can you describe him as to complexion, color anything of that sort?

A Well, my i mpression is he was rather dark complected

Q Mustache or anything?

A I dont remember.

Q You know Jack Simpkins?

A yes, sir.

Q Did you see Jack Simpkins there?

A I did not.

Q Well, this man whom you didnt know, was this man whom you didnt know Jack Simpkins?

A I dont think so.



Q Could you state positively whether this man whom you say you didnt know, was Jack Simpkins?

MR. KNIGHT: I dont see how that could be; material at all, if your Honor please, such a question as that.

THE COURT: He says he knows Jack Simpkins and he didnt know this man.

MR. KNIGHT: And dont know whether this man was Jack or not. I think that is entirely immaterial.

THE COURT: He can answer the question.

MR. DARROW: Whether Jack Simpkins was there or not.

MR. KNIGHT: Thats not the question at all?

A No, he was not.

Q Are you positive about that?

A No, he was not.

THE COURT: The objection is sustained.

Q You know Newt Glover?

A I do.

Q Was he there that you saw?

A No, sir.

Q Did you see Steve Adams there?

A I did not.

Q Did you see Chandler talking to this man whom you say you didnt know?

A I did.

Q Where?

A At the north end of the porch.

Q Did you see a tall red-headed man there?

A I didnt.

Q Was there any tall, red-headed man ate dinner?

A I didnt see him.

Q At the time you ate dinner?

A I didnt see any.

Q At the table you ate?

A I didnt see any.

Q Would you have seen him if he had been there?

A Well, it is quite likely I would.

Q Who were at the table with you, if any one?

A The ones in our party.

Q All ate at the same table?

A Yes, sir.

Q Anybody else eat at that table besides you and your party?

A Phill and Andrew.

Q Were you on the porch at any time?

A Yes, sir.

Q State whether or not during that time you saw Hewt Glover, Jack Simpkins or Steve Adams, the defendant here and a tall, red-headed man, or either or any of them on the porch?

A I did not.

Q Were all the rest of the party on the porch with you at the time you was there, or any of the rest of them?

A I think not.

Q Was Chandler on the porch?

A Yes, Chandler was there.

Q Did you see him talking to either of these men I have mentioned, Glover or Simpkins or---

MR. KNIGHT: We object to that. It could not be material at all.



MR. McBER: very well.

THE COURT: He has stated; that is the chief ground of objection.

Q Do you know George Locke?

I do.

Q Describe George Locke?

MR. KNIGHT: Now we object to any description of George Locke; it could not be material.

THE COURT: I shall sustain the objection.

MR. KNIGHT: Might as well describe George Washington.

MR. McBER: What did the court rule?

THE COURT: I sustain the objection.

Q Where was the porch with reference to this dining room?

A Well, it ran along the west side of the dining room.

Q To what extent were you through the premises there, that is, how many different sides of the house were you?

A I was on two sides of the cabin.

MR. DARROW: What is that porch on?

A That's on the west side and north side.

Q How does the house front?

A Well, the porch is on the west side and faces the meadow.

Q You were on that side and what other side or end?

A On the north side or north end.

Q Did you go away from there--- was there any other party in than Chandler and the ladies?

A Chandler and Miss Perkins and Miss Shearer left

a few minutes before Mrs. Perkins and I.

Q Do you know Jack Simpkins?

A I do.

Q Can you describe him as to height and appearance?

A He is about five feet seven; complexion, well he is rather dark complexion, generally wears a mustache I believe.

Q Did you see any man there about that cabin with belt on containing cartridges and revolvers or cartridges and a revolver?

MR. KNIGHT: We object, if your Honor please-- well, I withdraw the objection.

MR. McBER: Yes, I think I would.

A I did not.

CROSS-EXAMINATION

CHINN

BY MR. HAWLEY:

Q Mr. Chinn, how did your party travel that day, the 24th of August?

A Mrs. Perkins, I think, rode most all the way.

Q How did you travel?

A I walked.

Q Did you walk all the way?

A Yes, sir.

Q You stayed back with Mrs. Perkins, did you? or Miss Perkins?

A With Mrs. Perkins.

Q With Mrs. Perkins?

A Yes, sir.

Q And Chandler and Miss Perkins and Mayme Shearer



went ahead, didnt they?

A Part of the time they were ahead of us.

Q Yes, sir. Where did you last see them on the trail?

A Well, at the river at St. Joe.

Q I mean, on the trail before you gotto Price's that morning?

A About three miles from Price's place.

Q Where, at Huckleberry Mountain?

A No, sir.

Q The other side?

A No, sir; Johnson's Hill.

Q They went ahead?

A Yes, sir.

Q You didnt see them afterwards?

A Yes, I saw them afterwards.

Q I mean you didnt see them afterwards until you saw them at Price's?

A Well, until I got within about a quarter of a mile of Price's.

Q They reached Price's ahead of you, didnt they?

A Yes, sir.

Q And they were there when you saw them?

A Yes, sir.

Q And you didnt know how long they had been there?

A I didnt know howlong they had been there.

Q You know they had been there long enough so you could walk a quarter of a mile?

A I didnt go clear to the cabin at the time I saw them; I turned back.

Q You didnt know-- you turned back, where to?

A Why, to meet Mrs. Perkins.

Q Oh, yes. How close did you go to the cabin?

A About a quarter of a mile.

Q Then you turned back?

A Yes, sir.

Q You didnt go that quarter of a mile then, Chandler and the ladies had got there?

A Yes, sir.

Q You turned back and went for Mrs. Perkins?

A Yes, sir.

Q You saw from that quarter of a mile that Chandler and the ladies had got there?

A Yes, sir.

Q Then you turned back and went for Mrs. Perkins?

A Yes, sir.

Q How far? back did you travel before you got to Mrs. Perkins?

A About a mile.

Q You traveled a mile back and a mile forward with Mrs. Perkins?

A Yes, sir.

Q What was the matter, was Mrs. Perkins unable to ride fast?

A No, sir; it was not that. It was because at the forks of the trail Mrs. Perkins was afraid the girls had taken another trail, and when we got to there we heard something that seemed to be the cry of a cougar and she was afraid something had happened to the girls and she asked me if I wouldnt go down and see if I couldnt see the girls, go down where this sound seemed to come from



Chinn  
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to see if I could see the girls, so I walked on and she traveled along on her horse. ----

Q You went on for that purpose until you could see that the girls had got to Price's?

A Yes, I went that distance.

Q Then you went back a mile?

A Yes, sir.

Q And then you came with Mrs. Perkins to the house?

A Yes, sir.

Q You dont know who had been there in the mean time, if anybody?

A No, sir.

Q When did you first go into the Marble creek country?

A In the spring of 1904.

Q Go in there to work at something or to look for a claim?

A To look for a claim.

Q What time in the spring did you go in?

A Well, I left Spokane, I think it was the 15th of May.

Q And went in there and you located a claim along about the first of July, didnt you?

A Yes, sir.

WITNESS EXCUSED.

WEDNESDAY, NOVEMBER 20th, A. D., 1907.

P. M. SESSION.

At this time, Defendant being in Court with his counsel, present as before, the Jury came into Court, in charge of the officers, and being duly polled, all answered to their names, and the trial of this cause proceeded as follows:

STEPHEN W. ADAMS, Resumed the stand for further cross examination

THE COURT: Better take a ruling on that question. The defendant is in Court. The objection of Mr. Darrow to the question propounded in regard to the doings at Pocatello is sustained.

BY MR. HAWLEY: Q I will ask you to read over pages 1228 and 1229 of the examination at the last term.

THE COURT: (To the witness) read all of it that you desire to read.

A All right, Mr. Hawley. (Examining record handed him)

MR. HAWLEY: Q At the last trial of this case, you made the following answers to the following questions, did you not, speaking of this confession:

"Q He (meaning McParland) would dictate the question and then dictate the answer?

"A No, he was asking the answer, and I would repeat what I was supposed to say.

"Q He was asking the answer, then you would repeat the answer?

"A No, sir, I would not repeat the answer.



Adams-X  
E-2

"Q He would ask a question, would he?

"A Yes sir.

"Q Then you would answer the question.

"A Sometimes I did, when I could.

"Q Didnt you do that right along, during all of the time?

"A part of the time I did.

"Q Most of the time, didnt you.

"A I dont know that I did most of the time.

"Q As a matter of fact, the only suggestions made to you during that time, at all, were in regard to matters you did not state directly, were they not?

"A If they would not connect, he showed me how to connect them up; told me how I would connect them.

"Q Do you remember any particular instance where he told you how you would connect up?

"A There was a number, but I dont remember any particular one.

"Q Can you remember of one instance that occurred in this exhibit that has been introduced here, State 's Exhibit No. 19, could you tell any one instance in there in which he told you how you would connect up.

"A Yes, sir.

"Q What is it?

"A In regard to money matters, he wanted me to say that Jack Simpkins gave me one hundred dollars. I refused to do it.

"Q You would not agree to that?

"A I said I would agree to say Mason gave it to me, but would not agree to say that Simpkins did.

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Q You did say that Mason gave it to you?

A Yes, sir; I made that statement in the statement.  
You made those answers to those questions?

A I believe so.

THE COURT: Speak louder, please.

A Yes, sir.

Q Mr. Adams, you were afraid, you say, that you were to be taken back to Colorado, and fear of being taken to Colorado was one of the reasons that you made these statements. Is that it.

A Yes, sir.

Q What were you afraid of in Colorado?

A Well, the regular officers there in Colorado were taken into a room where there was a rope coiled and they were forced to sign their signature, resignation, and resigned their office, and men put in their places there, gun-men; and there was no such thing as getting justice there after they done that. That was what I was afraid of.

Q You were afraid of your life you say?

A Yes, sir.

Q And were you afraid of being tried on some matter in Colorado?

A I never was if I could get an attorney and get a show, no sir; at no time.

Q Were you bothered about getting an attorney to defend you?

A Well, I laid there about ninety-three days once before I could get any action of the Court.



Adams-X  
E-4

Q You were then under information or indictment on an offense charged against you?

A I was arrested and thrown in jail there; I had no preliminary at the time.

Q And there was an information or indictment found against you, I understand, which was afterwards nolle prossed?

A Yes sir; that is correct.

Q Now, were you afraid of being tried there for any offense?

A I was afraid because there is no such thing as getting justice down there; they were loading miners up, the officers, and deporting them out of the country, and scattering them in the hills and everywhere else.

Q In what particular section of country are you talking about now?

A In Cripple Creek.

Q Were you afraid that you would be brought to trial in Telluride for offenses committed or said to have been committed by you there?

A No sir; I was not.

Q Were you afraid of being brought to trial in Cripple Creek for offenses committed for, or said to have been committed by you there.

A Not with the regular officers, if I could get regular proceedings in Court, no, I was not afraid of that.

Q Didnt you know that martial law no longer existed in Cripple Creek?

A I didnt know how conditions were there, only what I had heard and read in the papers, about men were taken out of there and dumped on prairies and everywhere else. I had

two brothers that were taken out of there and dumped on the prairie.

Q They were not injured; they were simply deported were they not.

A They were simply taken out of the country there.

Q They did not lose their lives?

A No, they did not lose their life.

Q You were not afraid of losing your life. You knew, having resided in Colorado until the spring of 1905, that there was no longer martial law in Cripple Creek, didn't you?

AA few minutes after I left Midway, they---

Q (Interrupting) I am not asking about Midway. Answer my question, please?

MR. DARROW: That is an answer to it.

MR. HAWLEY: No, that is not an answer. I am asking whether he knew there was martial law. When he answers that, he can make all the explanation he desires.

MR. DARROW: I think he was answering that.

MR. HAWLEY: I submit he was not and ask to have the question read.

THE COURT: He was going on an extrinsic matter, if I could judge it.

MR. DARROW: The question is to state what?

MR. HAWLEY: The question is whether or not you did not know when you left Colorado, in the spring of 1905, martial law had ceased to exist in Cripple Creek?

A No, I don't think I did, Mr. Hawley.

Q And you made no inquiries in regard to it after your return from these several trips to Denver?



A Martial law continued, I think, sometime after I left there; it was in force I know when I left.

Q When you left what, Cripple Creek?

A Midway.

Q When you left Midway?

A Yes, sir.

Q That is, Cripple Creek?

A yes sir.

Q But didnt you know that it had ceased to exist before you left Denver?

A I dont know that I did.

Q There were no trials under martial law, were there?

A There in the Cripple Creek district?

Q Yes, sir.

A Yes sir; there was some trials there with a military escort.

Q They were taken out of there by the military, certain people?

A They were kept in bull pens all over the district.

Q And they were afterwards released, were they not?

A yes, some of them were beaten up; I know one man was beaten by some of them.

Q And there was some that was compelled to leave there, sent in to other places?

A Yes, they were loaded on trains like stock and taken out?

Q And were you afraid of your life by reason of that?

A Well, under those conditions, anything is liable to happen to a man.

Q Were you afraid of your life by reason of those occurrences, is the question?

Adams-X  
E-7

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A Yes sir, I was.

Q That was it?

A Yes, sir.

Q Had you heard of any one that had lost his life by reason of those things then in those times in which martial law prevailed?

A I know of one man that got knocked down there for trying to protect his wife.

Q I am asking you if you knew of any one that had lost his life in that affair?

A Yes, sir; there was some men killed in Victor.

Q On account of being put to trial?

A No, it was on account of a riot there.

Q There was some men killed in the riot?

A The secretary of the Mine Owners Association started this riot by making a speech there.

Q And that is what you heard?

A Yes sir.

Q Somebody told you that, didn't they?

A It is an established fact, I suppose, Mr. Hawley.

Q Somebody told you that there had been a riot and some people killed?

A Yes, sir.

Q Was that the reason you were afraid of losing your life, if you were taken back to Colorado for trial?

A It would naturally make a man afraid there.

Q I am asking you if this was the reason you were afraid of losing your life?

A Why, I was afraid of losing my life, yes sir.



Q Were you afraid of losing it because you were connected with the Independence job, explosion?

A Not in the least.

Q Were you afraid of losing it because you were connected with various crimes in Telluride?

A No sir.

Q You were not afraid of losing it because of anything that had been done in the Telluride country?

A No sir.

Q The killing of Collins?

A No sir.

Q Or the killing of Barney?

A No sir.

Q Or any of those matters?

A No sir.

Q Were you afraid of losing it on account of the killing of Lite Gregory in Denver?

A No sir.

Q Were you afraid of losing it on account of the attempts on the life of Governor Peabody.

MR. DARROW: I want to object to further questions on this; and then I want to save an exception to such questions being asked.

THE COURT: I sustain the objection to Governor Peabody.

MR. DARROW: I want to take an exception to their having been asked.

Q What specific matters were there that you were afraid of, what particular matter?

A I was afraid of the mob there and conditions there.

Q You were afraid of the mob?

A Yes, sir.

A Simply because what I had seen and heard of th em doing to other people there.

Q What particular reason would you have of being afraid of your life from any mob, more than any one else that had been connected with those strikes, or been i n that section?

A My wife told me that there was reports---

Q I am not asking you what your wife told you.

MR. DARROW: That is competent.

MR. HAWLEY: No, it is not.

THE COURT: Yes, I think it is competent.

A About fifteen minutes after I started out of Midway, a special train came up there with "Citizens Alliance" men, all armed with rifles, after me, and there was no secret, for to hang me whatever if they cou ld get hold of me.

Q She told you that, did she, after her return to Denver?

A Yes, sir.

Q And still you stayed there in denver and return ed to Denver a number of times afterwards, did you?

A Yes, sir; there was no martial law in Denver at that time.

Q And there was no martial law in Cripple Creek?

A Yes, sir; there was.

Q Was there a martial law in Telluride there?

A Well, I was not at Telluride then.

Q And that was the reason y ou were fearful of going back and made this statement?

A I was afraid because I didn t think I could get justice there, ~~get~~ a chance to g et justice.



Q How long were you with Mcparland the first day?

A That day from nine o'clock until late in the evening.

Q From nine o'clock until eight in the evening.

THE COURT: He said late in the evening.

THE WITNESS: No, I didn't say eight.

Q You had your supper in the cell, didn't you?

A I believe I did.

Q And you had your lunch in the office with Mcparland didn't you?

A I had my dinner there.

Q Mcparland talked to you on various subjects?

A Yes, sir.

Q Told you about David and Uriah's wife?

A Yes, sir.

Q And about the Apostle Paul and his persecution of the Christians.

A Different things about the Bible.

Q About "Kelly, the bum"?

A I have got too much respect for the Bible to repeat it.

Q He told you about "Kelly the bum" and about his offenses being forgiven, for offenses committed by him?

A Yes, sir, and how he paid him for doing it.

Q Told you about Tom Horn and the reason he was hung?

A Yes, sir.

Q And those similar matters?

A Yes, sir.

Q Did you know whether or not there was a charge against you at that time in regard to the Steunenberg matter

A Well, I was arrested, charged with that Steunenberg connection some way .

Q You had been arrested on account of the Steunenberg affair.

A That is what I was told; I believe I did not see the papers, except---

Q That was the warrant?

A I saw the fugitive warrant.

Q But you knew at that time that there was no charge against you, didnt you?

A He told me that he knew I was not guilty of murdering Steunenberg.

Q McParland told you that?

A Mcparland, yes.

Q And that was the subject matter that he was investigating, the Steunenberg murder?

A He told me that Harry Orchard had implicated me in crimes in North Idaho; made a confession and mixed me up in this connection in North Idaho.

Q And that was what he was trying to get evidence about, that you understood?

A He was trying to form a chain of evidence against the officials of the Western Federation of Miners; that is what he told me.

Q Did you make any statement to him at that time?

A I did not.

Q You did not talk to him at all in regard to any occurrences or alleged occurrences?

A All the answers I made to anything he said that day was answers I made relative to my people.



Q To your people?

A He asked me some questions about my father and mother, when they died or something li ke that; I would answer it.

Q Did it take him all day to tell you of t hose persons, the people who had been sinful and had been forgiven

A He was pacing up and down the floor all day t her, bulldozing and everything else.

Q Were you talking back to him; telling him your history

A No sir; I was not.

Q You were simply listening to him, were y ou?

A I was compelled to, I was shut up with him.

Q Did he, at that time, make statements to y ou as to what you were charged with?

A He told me what he wanted me to do.

Q Did he give y ou questions and make statements as to what answers he wanted you to make.

A He went over that line of business; told me what I could do to help him out in this connection, of Steunen-berg.

Q He told you what y ou could do to help him out?

A Yes sir.

Q And you simply listened?

A That is all I did; I was there, but I was shut up with him all day.

Q But you didnt make any statement yourself?

A I did not, no sir.

Q When was it that you had the second talk with him?

A Well, I had a little talk with him the next morning.

Q The next morning. Now, on the second day there with you, what time did you get with him?

A About nine o'clock, as nearly as I can remember.

Q You were brought into the same office?

A Into the clerk's office, the same place I saw him the day before.

Q And McParland was there?

A Yes sir.

Q And he brought Hopkins there with him, didn't he?

A I didn't see Hopkins for a few minutes after he came.

Q How long was it after McParland came into the room with you before Hopkins came?

A It was about a half an hour or something like that, and maybe a little longer.

Q You say it was a half hour?

A I would not say positively.

Q Did you have a talk with McParland before hand?

A I talked to him the day before; that is, he talked to me the day before.

Q But did you talk to him this morning before Hopkins came in?

A Yes sir; I talked with him a little.

Q How long did you talk to him?

A He told me it was the last time he was coming to see me; he says, "It is the last show you will have, and if you don't do what I want you to do", he says, "You will be taken to North Idaho and tried and convicted there; and if not convicted there, you will be taken to Colorado and mobbed or hung there;" he says, "If you do what I want you



to", he says, "You will come out all right, and you will soon be back on your little ranch in Oregon."

Q And then you agreed to do it, did you?

A I asked him what would become of me and my family in case I did do it, and he said that he would take care of them and take care of me and see that I was never prosecuted; and under those conditions, I am ashamed to say, that I weakened and agreed to do it.

Q And you agreed to do it, and he merely called in Hopkins, did he?

A Yes, sir.

Q Hopkins, the stenographer.

A Yes, sir.

Q And how long were you and him and Hopkins there that day?

A Well, we was there pretty much all day, I believe, Mr. Rawley.

Q And he asked you questions, did he?

A McParland?

Q Yes sir.

A Yes sir.

Q And you made answers?

A Well, I told him what I was to tell; I acted my part in the little tragedy.

Q And when he would ask you a question, you would make an answer?

A If it was correct; if it was not correct, he might help me out now.

Q That is what I am trying to get at. Did he suggest to you what answers you should make?

A He told me beforehand about what he wanted.

Q When had he told you beforehand?

A The day before. He went over this and told me how it could be done and all about it.

Q Did he make any statements there in regard to suggesting answers there that day, the day that you were making the answers?

A He was telling me what he wanted and how I could help him out on it.

Q And you are as certain of that as you are of anything else.

A Yes sir.

Q And when he would ask you a question, how would tell you how to answer it, or tell you how you could help him out?

A If it didn't sound just right.

Q If it didn't sound just right; and he was dictating the answers you say?

A He would help me out.

Q What do you mean by helping you out?

A If I failed to get this little story that I was to tell just right, he would help me out.

Q Do you mean to say that he suggested any answers that that you made to any questions?

A Yes sir, I do.

Q Do you mean to say that he suggested answers to these questions?

A He told me how it could be done; explained to me how, when I made a mistake--- he simply got me by the nose



and led me through; that is how it occurred.

Q I am not asking you to draw on your imagination, but to tell what was done?

A That was what was done; it is a fact.

Q Do you mean to tell this jury that he told you what answers to make and how to make those answers?

A He made some explanation, yes sir.

Q And on account of these explanations, you made these answers?

A I done what I was supposed to do in connection with it.

Q Hopkins was there, was he, all of the time?

A Yes sir.

Q And did you make any protest against answering these questions?

A No, not after I agreed to do that; I didnt think there was any use.

Q And you answered these questions the way he told you to answer them?

A The way I had been instructed to, yes.

Q And he would tell you what words to use?

A Well, he had already explained to me what he wanted; it was not much trouble.

Q He had explained, had he?

A yes sir.

Q Had you remembered the conversation that way?

A Partially so, yes sir.

Q And did he tell you in part what to answer at this time?

A We went over the matter there about what it is, something appears there.



Adams-X  
E-17

Q I understand you to say that he made explanations and told you what to say?

A If I got tangled up and got the story mixed a little, he would correct me.

Q And he told you what to say then?

A Yes, sir.

Q What particular parts of this statement, of the portion that has been read here, did he tell you what to say?

A I could not remember; my memory is not sufficient to tell you, Mr. Hawley.

Q Your memory is not very good on that. You understood at the time that you made this statement that it was to be used for the purpose of assisting in the ~~xxxxxxxxxxxx~~ trials of Pettibone, Haywood and Moyer, charged with the murder of Governor Steunenberg, did you?

A Well, they wanted to get Simpkins too, I believe.

Q Jack Simpkins?

A Well, it was in connection with the Tyler matter, but as I understand it, this killing up here, I don't know what his object was in connecting that up exactly. He told me that Harry Orchard had said in his confession, he had mixed me up in this affair, and he wanted to make evidence through this and use me as a tool.

Q I am asking you if you did not understand at that time that these statements that you made were to be used against the federation leaders, Moyer, Haywood, Pettibone and Simpkins on charges of the murder of Governor Steunenberg?



A They wanted to form a corroborative chain of evidence through this case here, to connect Ed. Boyce and Simpkins and my self, and it was a chain of evidence, corroborative chain of evidence to be used.

Q Will you answer my question. Didnt you understand at that time that the object of getting this was to fix the murder of Governor Steunenberg on the Federation leaders ; did you not so understand?

A Well, it seems to me that he wanted to, in case he did not get Jack Simpkins---

Q (Interrupting) I am asking you that question. You may answer it yes or no and then make all of the explanation that you want. Did you not so understand that that was the object of this statement, to fasten these crimes on the Federation?

A He wanted to connect the Federation officials with all of these crimes.

Q I am asking you to answer this question yes or no, and then make your explanation.

MR. DARROW: Mr. Hawley wants you to answer "yes" or "no"; and then explain it, which is proper.

MR. HAWLEY: Did you not understand that, the object of making this statement was to assist in fixing the Steunenberg murder on the Federation leaders?

THE COURT: Answer that, "yes" or "no" and then make your explanation?

A Well, Mr. Hawley, I dont---

MR. HAWLEY: Q Answer it "yes" or "no".

MR. DARROW: Wait a minute. He cant answer it.



Adams-X  
E-19

A I cant answer something when I dont understand it.

THE COURT: He is entitled to understand it.

Q You understood at that time that the object McParland had in getting a statement from you as to these various things that you confessed to was to assist in fastening the Steunenberg murder on Haywood, Moyer, Pettibone, Simpkins and the other federation leaders?

A He wanted to make it appear that they were responsible for both.

Q For Steunenberg's death?

A And for this up here.

Q Then, I am asking you to answer "yes" or "no" in regard to Steunenberg's death?

A No, not that alone.

Q Not that alone. That was one of the objects was it?

A Yes, sir.

Q Do you mean to say that McParland was trying also to fasten this crime up here against the Federation leaders?

A He wanted it, as near as I could understand it, he wanted it to appear that they was responsible for it, yes sir.

Q In order to connect them with the Steunenberg matter?

A With both of them?

Q What?

A With both of them.

Q Did he want you to connect Moyer and Pettibone and Haywood with these crimes in North Idaho?

A Yes, that was his object in the statement.



Q Did you do it in your statement?

A I was forced to say, I was forced to make that statement.

Q Is that all of the statement that you made?

A That is all in connection with this case.

Q Did he make any other suggestion to you, or ask you to give any other answer than those answers that you made in this matter?

A Well, I dont know; he wanted me--- he told me what he wanted and I repeated it over there before the stenographer, as near as I can remember, when he told me, him and orchard---

Q (Interrupting) Did he ask you to state that Moyer or Haywood or Pettibone had any knowledge of Tyler or Bouley or had advised you in the killing, before the killing or afterwards?

A He wanted me to say that they sent me up here to Simpkins'.

Q Sent you up to Simpkins?

A He wanted me to say that in that statement.

Q Did he want you to connect these men or any of them with the killing of Tyler or Bouley?

A That is the way I understood, he wanted me to connect them with all of this.

Q What language did he suggest that you should use in that connection?

A I cant tell you that; I dont know.

Q He made no suggestions in regard to language, excepting that that you used here and that was placed in this confession, did he?



Adams-X  
E-21

A His language is on the last page there, that I done know anything about, Mr. Hawley.

Q We will come to that afterwards. Now, Simpkins and you had been friendly up here?

A Yes sir.

Q You had lived with Simpkins, in the same house?

A Yes sir.

Q And you had helped him in his business there and he had tried to help you get a timber claim?

A Yes sir.

Q And you were friendly to him?

A Yes sir.

Q You were on friendly terms with Haywood and with Meyer?

A Well, not---well, yes, I was on friendly terms with them.

Q They were the leaders of the society or federation that you belonged to?

A Well, I belonged to a local of that organization.

Q One was president and the other secretary of that society?

A Yes, sir.

Q And you knew Pettibone well?

A Well, fairly well.

Q You had been at his place, office there in Denver?

A Well, I saw him a few times, yes.

Q Saw him a great many times, had you not?

A I dont know how often I did see him; I saw him a number of times.



Adams-X  
E-22

Q When your family had moved, when you were away, you went to him to get information as to where they had gone

A Yes sir.

Q You knew that he would know with regard to ~~whx~~ the movements of your family while you were away?

A I didnt know; I went to see if he did know.

Q You found that he did?

A Yes, sir.

Q When you were in trouble, under arrest in Denver, he had gone on your bond?

A Yes, sir.

Q And he had done those friendly acts?

A yes sir.

Q Now, do you mean to say, Mr. Adams, that simply because you were afraid that you might be taken back to Colorado, and injured by a mob, that you willingly assented to giving a statement that would implicate Meyer and Haywood and Pettibone and Simpkins in a series of murders?

A I was forced to do it to save my won life, yes sir.

Q And you were willing to sacrifice these men, that had been your friends, <sup>and tell</sup> ~~through~~ an outrageous falsehood, in regard to it and charge them with those crimes?

A I didnt go on the witness stand and finish it.

Q You made this under oath. I am asking you to answer my questions?

A I was forced to do it, yes sir.

Q And were willing to do it?

A I was not.

Q You did do it?

A I did.



Q And you did it to save your life, you say?

A I did, yes sir.

Q How many days altogether were you in making this confession?

A About two days, I think.

Q Two days after the first day?

A I believe that was about right.

THE COURT: Speak louder.

A I believe that is about right.

Q In fact, on the third day that you saw McParland--- which was the second day that you were taking the confession--- McParland came again about nine o'clock, did he not?

A The second day?

Q The third day; the second day of taking the confession down?

A I would not state as to the third day, Mr. Pawley, just what time he did get there.

Q What?

A I would not state just what time he got there; I don't remember exactly.

Q You and Hopkins and McParland had been together all of the day before?

A That is the second time I ever saw Mr. McParland.

Q You and McParland and Hopkins had been together all of the day before the second day you saw McParland?

A Yes sir.

A Yes sir; that is, in that office pretty much.

Q You had been in that office, and you had been busy taking down statements; the stenographer had been kept busy taking down your statement, had he not?



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A Well, he was there working, taking it down, the story I was telling, sure.

Q He was there all of the time the statement was being made, was he not?

A I dont think so.

Q Was he away at any time during that day?

A I dont think he was there the second day.

Q I am speaking of the first day that the confession was made, which was the second day you saw McParland?

A Yes, sir; he was there that day all day.

Q Hopkins was there all of the day?

A All day, yes sir.

Q And the third day you saw McParland, which was the second day you were taking the confession, Hopkins was heres?

A I think so.

Q Did not McParland tell you that he was writing up that which you had stated the day before?

A I could not tell you as to that.

Q Didnt he so state to you?

A I dont remember if he did.

Q A yung man named Heubener, George Heubener, the clerk of the penitentiary, was brought in the third day, the second day of the confession?

A Yes sir.

Q Is that correct?

A yes sir.

THE COURT: Speak up.



A That is correct, Mr. Whitney's clerk.

Q Mr. Whitney's clerk, the clerk there at the penitentiary?

A The man that stripped me and put me in the penitentiary.

Q We will put that down too. Did you make any objections to changing stenographers that morning?

A Well, I dont know that I did; I didnt think of it.

Q Dont you know that you did not?

A I would not swear to it, whether I did or not.

Q Didnt you ask why Hopkins had not come back to finish the statement?

A I dont remember.

Q You dont remember whether he told you or explained that or not?

A No sir; I do not.

Q Well, were yo u occupied all of that third day?

A Well, I think we was.

Q In taking the statement?

A I think so.

Q Mr. Heubener is a stenographer?

A I dont know whether he is or not.

Q He was taking down what you said in shorthand, waant he?

A I think so, he took it down, I think.

Q And it occupied all of that day?

A Well, I would not say that because I dont remember.

Q Well, dont you know. You went there about the same



time in the morning and stayed there until evening, as you had the previous day?

A I dont know for positive; it might have.

Q What is your recollection in regard to that, how long you were there the third day?

A well, I couldnt tell, Mr. Hawley, about the same length of time; it was the day before I suppose.

Q That is to say, you were there about the same length of time, and you were making a statement of other alleged crimes all that day.

A I was ~~xxxx~~<sup>telling</sup> the story that I was supposed to tell there now.

Q And it took all of two days there for those stenographers to take down what you said in regard to the different matters that you were confession to?

A There was an understanding that I was to repeat this over there.

Q I am asking you to answer my question, Mr. Adams.

A Very good, sir.

Q Please pay attention to that. (Last question read to the stenographer) Now, answer my question. Did it take the stenographer two days to take down the confession, the statement that you made?

A They were working at it some part of two days at least.

Q Werent they working steady; werent they steadily at work there outside of the time that you were at lunch?

A I dont remember whether they were working there or not.

Q Wasnt there a steady series of questions and answers there all of those two days?

A Well, I couldnt tell you whether they were steady or not?

Q You were there answering those questions right along?

A I was there repeating the story that I was supposed to tell.

Q Yes, you were repeating the story that you were supposed to tell. I believe thw third day Heubener was there?

A yes sir.

Q Was McParland still coaching you as to what to say?

A McParland took me through the whole thing.

Q And he told you what answers to make when he would ask questions?

A Not all of them.

Q I mean the important ones.

A Harry Orchard was coaching me at night in the cell; all of the time in the cell.

Q We will get to Orchard afterwards?

A Very good.

Q You are sure that McParland was the man you said a while ago was doing the coaching?

A Well, Orchard instructed me in the cell too.

Q Orchard was not in the room when you were making your confession, was he?

A No.

Q I am asking you now---pay attention to what I am asking?

A Very good, sir.

Q Whether McParland was suggesting on the second day



of the confession---that was the third day of your interview with him---what you should answer to these questions?

A McParland was doing the same thing on every day that he was there while the confession was going on.

Q Suggesting what answers you should make?

A He was assisting me when I needed assistance, yes sir.

Q Then, when you needed any assistance in telling a lie about a thing, he told you what to do or how to say it, did he?

A McParland, if I got mixed on the story I was supposed to tell, he assisted me, yes.

Q And did he post you there in the presence of Heubener?

A He sometimes did, yes sir.

Q Mr. Heubener was there all of the time, the same as Hopkins had been the day before, wasn't he?

A Yes sir; I don't think he was there during lunch.

Q During lunch. Didn't he have his lunch with you?

A I don't believe he did; I don't remember that.

Q You don't remember that. How long did it take you to eat lunch?

A I don't remember how long it was.

Q Was any one else there?

A Not that I know of.

Q Did you finish your confession on that day?

A The third day I believe we did, I ain't positive about that.

Q And did McParland come back the fourth day with stenographers?

A I don't remember that he did, Mr. Hawley; I would not swear to that though.



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Q Did he come back at all?

A Well, I saw McParland a number of times after that.

Q That was sometime after. You did not see him for a few days, do you remember?

A I dont remember that I did.

Q When were these statements in typewriting submitted to you, one of which is Plaintiff's Exhibit 19?

A It was sometime after that, about between a week and two weeks, I think, Mr. Hawley, before I saw them any more.

Q Who gave them to you?

A Warden Whitney.

Q What did he state to you with reference to the matter when he gave them to you?

A He said "Read them over and sign them".

Q He gave them to you as a statement that had been made by you, as a confession that had been made by you, did he?

A well, I couldnt tell you as to that.

Q He stated that that was the case, did he not?

A He said, "Read that over and sign it" is all the words he said to me.

Q You understood that it was these statements that you had made before McParland and that were taken down by Heubener and Hopkins?

A Yes, sir.

Q Now, there were a number of these statements; they were bound separately, were they not?

A Yes, sir; they were separated in different covers.

Q That is, you gave an account in this matter, which is



headed: "In the matter of the murder of Governor Steunenberg of Idaho." The other statements were headed with reference to other alleged crimes, were they not?

MR. DARROW: To that I object.

A I dont remember how they were headed.

MR. DARROW: I object to how any other statements were headed.

Objection sustained.

Q How many of these other statements were there?

MR. DARROW: To that I object.

MR. HAWLEY: We have a right to know what he was doing there these two days; we have a right to go into this.

MR. DARROW: I dont think you have. I object on the ground it is not cross examination, incompetent, irrelevant and immaterial.

Objection overruled.

Defendant excepts and exception allowed.

A I dont know.

Q There were quite a large number?

A I would not say how many.

Q There were nine confessions besides this, were there not?

MR. DARROW: To that I object on the ground it is not cross examination, irrelevant, incompetent and immaterial and the witness has already said he didnt know.

MR. HAWLEY: It is the province of cross examination to investigate the accuracy of a statement made on direct.

MR. DARROW: You are asking him how many other statements he made.

MR. HAWLEY: yes sir; and we have a right to know.

MR. DARROW: That could be used for certain inferences and for certain purposes.

MR. HAWLEY: If you dont want any false inference, then ask on re-direct.

Objection overruled.

Defendant excepts and exception allowed.

A I dont know.

Q You dont know. When were those statements handed to you; on what day were they handed to you for signature?

A I dont remember that, Mr. Hawley.

Q After they were handed to you, did you examine them.

A Well, I glanced over them; looked over them a little.

Q You glanced over them and looked over them a little?

A saw some parts of them.

Q What time of day was it that this manuscript was handed to you?

A I dont know, Mr. Hawley.

Q Was it in the forenoon or in the afternoon?

A I cant swear to that.

Q As a matter of fact, it was early in the morning wasnt it?

A I dont know that to be a fact, no.

Q You dont know whether it was after lunch or before lunch or before dinner or after dinner?

A I would not swear positively.

Q Have you no recollection in regard to it?

A No sir.



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Q Where were you when these were given to you?

A In the clerk's office of the penitentiary.

Q Who was present there at that time?

A George Heubener.

Q George Heubener. How long had you been brought out of your cell? You were still in the cell at this time, were you not, at nights?

A I was in the hospital.

Q At the hospital?

A yes, sir.

Q How long before this had you been brought from the hospital to the Warden's office?

A I dont think I was over there over about halfan hour or an hour or something that day, as well as I remember.

Q You dont think you were there longer than that. That is not responsive to my question. How long before Heubener came in and gave you this manuscript was it after you had been brought from the hospital; how long had you been in the office when you got this manuscript from Heubener?

A Heubener never gave it to me at all.

Q I mean from Whitney?

A How long had I been in the office?

Q yes sir.

A before I signed it?

Q How long had you been in the office when you received it?

A It was handed to me when I first went in.

Q When you first went in was there any one there outside of Whitney?

A I dont remember whether Heubener was there when Mr. Whitney came in or whether he came in after Whitney went out.

Q What did you do with it after reading it, or after it was handed to you?

A I glanced over some parts of it and signed it.

Q What did Whitney say to you with reference to the statement, to correcting it?

A He did not say anything.

Q About looking it over?

A He told me to read it over and sign it, is all he told me.

Q He told you to read it over and sign it?

A Yes, sir.

Q When did he tell you to read it over for?

A I cant tell you that; he did not explain it.

Q You are certain he told you to read it over?

A I am.

Q And you did read it over?

A No sir.

Q Did you not read these matters over?

A I did not, no sir.

Q Where did you stay after they were given to you and before you signed it?

A I stayed there a short time until I signed them, and then when I swore to them McParland came in and McParland took them.

Q How long after these papers were handed to you before you signed them?

A Perhaps a half an hour or an hour; I dont remember exactly.



1905

Q You think it was from a half an hour to an hour?

A It was not long, I dont think; I simply glanced over them and saw what it was.

Q Had you stayed there in the office of the penitentiary in the meantime?

A I was in the clerk's office all the time while I was in the hospital.

Q Was any one there while you were glancing over these?

A Heubener was there, as well as I remember.

Q Heubener stayed there, did he?

A I think so, in fact, I know he did.

Q That was Heubener's office, where he worked, was it not?

A I think Heubener read over some of them.

Q And after you had looked them over for half an hour or an hour, did you sign them?

A yes, I signed them.

Q And you signed them immediately, did you?

A Well, I did not sign them immediately after I went out there, no.

Q After looking them over, you signed them in a half an hoir or an hour?

A I glanced over it and then signed it; I protested, though, when I signed it.

Q We will get to that later. Who was prssent when you signed it, when you signed them?

A Warden Whitney and Heubener was with us, I think on the signature, if I remember right; I saw it there at the trial; I glanced at it.



Q You signed all of these statements that were made out, different statements?

A Yes sir; I think I did.

Q You glanced over all of these different manuscripts?

A Well, I don't think so.

Q Now, did you talk any with Heubener while you were looking these over?

A I told Heubener that they did not correspond with what I told him, I didn't think, but it was up to me to sign it; I was supposed to sign them.

Q Now, as a matter of fact, did not Heubener, on that occasion, advise you and state to you that you should look over them carefully and correct them where they were wrong?

A No, sir; he did not.

Q He made no statement of that kind?

A He did not, no.

Q Or in substance, such as I have stated?

A No sir.

Q He gave you no advice in regard to corrections at all?

A No sir.

Q He made no statement with reference to it?

A No sir.

Q And after you signed them, did you swear to them?

A Yes sir.

Q But before signing them, you made the statement to Heubener, you protest, did you?

A Before I signed it, yes sir.



Q To Heubener and Whitney there?

A No, sir; Whitney was not there.

Q Heubener was alone there?

A Yes sir; Whitney simply when I swore to it, he came in and signed as a witness; I think he was there present when I signed it, yes sir, when I put my name to the paper, but he was not present when I was talking to Heubener.

Q Now, what did you say to Heubener?

A I told Heubener that it did not correspond to the story that I told, but it was up to me to sign it and I signed it.

Q What did Heubener say in reply?

A I dont remember that he said anything; he wanted to know something about it, and he took them and went to looking at them himself; I dont know, I dont remember whether I called his attention to anything that did not correspond or not.

Q Now, as a matter of fact, werent you there in that office, Mr. Adams, for about eight hours?

A No sir, I was not.

Q Were you not there nearly all day?

A No sir.

Q Reading these statements over?

A No sir; I didnt readthem over.

Q Did you not correct these statements in many particulars?

A No sir.

Q Did you not correct the statement, Exhibit 19 here?

A My handwriting aint on it at all.



Q I am asking you if you did not ask---

A (Interrupting) I might have showed Heubener some mistakes in it; I dont know whether he corrected them or not.

Q Did you not point out mistakes in this statement, that is, No. 19, and all of these statements, to Heubener, and ask him to change them, and you gave him the language that you wanted to use, and that he corrected it accordingly.

A No, I did not give him no language to use, no.

Q You did not tell him what the mistake consisted of?

A I might have called his attention to some things that did not correspond with the story; that is all I told him.

Q Dont you know that he corrected them there in your presence and at your suggestion in order to make them conform to your idea?

A He might hve made some corrections.

Q I am asking you if he did not make all of the corrections that you asked?

A I dont remember. I saw him, called his attention to some things---

Q Dont you know that he made corrections at your suggestion.

A He might have made some, but I dont remember positive that he did.

Q You dont remember anything about it?

A I dont remember seeing him make them, no.

Q Do you remember your calling his attention to certain mistaken or erros?



A I know I spoke to him about some mistakes.

Q And didnt he correct it right there?

A He might have; I dont know; I would not swear to that.

Q You would not swear that he did not. Now, he was there, you and him there together, and you were considering the statement, and you called his attention to a mistake you say.

A He was looking at it, some parts of that, yes sir.

Q Dont you know he corrected those mistakes at your request?

A No, I dont; some of them, some of the mistakes there, I called his attention to, but I dont know whether he corrected them or not.

Q I will call your attention to Exhibit 19, look at the erasure on page one to the words "and a brother"?

A well, I dont know who made that correction.

Q You called his attention to that as being a mistake, didnt you?

A I dont know whether I did or not, I might have.

Q And didnt you yourself blot out "and a brother" there?

A I dont remember it; I dont think I touched my hand to it except to sign it.

Q Do you swear that you did not?

A I dont think I did.

Q Look at page two, at the last few lines near the bottom "yes sir" and the words stricken out?

A I would not swear that I did or did not.

Q You would not swear that you did not strike them out would you?



1910

A That I did not myself?

Q Yes sir, that part of that answer. Will you read it over.

A I dont think I did, Mr. Hawley; I dont think I used a pen or pencil to it.

Q You swear that you did not?

A I dont think so.

Q Do you swear that you did not?

MR. DARROW: Hasnt he answered?

MR. HAWLEY: I want him to say whether he did or did not?

A I wont say.

Q You wont say that you did or did not?

A No sir.

Q I will ask you to look at the second line from the bottom on the second page?

A These questions could be made by any one. I wont swear that I had anything to do with that, no.

Q I will call your attention to this, Mr. Adams, to these questions I have asked you about, in speaking of Pleasant Hill, Missouri, where your people reside, page one, the question was asked: "Q Do some of your people reside there yet?" and the answer as originally in this statement:

Ans: "A Well, I think I have an aunt and a brother and some cousins there yet; to the best of my knowledge they are still there." Now, as a matter of fact, you had no brother there at the time, did you, at Pleasant Hill, is not that true?

A I dont think I did, no.

Q And when you read this over and saw that that was a mistake, you corrected it?



A I dont remember it.

Q Or had it corrected?

A I dont know that I did.

Q I will call your attention to the first erasure, being on the seventh line from the bottom of page two, in answer to the question: "Q Were you intimately acquainted with them?", right along after that below "up to the time that you left Denver (referring to Moyer, Haywood and Pettibone) A yes, sir, and I have not seen them since." You struck out "and I have not seen them since", did you not?

A I would not swear that I did.

Q In the last correction, on page two, in answer to the question: "Q During the time that you were acquainted with those men, did you have any conversation with them in reference to the assassination of Ex-Governor Steunenberg of Idaho" and the answer is: "A They told me to go to Idaho and see Jack Simpkins, that he wanted to see me on some business in regard to Steuneneberg, and that I would meet him near Wallace, I daho, at wardner, I believe." Did you not correct that statement?

A I would not swear that I did.

Q So as to make it read: "They told me to go to Idaho and see Jack Simpkins, that he wanted to see me on some business and that I would meet him near Wallace, Idaho, at wardener, I believe"; striking out the ~~xxxx~~ reference to Governor Steunenberg?

A I would not say that I had anything to do wtih that.

Q You would not say one way or the other?



A I dont think I did.

Q Dont you have any recollection of that?

A No sir.

Q Lock on the top of page three, on the fourth or fifth line from the top and see that interlineation?

A That is not my handwriting.

Q I am not asking you whether it is your handwriting. Was that made by Heubener at your suggestion?

A I would not state.

Q You dont know whether it was or not?

A No, sir; I do not.

Q Now, we will call your attention to the context: "Q What did this talk about the assassination of Steunenberg first occur? A Shortly after the dynamiting of the depot at Independence." That was the answer as first made, was it not?

A I could not tell you about that.

Q And the correction makes it read: "Shortly after I saw Simpkins, which was shortly after the dynamiting of the depot at Independence".

A I dont know anything about it.

Q You dont know whether you made that correction or had it made or not?

A No sir.

Q About the middle of page three, in speaking of an interview with Haywood and Pettibone, in Pettibone's back room before you started, the question is asked: "Q What was said, if you remember? As originally written the answer is: "A They just told me to go up and see Simpkins, as "he wanted to see me, and he would probably tell me about "the Steunenberg matter, as they wanted to get Steunenberg.



"Simpkins, as he wanted to see me, and he told me about the  
"Steunenberg matter, as they wanted to get Steunenberg."

That was corrected to read that way, was it not?

A I couldn't tell you nothing about it, sir.

Q Now, as originally made, the answer would show  
that Haywood and Pettibone had talked to you about the  
Steunenberg matter and they wanted to get Steunenberg,  
would it not?

A How is that?

Q As the answer stood before it was corrected, it  
would show that Haywood and Pettibone told you they wanted  
to get Steunenberg?

A Well, I don't remember.

Q Well, you can see it and as corrected it would  
show that it was Simpkins that told you?

A I don't know anything about that.

MR. DARROW: That is a matter of argument.

MR. HAWLEY: It is a matter that pertains directly to  
his statement.

MR. DARROW: You asked him whether it would show so  
and so.

MR. HAWLEY:; Yes, sir, he says they were trying to  
connect these men; and I say this disconnects them with  
this matter. Q And the next correction on the question  
right below: "Q Did they say (meaning Haywood, Pettibone  
and Moyer) did they say they wanted to get him killed  
(meaning Steunenberg) or just say they wanted to get him?"  
As originally made "They just said they wanted to get him;"  
and as corrected it reads, "Simpkins said they wanted to get  
Steunenberg." That is the correction, isn't it?



A I dont know; I dont know anything about it.

Q Do you know whether you made these corrections or not?

A No sir, I dont.

Q Do you know whether you saw those corrections made or not?

A No sir.

Q Do you <sup>see</sup> ~~say~~ that these corrections, instead of implicating these men, was really clearing them of that part of the charge?

A I dont know anything about those corrections.

Q You dont know anything about it?

A No sir.

Q You dont say that you did not direct them to be made?

A I dont remember it if I did.

Q You have seen these other corrections in this transcript, have you not? You have read this statement over; looked it over.

A Yes, I glanced it over.

Q I will call your attention to page eleven, shortly below the middle of the page, the correction between the middle of the page and bottom; there is only one?

A I dont know anythi ng about that.

MR. HAWLEY: Q The question is, referring to Haywood and Pettibone: "Q Did they tell you they wanted to get "Steunenberg?" The answer as originally made is "A Yes sir" as corrected it reads: "A yes, sir; I heard them speak of it in a general way." Do you know whether you corrected



that or had that correction made?

A I do not.

Q You dont know?

A No.

Q You wont swear you did not?

A I dont think I did.

Q You dont think you did?

A No sir.

Q Now, Mr. Adams, do you still insist that you are only there in that office half an hour to an hour?

A I dont think I was there over that, Mr. Hawley.

Q Not over that?

A I dont think so.

Q And you just looked at those things in a casual way?

A I glanced at some of them, yes sir; I dont know that I looked over all of them.

Q And you had a hundred or two pages or manuscript there embracing all of these confessions?

A I could not tell you how many pages there was in it.

Q Well, you had a large amount in it.

A I dont know how much.

Q And you simply looked it over for this brief time?

A That is all.

Q Did you correct the rest of these pieces of manuscript?

A I dont remember it.

Q Besides these words, or have Heubener correct them?

A I dont remember it.



1916

Q Do you remember which one you commenced to read first, whether it was this in regard to Steunenberg or some other matter?

A I could not tell you sir.

Q You could not tell anything about it?

A No sir.

Q Now, have you any distinct recollection as to the length of time that you were there or what you did?

A I dont think I was there very long.

Q Have you a distinct recollection about it?

A I am pretty sure I was not there more than half an hour or so.

Q You are pretty sure?

A yes sir.

Q Was your memory been refreshed since the last term of court or the last trial of this case?

A No sir.

Q Look at the bottom of page 473, at page 474, or any otherpart of your evidence that you desire; I mean at the last term.

MR. DARROW: That is not right is it?

MR. HAWLEY: No, 1231, on the top, one at the top and one at the bottom; the top probably instead of the bottom; they seem to be numbered double.

Q What about that. You have read all you want to, have you, or not?

A I read that page, that was what you called my attention to, wasnt it, Mr. Hawley?



1917

Adams X  
e46

Q Read any part you want to; you are entitled to take all the time you want.

THE COURT: Read all you want to.

MR HAWLEY: Q I will ask you, at the last trial of this case at Wallace, you said, in answer to the following questions you made the following answers, speaking of the time that you were in the confessions there, at the time of the signing of these documents, these confessions:

"Q How long did you have this statement before you signed it?

"A A short time; I dont know just how long; a matter of hours.

"Q A matter of hours?

"A I dont know, could not say.

"Q Had it during the greater part of a day?

"A I cannot say; dont think I did; would not say positively how long, would not say positively how many hours I was looking it over.

"Q You had it considerably more than half an hour, didnt you, Steve?

"A I would not say how long.

"Q You would not say you didnt have it more than half a day, would you?

"A I would not say positively about that.

"Q You would not say you didnt have it fully eight hours, would you?

"A I dont remember." Did you make those answers to those questions?

A I think so, yes, sir,

Q Has anything happened yet that makes your memory

Adams X  
e-47

clearer on this point than it was this spring at this trial?

A Well, I was under the impression it was only a short while, Mr Hawley; that is the best of my recollection, and I answered to the best of my recollection.

Q Your memory was fully as clear at that time as it is now?

A No sir/

Q What?

A I dont know that it was; I was---

Q (Interrupting) Was there any reason that your memory was not as clear and distinct at that time as it is now in regard to these matters?

A I was worried pretty badly then about my wife's condition, Mr Hawley, if you remember.

Q And you think because you were worried in regard to your wife's condition at that time that it made you forget how many hours you were closeted in the penitentiary office in examining these documents?

A I think I answered to the best of my memory.

Q Yes, sir; you answered to the best of your memory that you didnt know whether it was eight hours or a half a day or not?

A I was under the impression that it was a short while.

Q You dont know yet how long it was, do you?

A I dont pretend to say exactly/

Q You dont pretend to say it was not over a half a day and was not over eight hours?

A I say I dont think so.

Q You dont think so, and are simply giving your impression?



1919

Adams X  
e-48

A Yes, sir.

Q Do you think that there is anything in any of this statement here, Mr Adams, that is not your language; that you did not use the language?

A I told that story; perhaps I got some of my language mixed up in it, yes.

Q Is there anything in any of this State's Exhibit 19, any answer there that is not in your language?

A Only the last page dont correspond with my way of talking/

Q Well, we will see about that. Do you want to look over the last page. Please look it over and read it and see if it was all the last page. (Handing witness paper).

A I dont think it is all of it quite. From here down (Indicating), Mr Hawley, I dont think is my language.

Q Well, we will take this that you say you dont think is your language. I think I am reading from where you ~~xxx~~ pointed out; correct me if I commence too low down or too high up: "Q Then these statements were made of your own free will?

"A Yes, they were.

"Q Then why did you make these statements?

"A I felt it a duty I owed to my family, my friends and brother working men, the State and God. I wanted to live a new life and thought this was the best way to commence."

~~sound~~  
THE WITNESS: That dont~~xxxx~~ like my language.

Q Do you mean to say that you dont use that kind of language; what is there funny about it?

MR HEITMAN: We are having some ~~it~~ fun.

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MR HAWLEY: I didnt know but you were amused at this particular reading, or this parricular part of this?

MR HEITMAN: No.

MR HAWLEY: "Q You had seen through the fact that the "Executive Board, or at least a portion of the Executive "Board of the Western Federation of Miners had used you as "a tool?

"A Yes, sir; and I hoped th at the rein of terror "inaugurated by Moyer, Haywood and Pettibone and other mem- "bers of the Executive Board of the Western Federation "of Miners will cease ."

A I never made an expression like that in my life , Mr Hawley.

Q You did not?

A No, sir.

Q The rest, this portion of it, you say is not your language?

A No, sir.

Q Do you admit, or do you mean to be understood that the rest of this statement is in your language?

A No, I would not say that it was.

Q I will ask you to examine the first page of this and say where there is anything in that first page that is not in your language, that you did not state at that time?

A I repeated that story over as I was told befoe, Mr Hawley.

Q I am asking you to look at that page. Answer my question. Look at the page. Is there anything in that first page there, in those answers that were given, that is not in your exact language as used by you on that occasion?



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A I could not tell you as to that, Mr Hawley.

Q Look at that second page and see whether there is any expression used in that second page or any statement that is not in your exact language, as given there on that occasion to the Stenographer?

A I would not try to distinguish my words from the other.

Q Then look at the whole thing. Have you looked at it and examined it all you want on that point?

A Yes, sir; that is all I care to do, yes.

Q Do you mean to say that, on this first page, or on this second page, there is any expression used that was not in your language?

A That I don't know.

Q Or that your language was added to?

A I could not tell you that.

Q Or subtracted from?

A I could not tell you.

Q You could not tell?

A I am not a sufficient judge of language to tell.

Q Don't you know what statements you made upon that occasion?

A No, I don't positively; I don't remember just what was said.

Q Have you read the third page and the fourth page and these other pages of this statement?

A I expect I have.

Q You have read it all over. You were questioned in regard to these at the last term of court, were you not?

A Yes, sir, in the chair in the court room.

Q Is there anything in any of this statement, or on any page of this statement contained that is not in your exact language outside of that that you have just called my

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attention to?

A I could not state as to that.

Q Do you state that anywhere in this statement there is a single answer that you did not make on that occasion, and put here just as you made it, except as you afterwards corrected it?

A I dont tell you as to that.

Q You could not tell; you dont deny but what it is?

MR DAWROW: What?

MR HAWLEY: Q you dont deny but what it is in the exact language that you gave at the time except in so far as you yourself corrected it?

A I could not tell you about that; I would not say as to that.

A JUROR: Would it be proper to ask Mr Adams a question now?

MR HAWLEY: I suggest that you ask counsel before; and see what it is about?

THE JUROR: In regard to the statement, to make it clear.

MR HAWLEY: If there is anything that you desire.

THE JUROR: To be more enlightened on that.

MR HAWLEY: If there is anything that you desire to ask about, I will be very glad to ask the question.

THE COURT: What is it you want to know?

THE JUROR: In regard to his statement there, recognizing it as his statement?

MR HAWLEY: You want to know if he does recognize it?

THE JUROR: Yes, sir.

MR HAWLEY: That is what I am questioning him now about.



Do you mean that he recognized it as his signature?

THE JUROR: No, as his statement; that is, if that statement was made to him, before that statement that you are asking him, if he ever made that statement before?

MR HAWLEY: This is the statement. I may misunderstand you?

THE JUROR: You are asking him if that is his statement, his wording?

MR HAWLEY: Yes, sir.

THE JUROR: If these words were ever repeated to him before.

MR HAWLEY: We will get down to that afterwards.

THE JUROR: That is what I wanted to know.

MR HAWLEY: That is what I am asking you, is whether or not there is anything in any of this language here, in all of those pages I have just shown you that was not answered by you as it is here.

A I was told what to say in that statement.

MR HAWLEY: Answer the question first.

MR DARROW: Let him answer that, first.

MR HAWLEY: Answer that "yes" or "no" and then explain?

MR DARROW: I object. I want him to have a chance to finish the answer.

MR HAWLEY: I want that answered "yes" or "no".

THE COURT: The answer will be made as Mr Hawley gives it, and then the explanation can be made afterwards.

MR DARROW: Let us have the question read so we can make sure.

The Stenographer read the last question.

A I told that story that I was told to tell, in as near my own language as I could. Of course, Mr McParland as-

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sisted me in that statement where I made a mistake or anything. I played my part to it.

Q Now point out in this statement any phrase where McParland assisted you in making an answer? Look at it throughout and point out anywhere, except these last two answers, you say.

MR DARROW: I object to that. It will take an hour or an hour and a half.

MR HAWLEY: I don't care if it takes a day.

MR DARROW: If he wants, I suggest he take his time and go over it.

MR HAWLEY: Take your time and show where there is an answer or question he suggested to you?

A I don't know if these are facts, and I repeated those facts at that time as I was instructed, as near as I could.

Q Do you mean to say that he called your attention to these matters on the day that you were taking this statement down?

A He called my attention to the fact that my story did not correspond just right; he assisted me in making this statement.

Q He assisted you at the time these stenographers were there; that is in the statement you made?

A I was told just what he says there and what he wanted, and I gave it to him as near as I could.

Q You say you were told in a general way the first day what he wanted?

A Yes, sir.

Q And the second day and the third day he corrected you and told you what to say when you were at fault?

A Well, yes, that he helped me to make this statement.



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Q And had you make these corrections in regard to matters when you were swearing wrong on them?

A Y<sup>e</sup>s, sir.

Q That is what you mean to say, isn't it?

MR HAWLEY: (To the Juror). Is that what you wanted to know?

THE JUROR: Yes, sir; that is what I wanted to know.

MR HAWLEY: Gentlemen, if there is anything more, counsel on the other side and myself would be glad to ask the questions.

THE JUROR: My idea was you were referring to his wording there as he repeats it.

MR HAWLEY: Q please look at page 1223, that part of it where my finger is pointed, your evidence given in the court. Read that over, Mr Adams?

MR DARROW: Any particular part of it, Mr Hawley?

MR HAWLEY: ~~Re~~Referring to the statement, that part where he says he made no corrections. (Handing record to witness).

THE COURT: (To the witness) Read as much of it as you desire to read.

MR HAWLEY: Q Did you not at the last term of court make the following answers to the following questions, speaking of the statement: "Q You took  
" it into George Heubener's private office---

"A (Interrupting) I was in there.

"Q You read it over and signed it?

"A I glanced over it.

"Q Mr Heubener was in that room?

"A He was there continuously all the time that I was in  
"there .

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"Q And those corrections that were made, were made either by you or him, were they not?

"A I didnt make any corrections at all, I never touched that only to sign my name to it." ~~Your name~~

THE WITNESS: Yes, sir, I made that.

Q Your recollection was perfectly clear at that time, as clear as it is now, was it?

A I suppose it was, Mr Hawley.

Q Mr Heubener was the Notary Public, and you swore to it before him?

A Yes sir.

Q And you swore to it after you say you made this protest against signing it?

A Yes, sir.

Q Who was present when you swore to it?

A McParland, Heubener and Whitney.

Q You are sure McParland was there?

A I am positive of it.

Q You swore to it before Heubener as a notary?

A Yes, sir.

Q Did you make any statement to any of those gentlemen when you swore to it?

A I asked Mr McParland how it was that after making promises and inducements to me, why it was that he had made me sign all my rights to my life away on that paper?

Q And what did he say?

A He said, "We could not afford to have that on that statement;" He said, "It would not do."

Q These gentlemen were present there when you made that statement to McParland, were they?

A McParland and I were off in one corner of the room,



as I remember.

Q How big a room is it?

A About sixteen feet square, I think.

Q Were you talking low, in a whisper?

A Talking low, yes, sir.

Q Talking so the others could not hear you?

A I don't think they did.

Q You don't know whether they heard you or not?

A I'm pretty positive they did not.

Q And you objected to it on that ground, did you?

A Yes, sir.

Q Did you sign it?

A Yes, sir.

Q And you thought you were benefiting yourself and your future, didn't you?

A I don't know; I was forced to sign it at that time to save my life, I thought.

Q To save your life?

A Yes, sir.

Q You thought, Mr Adams, that by making a statement and swearing to it, that you had murdered Tyler and killed Bouley, that you was protecting yourself from prosecution for that crime, did you?

A Well, I was promised that kind of a place, yes, position.

Q You thought that when you admitted under oath that you had done that killing---

A (Interrupting) I was forced to do it, Mr Hawley.

Q I am asking you whether or not when you admitted under oath that you did that killing that you thought you were protecting yourself from prosecution?

A Well, no, I did not; I was promised by Mr McParland that he would stand by me ~~xx~~ in case I would go through with this lying statement and help to prosecute the officials of the Federation.

Q Now, the other statements were on the same lines, were they?

MR DARROW: I object to that.

MR HAWLEY: I have a right to ask in a general way, I am not going into particulars.

THE COURT: Generally.

A Yes, sir; they were all taken in the same manner.

MR HAWLEY: Q They were all taken in the same manner and the same general character of statements?

A Yes sir.

Q You admitted your connection with certain things?

MR DARROW: We object to that.

THE COURT: I think that has gone far enough.

MR HAWLEY: Very well. Q You say you were forced. Was there any force used, outside of that to which you have testified?

A McParland told me I would be taken back to North Idaho and tried and hung there, or taken back to Colorado and mobbed or hung there.

Q So as to save yourself from being taken back to Idaho and hung for a crime you had not committed, you admitted it and swore to ~~it for him~~ the fact, did you?

A I agreed to do that, yes, sir.

Q Now, you knew while you were in North Idaho that Orchard was not there, didn't you?

A Not when I was here, no.

Q You knew he could not make any statements in regard to implicating you in any of these matters, because he was



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not here?

A Orchard was up here after that.

Q Afterwards, but he was not there in 1904?

A No, sir.

Q And McParland was not there?

A I don't know where McParland was.

Q You knew he was not in that country in 1904?

A If he was, I did not see him.

Q And you were afraid that Orchard and McParland would implicate you in some crime that you had never committed or had nothing to do with?

A Orchard had already done that.

Q And you think that a man who was not on that ground or in that section of the country could implicate you in these occurrences and cost you your life; and the only way to save your life was to swear that you had committed the murders, is that it?

A I could not get no protection and no communication whatever with the outside world at that time.

Q I am asking you if that is the case?

A I was forced to do it under them conditions, yes, sir.

MR HAWLEY: Now, I will ask you, Mr Adams, to read from page 1234 and the succeeding page or two there, in your statement at the last term of court?

MR KNIGHT: About four pages there, Mr Darrow?

Thereupon the Court duly admonished the jury as required by law, officers were sworn to take charge of the jury, and the jury retired in their custody, and the court took a recess for ten minutes.

EDWARD BESETT A witness called on behalf of the defendant,  
being first duly sworn, testified, as follows:

DIRECT EXAMINATION

BY MR McBEE:

Q Give your name, please?

A Edward Besett.

Q Where do you live?

A St Joe, Idaho.

Q How long have you lived up in that country?

A About seven years.

Q Are you a homesteader up there?

A Yes, sir.

Q Do you know Alvin Mason?

A Yes, sir.

Q How long have you known him?

A Five or six years.

Q Do you know Newt Glover?

A Yes, sir.

Q How long have you known him?

A The same time.

Q Where were you in the early part of August, 1904?

A In the early part of August?

Q Yes, sir.

A In 1904? I was in Big Creek.

Q When did you go up to Big Creek?

A I went up on Big Creek the first week in August, the first of the week.

Q What part of the week, if you know, the first of the week or the last of the week?

A I left the head of Navigation on the morning of the

2nd.



Q Anybody go with you?

A Yes, sir.

Q Who?

A Sam Brady.

Q He was a homesteader up there, was he?

A Yes, sir; he was a homesteader on Mica Creek.

Q Left the Head on the 2nd?

A Yes, sir.

Q Where did you go then?

A I went to my <sup>place</sup> ~~place~~ and stayed all night.

Q How did you go?

A Went in the boat.

Q Up the St Joe River?

A Yes, sir.

Q Do you know where Mason was living on the St Joe River there at that time?

A Yes, sir; I stopped there the next morning.

Q What day was that?

A That was on Wednesday the 3rd, I think.

Q About Wednesday, did you see Mr Mason, Alvin Mason on that day?

A Yes, sir.

Q Did you notice anything with reference to his condition as to whether or nothe was lame?

A Yes, sir.

Q What did you notice?

A I noticed he was lame.

Q Do you know what was the matter with him?

A He told me that he---

MR HAWLEY: Hold on. We object to any statement that he told him.

MR McBEE: Q Did he show you anything?

A Yes, he showed me his leg.

Q Tell what it was, or what you saw?

A I saw a big bunch under his leg; he said he was---

MR HAWLEY: Holdon, no matter what he said. I ask  
to have that stricken out.

THE COURT: Strike it out.

MR McBEE: Q Did you notice any industry in progress  
there about his place?

A Yes, sir

Q What?

A Haying.

WITNESS EXCUSED without Cross Examination.

MR DARROW: Call back Mr Mason. Mr Knight re-examined  
him the other day, and I did not examine him; I will say  
to the Court that I was not familiar enough; it will  
only be a minute.



ALVIN MASON      Recalled on behalf of the Defendant, testified:

DIRECT EXAMINATION

BY MR DARROW:

Q      You were shown this register bearing your signature of the 18th of August, were you not?

A      Yes, sir.

Q      It shows that you were at St Joe the 18th?

A      Yes, sir.

Q      Have you thought this matter over to refresh your memory as to what day you went to Wallace?

A      I found out the day that I was at Wallace.

Q      What day were you at Wallace?

A      On the 15th.

Q      The 15th?

A      Yes, sir.

Q      When you went down the river where did you go first?

A      When I went down the river?

Q      Yes, sir, going toward Wallace, where did you stop?

A      I went right straight through, took the boat and went down.

Q      Did you stop at Harrison?

A      Yes, sir.

Q      That is what I wanted to know?

A      Yes, sir; I went to Harrison.

Q      What did you stop for?

MR KNIGHT:      We object to that, because it could not be material in any way at all.

MR DARROW:      That is a good objection, if it is not material.

MR KNIGHT:      It could not be material what he stopped there for.      The question of how long he stopped there or

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anything of that kind would be material, possibly, but what he stopped for could not be material in any way in this inquiry.

MR DARROW: Just bearing on his memory, that is all there is to it, as to why he remembered.

MR KNIGHT: No, that is entirely immaterial, if he stopped there.

MR DARROW: We say it is not.

Objection overruled.

MR KNIGHT: We don't question his being there or anything of the kind.

MR DARROW: If you don't it is all right.

MR KNIGHT: We don't question the dates at all.

THE COURT: There is no question of date.

MR DARROW: You say you don't question that he left on the 16th and got back on the 19th?

MR KNIGHT: There will be no question about it at all.

Q Well, you have been over it since, haven't you?

A Yes, sir.

Q So now you say you were at Wallace on the 15th?

A Yes, sir.

Q You were at Harrison on the 15th?

A Yes, sir.

Q Then you went to Wallace?

A Then I went to Wallace.

Q Then when did you get back to St Joe?

A On the evening of the 18th.

Q On the evening of the 18th?

A Yes, sir.

Q And when did you go to your home?



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A On the 19th.

Q Well, when you stated---I want go into it more fully. If there was anything more, I would. Were you at St Joe again?

A Yes, sir.

Q Do you remember what date it was?

A That was the 23rd.

MR HAWLEY: There is no question about those dates.

MR DARROW: Very well. Q Did anybody come out while you were in Wallace in reference to your business in the meantime?

MR KNIGHT: We object to that, being entirely immaterial.

A Yes, sir.

Q The Deputy Sheriff, I will call your attention to that?

A Yes, sir.

Q What was his name?

A Elliott.

MR DARROW: Well, I want go into that any further in connection with what you folks have said.

MR KNIGHT: Yes, sir.

-----CROSS EXAMINATION

BY MR KNIGHT:

Q Now what day do you say you left your place at the Head of Navigation to go to Wallace?

A It would be in the morning of the 15th, Mr Knight.

Q You left your place the morning of the 15th?

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A Yes, sir.

Q And arrived in Wallace on the 15th?

A The morning of the 14th.

Q Oh, you left your place on the morning of the 14th?

A Yes, sir.

Q And now you say you saw Simpkins and Adams there before you left for Wallace?

A No sir; I am not positive I did on that date.

Q You have testified before that you did see them, didn't you, Mr Mason?

A That was my recollection about it.

Q Well, answer my question. Did you so testify?

A I am not sure, but I think I did.

Q You can make any explanation afterwards, of course, if you want to?

A I believe I did.

Q And that was simply your recollection at that time?

A Yes, sir.

Q And you really feel quite positive now that you did not see them there, Mr Mason?

A I did not see them there on that date, no, sir.

Q Before you started to Wallace?

A On that trip, no, sir.

Q And you did not see them at all on your return to your place, did you?

MR DARROW: You mean at all on that trip?

MR KNIGHT: I mean on his trip to Wallace; you didn't see them on your trip to Wallace?

A No, sir.



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MR DARROW: I will state to counsel that we have not got but very little more. I think that we will finish in a half an hour anyway.

Thereupon the Court admonished the jury as required by law, officers were sworn to take charge of the jury, and the court adjourned to Thursday, November 21, 1907, at 10 o'clock a. m.

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IN THE DISTRICT COURT OF THE STATE OF IDAHO, FIRST  
JUDICIAL DISTRICT, IN AND FOR THE COUNTY OF  
KOOTENAI.

STATE OF IDAHO, )  
                  ) PLAINTIFF, )  
                  ) )  
                  ) VS. )  
                  ) )  
STEVE ADAMS, )  
                  ) DEFENDANT. )

NO. 194.

THURSDAY MORNING, NOVEMBER 21, A. D., 1907.

MORNING SESSION.

At this time, the Defendant being in Court with his counsel, present as before, the record of Wednesday's Proceedings was read and approved, and the following Proceedings were had herein, to-wit:

THE COURT: Call the Jury.

THEREUPON, the Jury came into Court in charge of the officers, and, being duly polled, all answered to their names, and the trial of this cause proceeded as follows:



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MR. HANSON: I wish to move that the name of Charles Struthers be endorsed upon the information. I did not know of the existence of Mr. Struthers until the 18th and did not know until yesterday that he would be here as a witness.

THE COURT: It will be allowed.

MR. DARROW: We shall not make any objection anyway.

THE COURT: Call the jury, Mr. Clerk.

The jury was thereupon duly polled and all answering to their names, the trial of this cause proceeded as follows:

STEPHEN W. ADAMS,

Was recalled for further  
cross-examination, and  
testified as follows:

BY MR. HAWLEY:

Q You know George Huebener at the Boise penitentiary?

A Do I know him?

Q Yes.

A Yes.

Do you know the time

Q ~~Did you know the time~~ that your wife came up to the penitentiary to reside in the woman's ward of the old warden's residence?

A No, sir; I cant give the date.

Q Did you have conversation with George Huebener, you and him being present, in the office of the clerk of the penitentiary, near Boise City, Idaho, a short time before your wife came up to the penitentiary, in which you said in substance or effect as follows---

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A I did not want---

Q In speaking of your wife's coming there,  
"I dont want my wife to suffer for my crimes

A No, I did not.

MR. HEITMAN: Hold on, Mr. Adams. If it is an  
impeaching question I object to it on the ground that no  
proper foundation has been laid.

MR. HAWLEY: I would like you to designate wherein the  
foundation has not been laid. I dont think I overlooked any-  
thing.

MR. HEITMAN: You didnt state who was present, or  
nobody else being present.

THE COURT: It might be fixed as to the year of  
the event.

MR. HAWLEY: It was in the spring of 1906, of course.

THE COURT: Yes, the spring of 1906.

MR. HAWLEY: Mr. Huebener and Mr. Adams were present  
I stated in the question.

THE COURT: And no one else.

MR. HAWLEY: I think not.

THE COURT: He can answer the question.

MR. DARROW: We object to it as incompetent, irrele-  
vant and immaterial; not proper cross-examination.

THE COURT: Objection overruled.

MR. DARROW: Defendant excepts.

A No, I never said that.

Q Did you say that in substance or effect?

A No, sir.

MR. HAWLEY: Thats all.



RE-DIRECT EXAMINATION

ADAMS

BY MR. DARROW:

Q Mr. Adams, did you say anything about your wife at all to Huebener?

A I told him before I would ~~see~~ have the key turned on my wife and lock her up I would cut my head off.

Q That was what you said?

A Yes, sir.

Q Your attention was called to that on the former trial?

A Yes, sir.

Q Was Pettibone an officer of the Western Federation of Miners?

A No, sir.

Q Member of the Executive Board or officer of any kind?

A Not that I know of.

MR. DARROW: That's all.

MR. DARROW: That's all.

WITNESS EXCUSED.

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Joseph J. RUSSELL,

Was called and duly sworn  
and examined as a witness on  
the part of the defendant, and  
testified as follows:

BY MR. DARROW:

Q Give us your name, please?

A Joseph J. Russell.

Q Where do you live?

A Harrison, Idaho.

Q Whats your father's name?

A James Russell.

Q Did you ever have a homestead up in the Marble  
creek country?

A Yes, sir.

Q Did your father have one up there?

A Yes, sir.

Q How near to Simpkins and Mason's place is it?

A I live a mile and a half from Simpkins's place,  
possibly about a mile,---

Q Were you there in 1904?

A Yes, sir.

Q Did you ~~xxxx~~ live towards Price's from Mason's  
and Simpkins's places?

A I didnt live directly towards it.

Q How close to it?

A I lived about a mile.

Q Was that in a general direction of Price's or  
away from it?



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Q Was it further from your place to Price's or further from Mason's to Price's?

A About the same distance.

Q Did you ever see Steve Adams?

A Yes, sir.

Q When did you see him?

A In July, 1904.

Q Whereabouts?

A I first met him at my father's cabin in Marble Creek.

Q Jack Simpkins was there during these time s.

Q When did you leave Marble creek that summer?

A I left the latter part of July.

Q Who was living with you then?

A Well, my sister was in there on her claim and my little brother was in with her.

Q What were their names?

A Agnes Russell and Eugene Russell.

Q Did you see Simpkins and Adams when they came out at any time?

A Yes, sir.

Q When was it?

A The latter part of July.

Q Where did they go to?

A Came by the trail coming out to The Meadows.

Q Where were you?

A I was at my father's cabin.

Q What did you do?

A I went out with them.

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Q What were you going for?

A Saddle horses.

Q Where did you go?

A To Mica Meadows.

Q Three of you together?

A Yes, sir.

Q What were you getting saddle horses for?

A Take my sister and brother out.

Q Did you go back?

A Yes, sir.

Q Did Simpkins go back?

A Yes, sir.

Q Did Adams go back?

A No, sir.

Q What became of Adams?

A He took a horse at Mica Meadows and went on out.

Q What kind of a horse?

A Large white horse.

Q What did you and Simpkins do?

A We stayed over night at The Meadows and went  
back next morning.

Q Got the horses?

A Yes, sir.

Q Went back to your cabin the next morning, did you?

A Yes, sir.

Q Then what did you do?

A I took my sister and brother and went out to  
the head of navigation.

Q That day?



A Yes, sir.

Q Where did you go?

A Went out to the river at Mason's.

Q How did you get down the river from there?

A Took a boat and went down.

Q Whonwent down with you?

A Orville Mason.

Q Yes. That was the same day?

A Yes, sir.

Q You got to the head of navigation that night?

A Yes, sir.

Q Did you stop at any hotel?

A Yes, sir.

Q Whereabouts?

A St. Joe Hotel.

Q Did you register?

A Yes, sir.

Q Did you and your brother and sister go out more than once that year?

A Couldnt say positively whether we did or not.

Q I now show you this register, under date of Monday, August 1st, and ask you whether that is your writing?

A Yes, sir.

Q Did you write all those names?

A Yes, sir.

Q And on that day?

A Yes, sir.

MR. DARROW: This is the one we have already shown to you, gentlemen. (Addressing the jury) The register of the three Russells, Monday, August 1st.

1946

MR. MOBBE: And the name of Orville Mason, too.

MR. DARROW: Yes, Mason's is also here, the three  
Russells and Orville Mason.

Q You people came out next day?

A Yes, sir.

MR. DARROW: That's all.

MR. KNIGHT: No questions.

WITNESS EXCUSED.



~~Russell~~  
A-10

Orville Mason

1917

ORVILLE MASON,

Recalled, a witness on the part  
of the defendant, testified as  
follows:

BY MR. DARROW:

Q Orville, do you recall taking Russell and his  
brother and sister out to the head of navigation the  
first of August?

A Yes, sir.

Q What did you take them-- how did you take them  
out?

A Came down in a canoe.

Q Where did you stay that night?

A At the St. Joe Hotel.

Q Do you know what day it was exactly?

A The last of July or the first of August.

Q I call your attention to this register? Is that  
your writing?

A Yes, sir.

MR. DARROW: The first of August. That's all.

MR. KNIGHT: No questions.

WITNESS EXCUSED.

MR. DARROW: Call Dr. Drehnan. If he is not here  
call him by 'phone. Would like to ask a few questions of  
Mr. McParland and Mr. Whitney.

MR. KNIGHT: Mr. Whitney will be on the stand again  
and Mr. McParland is here.

Archives  
University of Colorado  
at Boulder Libraries

Whitney-Recalled for X  
A-11

EUGENE WHITNEY,

Recalled for further cross-examination, a witness on the part of the State, testified as follows:

BY MR. DARROW:

MR. KNIGHT: Do you want to examine Mr. Whitney now, Mr. Darrow?

MR. DARROW: I dont care which one examines him first; just one question I want to ask him.

THE COURT: You better proceed, Mr. Darrow.

MR. DARROW: All right.

Q You know Mrs. Adams, dont you?

A Yes, sir.

Q Did you have any conversation with her the day after McParland had been in to see Steve the second or third time?

A I couldnt say it was the next day after.

Q You did have a conversation with her?

A I had a conversation with her, yes, sir.

MR. KNIGHT: He said he couldnt say it was the next day after.

MR. DARROW: Well, one of the days Mr. McParland was there, was it not?

A I couldnt say whether it was or not.

Q Did you say to her: "I want you to cheer Steve up all you can. He has just gone through a terrible ordeal. He is feeling very badly."

A No, sir; I did not.



1949

Q Did you say anything to that effect?

A I was taking her up in a buggy and had conversation with her; I cant tell what the conversation was.

Q Did you say anything to this effect?

A I told her Steve had made a confession.

Q Did you say anything to this effect, that he "had gone through a terrible ordeal"?

A That he had--- I dont recollect whether I did or not.

Q You dont recollect?

A No, sir.

Q Did you say you wanted her to cheer him up all she could?

A I dont recollect that I did.

Q Or that you did not?

A I couldnt say whether I did or didnt; not very positive.

MR. DARROW: Yes. I guess that is all.

MR. KNIGHT: Thats all at present, Mr. Whitney.  
We want you again---

Q What name did you meet Mrs. Adams under? What name was she wearing when Mr. Huebener introduced you?

A Wel, sir; I couldnt tell you just exactly what was her name.

Q Was it Adams?

A I couldnt say whether it was or not, I heard so many.

Q You have forgotten all about that?

A Yes, sir, I heard so many of them.

Q Did you name her?

A No, sir; I did not.

WITNESS EXCUSED.

1950

JAMES McPARLAND,

a witness on the part of the  
State, being recalled for  
further cross-examination,  
testified as follows:

BY MR. DARROW:

Q You know Mrs. Adams, do you not?

A I do.

Q Did you meet her down there at Boise?

A Yes, sir I met her once in Boise.

Q Under what name?

A As Mrs. Adams.

Q Sure about that?

A Yes.

Q Didnt you call her Mrs. Fuller?

A Yes. She told me that was the name she was taking  
at that time. I knew her name was Adams.

Q Did she tell you Mr. Thiele told her to take it?

A No, she didnt tell me anything of the kind.

Q You called her Mrs. Fuller, didnt you?

A I called her Mrs. Adams. She told me that was the  
name she was taking.

Q Did you have a talk with her along about the first of  
March?

A I could not say the date. It was in March.

Q At Mrs. Huebener's house?

A At Mrs. Huebener's house, yes.

Q On Sunday?

A On Sunday.



Q Did you say to her at that time that Steve had made a confession to you and that you had promised Steve that he would be all right?

MR. KNIGHT: Objected to as immaterial and irrelevant. It has no materiality whatever.

MR. DARROW: As to whether he offered her immunity?

MR. KNIGHT: That's not the question. The question is whether he told Mrs. Adams so.

THE COURT: Objection overruled.

A I did not.

Q Did you say to her at that time, that was on a Sunday, at Mrs. Huebener's, the first Sunday in March, 1906, no one else being present, did you say at that time that you had talked with Steve, had promised him if he made a confession corroborating Harry Orchard, and went through with it, he would be able to go back to his ranch in a short time, and would not be prosecuted?

A I did not, to Mrs. Adams or anybody else.

Q The question is, did you say that to Mrs. Adams?

MR. KNIGHT: Yes, sir; and it has been answered.

MR. DARROW: Now, I ask, under that statement, that counsel knows it is not the law, to have the court strike that out. I ask if he made that statement to Mrs. Adams and he injects "or anybody else". I ask that part that was injected be stricken out.

MR. KNIGHT: Under this rule a good part of the cross-examination of the defendant would be stricken out.

THE COURT: I shall not strike it out, but it is not proper to volunteer more on cross examination than is asked unless you desire to explain. I do not consider that is explanatory.

WITNESS EXCUSED.

1952

DR. D. D. DRENNAN

Being called and duly sworn  
and examined as a witness for  
the defendant, testified as follows:

BY MR. DARROW;

MR. DARROW: Mr. Clerk, will you bring in those  
exhibits. (A valise is brought in)

Q What is your name, please?

A D. D. Drennan.

Q You are a physician and surgeon, are you not?

A Yes, sir.

Q How long have you been a physician and surgeon?

A Graduated in 1890.

Q Whereabouts?

A Rush Medical College, Chicago.

Q You are in practice here in Rathdrum?

A Yes, sir.

Q How long have you been?

A Three years.

Q Are you familiar with gun shot wounds?

A To some extent, yes.

Q And more or less with anatomy, I suppose?

A Yes.

Q I will ask you whether you have examined  
the bones which are contained in the valise in  
front of us, and which are the bones introduced in  
evidence under various exhibits by the State? Have



you?

A Yes, sir; I have.

Q Have you found any of the bones of the fingers?

A Yes, sir.

Q Do you know how many?

A Well, six, possibly six or seven.

Q What are the bones of the fingers called?

A Phalanges.

Q Do you know whether you found any bone of any little finger?

A I should judge one of them was a little finger.

Q Yes. I will ask you whether you saw any of the bones, any of the phalanges having any abnormal joint

A Not that I found.

Q Or any enlarged joint?

A No, sir.

Q Doctor, in case of the freezing of the feet or hands, does that ever produce a callous?

A Yes, sir; sometimes it produces a callous.

Q In case of death after the freezing of the feet or hands, does it make any difference in the length of time in which they decay? Would they decay sooner or would they last longer if they had been frozen?

A I think, if there is any difference, they would decay a little sooner.

Q Why?

A Well, due to the lack of resistance of the tissues that the freezing had produced.

Q Frozen meat decays quicker than that which has

not been frozen.

MR. KNIGHT: Objected to as entirely immaterial.  
There is no question here about frozen meat.

THE COURT: Objection is sustained.

Q Frozen flesh, then.

MR. KNIGHT: There is no question of frozen flesh  
either.

MR. DARROW: Always has been.

THE COURT: Flesh of a human being. I shall  
allow that question, if he knows.

Q What have you to say about the frozen flesh  
of a human being, whether it would decay quicker  
than if it had not been frozen?

A Yes, sir; I would think it would.

Q What effect would freezing have upon it?

A It has a softening effect on the tissues.

Q Did you examine the skull there, one of  
these exhibits that is held in this valise?

A Yes, sir.

Q Did you put it together as far as you  
could?

A Yes, sir.

Q I will ask you whether there was any evidence  
of gun shot wounds about the skull?

A Well, I saw a number of fragments of the  
skull. I could detect no place where it seemed to me  
there could be any bullet wounds. There was too  
many fragments, all too broken to pieces for that.

Q State whether or not a bullet wound would  
break the skull in that position in which it is  
found now?



1955

A Why, I would hardly think so.

Q What effect does a bullet have upon a skull going through it?

A Where the bullet first passes into the skull would leave a small perforation, small, little,--- perhaps a little larger than the bullet; if it were a soft-nosed bullet probably where the bullet would go out would be much larger than the ingress.

Q Some reference has been made to the action of a bullet in a place filled with some fluid substance; what is that?

MR. KNIG HT: Hydro-dynamics.

MR. DARROW: I guess that will do all right.

Q That is where there is a foreign substance injected into a place, that is not empty, but is filled with a fluid substance---

MR. KNIGHT: I object to it as leading.

THE COURT: The question will be allowed.

Q What is that anyway?

A It is a law of physics that-- I dont know as I can thoroughly explain it or satisfactorily-- it is a law of physics, however, that if a missile or force is shot into a certain amount of confined fluid or semi-fluid substance, there is a certain amount of resistance or a certain amount of expansive or explosive power generated.

Q Projecting a foreign substance into a fluid, what is the effect?

A There is a certain amount of explosive resistance or expansive resistance.

Q I dont know as I get this right: where is the occip-



1956

ital bone?

A In the back of the head.

Q How does that compare in strength and resisting power with other bones of the head?

A It is more resistant, the occipital bone.

Q Assuming that the penetration of a bullet or any other missile would cause a fracture of any part of the skull, would it fracture the occipital bone?

MR. KNIGHT: I object to that; there is no evidence that the occipital bone was ever fractured.

MR. DARROW: I take it there is.

MR. KNIGHT: The evidence here is that the fracture-- that there is a fracture of the suture between the occipital and parietal bones.

THE COURT: That is it.

Q What would you think about that?

A Do you mean the fracture was on the hydro-dynamic theory, or was direct?

A I dont mean made direct. I mean from pressure.

A As I understand it, the fracture would be where there is the least resistance. And I think the least resistance would be toward the base of the brain instead of upward.

Q The weakest part of the skull would fracture would it not?

A Yes, sir; I think so.

Q Can you account in any way for the condition of the skull as you see it here?

A No, I would not want to account for its condition.



CROSS-EXAMINATION

FRENNAN.

BY MR. KNIGHT.

Q Hydro-dynamic action is the action by which a fluid substance transmits energy in every direction with equal force, is it not, Doctor?

A Equal force, yes sir; I think that is true.

Q That is when a missile of any kind is fired into a liquid confined in any space, the liquid transmits the power which it receives from the foreign missile equally in every direction?

A Yes, sir.

Q And that is diminished at the rate of the square of the distance from the place of the application of the missile?

A The power of resistance.

Q The power or the energy transmitted by the foreign force diminishes according to the square of the distance from the place of the application of the foreign substance?

A That is the true theory, I think.

Q Now, if the liquid substance is of equal thickness or substance all the way through, it transmits the energy equally in every direction; which diminishes with the distance according to the distance of the application of the foreign substance, at a rate equal to the square of the distance from the place of the application of the foreign substance, does it not?

A I think that is correct.

Q Now, Doctor, the occipital bone you say is the back bone of the skull?

A Yes, sir.

Q How many bones are there in the skull, Doctor?

A Well, they vary a little. There are bones called the wormian bones, that are supposed to close some sutures that vary somewhat, I don't know how many.

Q What are the bones proper of the skull, Doctor?

A The occipital, parietal and frontal bones.

Q What is there to connect the occipital and parietal bones?

A They are connected by a toothlike or sagittal suture-- they are dovetailed together; perhaps that is a simpler term. They are connected in that form.

Q That is the suture is in that shape?

A Yes, sir.

Q That is the suture between the occipital and parietal bones would be the line of least resistance--- would be the least resistance, or the line of least resistance?

A Not of the sutures.

Q Well, as between the occipital and parietal bones, the suture would be the direct line of least resistance?

A Yes, sir.

Q Then, if hydro-dynamic pressure were applied to the interior of the skull--- it is filled with a viscid liquid, is it not?

A Yes, sir, a slightly solid liquid, if the term may be used.



Q The tendency of the application of hydrodynamic pressure, if it burst the skull at all, would be to burst it along the line of the sutures, would it not?

A If it burst the skull at all, unless it be the base of the skull, ~~xxxxxxx~~ that would be possible.

Q Doctor, suppose a bullet were fired into the basilar portion of the occipital bone, with a slightly upward tendency, could you say what the point of least resistance would be in an upward direction?

MR. McKEE: Object to that as incompetent, irrelevant and immaterial and it is not proper cross examination; not based on any testimony in this case.

THE COURT: The objection is overruled.

MR. McKEE: Defendant excepts.

A I would not maintain or say positively what might be the point of least resistance. I would not say positively. There might be less resistance from the suture or there might be less resistance through the base of the brain.

Q It might be there too?

A Yes, sir; might be there too.

Q Now, Doctor, when this skull was brought into this trial, there was a---

MR. DARROW: Now, I object---

(Mr. Knight having taken the skull to show to the witness)

MR. KNIGHT: I want you to come here, Mr. Darrow.

MR. DARROW: I object to your testifying. Show the skull as it is.

1960

MR. KNIGHT: The one that was brought in there, the little piece.

MR. DARROW: Then you ought to get it and put it back.

MR. KNIGHT: I don't know; it is such a little piece.

Q (Showing skull to witness) Suppose a bullet was fired into the basilar portion of the occipital bone, in that place right there (indicating) at the point where Dr. Keyes testified the bullet entered---

MR. MORSE: Now, never mind saying about what Dr. Keyes testified to.

MR. KNIGHT: I have a perfect right in a hypothetical question.

Q --that the bullet ranged through and broke the jaw bone---

(At this point counsel and the witness spent some time in examining the skull, counsel for both parties)

MR. KNIGHT: Now, I will state the question.

Q assuming that the bullet entered at the basilar portion of the occipital bone, near behind the right ear, is it not a fact that the natural effect of the hydro-dynamic action produced by that bullet would be to loosen the sutures between the parietal and occipital bone?

A Yes, it might loosen them and it might loosen this here, (indicating) but it would be more likely, I believe, to fracture the base of the brain.

Q You notice the base of this brain is badly fractured there?

A yes, sir; nearly entirely destroyed.



*Examination*  
*23*

1961

Q Yes, nearly entirely destroyed. You will notice that on the left side of the skull there is a fracture and on the right side of the suture is somewhat dislocated?

A Yes.

Q That might be naturally the effect of a gunshot wound, might it not?

A It might be.

Q That effect would be much more likely to occur in a living body where the liquids were normal, than in a dead body, would it not?

A Yes, sir.

Q Hydro-dynamic action would not affect this in a body long dead?

A No, sir.

Q What is a callous?

A Callous is a hardening of the tissue from a lack of circulation.

Q Lack of circulation means that the blood of the body does not penetrate the callous?

A Yes, sir, that is it does not penetrate the callous to its natural extent. There is always some.

Q But it does not get the normal amount of blood?

A No, sir.

Q Moisture promotes decay?

A Yes, sir; heat and moisture promote decay.

Q Moisture alone produces decay, does it not?

A Yes, sir.

Q Liquids, in fact, the weather itself, is a universal solvent, is it not?

Q And any liquid, under normal conditions of heat, promotes decay?

A Yes, sir--- I beg pardon, not any liquid. We can take formaldehyde and other preservatives.

Q But ordinary fluid, or the weather under normal conditions of heat, promote decay do they not?

A yes.

Q Does freezing sometimes tend to produce callous?

A I think freezing has a tendency to produce a callous in the form of a bunion.

Q If freezing occurs, no matter how, and has a tendency to produce callous the tendency of the callous would be to resist decay to a greater extent than the normal moisture flesh or skin?

A No, I hardly think so. You take anything that has been frozen-- anything that has been frozen has a lack of resistance, and if you ever had a bunion you know how much sorer---

Q Thank Heaven, Doctor, I never had one.

A ---than any other part, much more sensitive ordinarily; this is due to the fact that there are fewer blood vessels in the external part of the cuticle, but you find just underneath that external cuticle very many more blood vessels.

Q A tanned piece of leather will last longer than an ordinary skin, will it not, Doctor?

A Yes, sir.

Q You are familiar with a very great Authority that states that a tanner will lie in the grave nine years and will not rot.

MR. BARNOW: I don't know whether that is cross-



1963

examination. Don't know who his Authority is or what a tanner has to do with this case.

Q There is such an Authority, is there not, Doctor?

A Yes, sir.

MR. DARROW: I think I shall ask to have the answer stricken out.

THE COURT: It will be stricken out.

Q When a callous has been produced and of long standing, there is really no portion of the callous left, that is, of several years standing, there is no portion of that callous left that has been frozen? What I mean to say is, the portion of the callous that was frozen has been replaced, has it not?

A It has new tissue--- new tissue has been introduced in its place, that is true, but that new tissue has less resistance than the normal cuticle would have.

Q Have you any theory, Doctor, by which you can account for the fact that the flesh of the bottoms of the feet will last longer than the flesh in other parts of the body?

MR. DARROW: We object, Mr. Knight.

MR. KNIGHT: I will withdraw that and put the question a little different.

Q Suppose a body had been exposed to the elements for the greater part of one year, and, after considerable decay, the greater portion of the flesh of the body having decayed from the bones, but the soles of the feet are quite intact, being covered with woolen or cotton and woolen socks, have you any theory that would account

1964

for the preservation of that portion of the anatomy for that time?

A I think it is true the skin being thicker than the ordinary cuticle, that is the skin on the surface, would have more resistance to external influences, that is to the elements possibly, in the feet, that is in the bottom of the feet.

Q The socks being there, would not that tend to preserve it to some extent?

A I don't know as to that. It might not. The fact of the feet being covered in that way, they might the socks might hold moisture there that would be detrimental to those tissues.

Q Now, is the cuticle over a callous thicker than over the normal?

A Slightly thicker, but underneath there is the greater blood vessels.

Q The blood vessels in the soles of the feet are not as great as in other portions of the body?

A The blood vessels in that very heavy skin in the planter surface is not as great ~~xxxxxxx~~ <sup>but just</sup> underneath the planter surface we have some of the larger vessels; in fact, a circle of vessels known as the "planter circle".

Q Then the only theory by which you can account for the greater resistance to decay of the soles of the feet is the greater thickness of the cuticle on the bottom of the feet?

A That would be the only explanation I would know.

Q Of course you cant tell from looking at six fingers



1965

whether there are any malformations of the other four or not?

MR. DARROW: We object to that.

THE COURT: Objection overruled.

A No, sir; can only tell by comparison.

Q Well, if you had nine of the fingers there, you could not tell whether the other had any malformation?

A No, sir.

Q And from the examination of the bones, of the phalanges of a human hand, you could not tell by examination of any one of those, whether it was a finger or little finger or any other finger?

A You cannot tell by the size, only upon comparison.

Q You can tell only by comparison?

A Yes, sir. --- You could tell the thumb.

Q You could tell the thumb from the other-- you could tell the thumb, but not the other four?

A No.

Q It is only by comparison you could distinguish the difference?

A Yes, sir.

1966

Drennan RD  
b-1

-----RE-DIRECT EXAMINATION

BY MR DARROW:

Q Doctor, the toes of the feet of an ordinary man are about the thickest skin he has got, is it not?

A Yes, sir.

Q You put those together as far as you could, didnt you?

A Yes, sir.

Q So you examined it to see what breaks there were in it, if there were any?

A Yes, sir.

Q Is there any evidence of a break especilly along the suture here, or is it on the skull itself?

A How is that?

Q Are those breaks along the bone?

A This is across the suture here.

Q That is, it goes across it?

A Yes, sir.

Q But it is a break of the bone, is it not?

A It is a break of the bone; here is a suture; (Indicating).

Q How is that?

A Here is a break across the suture, that is across the bone.

Q Right across it, across the bone itself?

A Yes, sir.

Q How is this one where it is broken off there?

A The same thing is true of this one. (Indicating).

Q The same thing is true here, is it not?

A Yes, sir.

Q These are breaks of the bone, are they?



A Yes, sir .

Q Now, a projectile going into a liquid substance is supposed to press equally in every direction, is it not?

A Yes, sir.

Q And it breaks at the point of least resistance?

A Yes, sir.

Q How is it as to whether the brain is a fluid substance or not. Is the brain a fluid substance?

A It is a semi-fluid.

Q Semi-fluids, You dont know whether the same law would work on the brain as on liquids or not, or do you know?

A Well, I dont know, only from the question of study of the proposition, I think there would be enough liquid in the brain to cause equal pressure.

Q You think there would be enough in that?

A Yes, sir.

-----RE-CROSS EXAMINATION

BY MR KNIGHT:

Q You noticed some disconnection of the suture on the right hand side of the brain there, did you?

A Yes, sir, I noticed that.

Q. And that the lower portion of the basilar portion of <sup>occipital</sup> the bone is broken?

A Yes, sir; I noticed that .

Q That might very naturally be the result of a gunshot wound, isnt it?

MR DANROW: Let him answer.

1968

Drennan RX  
b-3

MR KNIGHT: Wait. Q I believe you stated the basilar portions, or lower portions of the skull were weaker---

MR DARROW: You asked him a question. Let him answer.

MR KNIGHT: I withdraw that.

MR KNIGHT: I object to your withdrawing it. You asked a question and he started to answer and you withdrew it.

THE COURT: He is allowed to withdraw it.

MR KNIGHT: Q You stated the basilar portion of the skull was the least resistant?

A Yes, sir.

Q And next following those, would be the sutures between the parietal and occipital bones?

A Yes, sir.

EXCUSED.



1969

Struthers D  
b-4

CHARLES STRUTHERS, A witness called on behalf of defendant,  
being first duly sworn, testified, as  
follows:

DIRECT EXAMINATION

BY MR DARROW:

Q What is your name in full?

A Charles Struthers.

Q Mr Struthers, you have been subpoenaed here by the  
State, havent you?

A Yes, sir.

Q Yesterday?

A Day before yesterday

Q Where do you live?

A Why, I work at mining; have for the last two years.

Q At what?

A Mining.

Q For whom?

A The Last Chance/

Q Are you a homesteader?

A Yes, sir.

Q In Marble Creek?

A I am on Eagle Creek.

Q Where is that from Mica Meadows?

A It is about four miles.

Q That is four miles beyond it from the river?

A Yes, sir.

Q Four miles further than Mason's Ferry, for instance?

A It is four miles from Mr Price's place, Mica  
Meadows.

Q But beyond Mr Price's place, further up in the woods?

1950

Struthers D  
b-5

A Yes, sir.

Q Are you familiar with the trails from Price's down to the river at Mason's?

A Yes, sir.

Q And somewhat beyond there but towards Marble Creek?

A Well, somewhat, yes.

Q How long have you been familiar with them?

A It is three years.

Q When is the last time you went over any portion of them?

A Last Sunday.

Q Anybody with you?

A Yes, sir.

Q Who?

A A lady, Mrs Pardee.

Q Anybody else with you?

A Not that day, no, sir.

Q When, before that, were you there?

A On the 13th.

Q That is, the 13th of this month?

A Yes, sir.

Q Anybody with you then?

A Yes, Mr Campbell and Mr Gyde.

Q Mr Gyde, the attorney here?

A Yes, sir.

Q And Mr Williams?

A Mr Williams, I should say.

Q Mr Williams and Mr Gyde?

A Yes, sir.

Q How much of the trail did you go over that day?

Archives  
University of Colorado  
at Boulder Libraries



Struthers D

1971

b-6

A Why, I should imagine about two miles.

Q Were they walking or riding?

A Walking part of the way and riding part.

Q Now, is that trail any different in the last two or three years from what it was in 1904?

A Yes, sir.

Q What difference, if any, has there been?

A I have an individual trail of my own now.

Q Speaking of the regular trail of Price's down to the river, has there been any difference in that by reason of burning or otherwise?

A No, I think not.

Q Do you know the old trail from Price's down to the river?

A Yes, sir.

Q Do you know how long it takes to go?

A I know how long it takes me.

Q How long?

A About four hours.

Q That is from Price's to the river?

A Yes, sir.

Q How is the trail from Price's on up to Marble Creek?

A Well, I don't ever remember of making that.

Q You don't?

A No, sir, not all the way.

Q What is the character of it as far up as you have been?

A Very rough.

Q How does it compare with the trail below, from Price's to the river?

A I think it is a great deal steeper and harder trail to climb.

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Struthers D  
b-7

Q Of course, you have not timed yourself on that?

A No, sir.

-----CROSS EXAMINATION

BY MR KNIGHT:

Q Where do you live, Mr Struthers, where is your homestead

A Section 2; forty-four, two.

Q Forty-four.

A In township forty-four, range 2.

Q Where is your place, where is your cabin?

A My cabin is located right in the southeast corner of Section 2.

Q Can you indicate it on the map?

A Right inside of that section corner. (Illustrating on map).

Q Right there near the line, and you have a trail from here out to Price's?

A It strikes just about a mile above Mr Price's place; it strikes the old Marble Creek trail.

Q It strikes the old Marble Creek trail?

A Yes, sir.

Q About how far would your cabin be from a point in the southwest quarter of the southeast quarter of section 12, marked "A" here?

A How far would it be?

Q Yes, sir.

A On a straight line?

Q Yes.



Struthers X  
b-8

A Well, I have never been through there; I would judge it would be about a mile; I never timed it.

Q Have you ever been down Eagle Creek?

A I have been down about three-quarters of a mile below my place on Eagle Creek.

Q Do you know whether or not you have been out to this section line, on this township line. (Indicating on map).

A I never seen any line since I have been down there. I went down the furthest when I went down with Mr Williams and Mr Gyde, that I ever went down the creek.

Q Do you know whether or not you reached as far as that?

A I do not.

Q Do you know whether or not you reached as far as this letter "A" in the southwest of the southeast of Section 12?

A No, sir.

Q Mr Struthers you and myself and Mr Gyde looked at this map the other day, didn't we, when we came in?

A Yes, sir.

Q We did?

A Yes, sir.

Q I will ask you if you did not say to us that you went down Eagle Creek as far as that letter "A"?

A I never saw any line.

Q My question is, didn't you say you went down the creek further than that?

A I told you three-quarters of a mile; I told you the map was not correct.

Q Didn't you say you went further down the creek, where

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Struthers X  
b-9

that letter is, in the southeast of the southwest of Section 12?

A No, sir.

Q You went about three-quarters of a mile from your place down the river, did you?

A I said I had been down there three-quarters of a mile until I went with them and I don't know how far we went with them.

Q I am talking about the day that you went with them; didn't you tell us that you had gone further with them the other day?

A No, sir.

Q How long does it take you to ~~take~~ get from your cabin to Frank Price's place?

A About one hour and ten minutes.

Q When did you cut that trail?

A Well, sir, we cut that in, we cut the trail in 1905, and we worked some on it in 1906, ~~axxxx~~

Q And before you had that trail how did you go out to Mr Price's place?

A I went right straight north.

Q Will you indicate on this map about the direction that you pursued?

A Our trail started in right about there (indicating on map).

Q Your cabin is right about there (indicating).

A Yes, sir.

Q You started from your cabin?

A Yes, sir; and went about sixty rods east, right there (indicating) and then went right due north on to the trail



and then over the old trail of Mr Price's.

Q Have you made the trip frequently?

A Yes, sir.

Q How often?

A Why, I have made it a great many times; I lived in there<sup>o</sup> all one summer and I used to go after my mail once a week.

Q How long did it take you to make that trip, Mr Struthers?

A Two hours.

-----RE-DIRECT EXAMINATION

B Y MR DARROW:

Q What is the distance there about?

A About six miles that way.

Q Do you go to Huckleberry Mountain that way?

A Yes, sir.

-----RE-CROSS EXAMINATION

B Y MR KNIGHT:

Q Then from your cabin over the old trail to Price's and from Price's on to Mason's would take you six hours, would it?

A Yes, sir.

Q Have you ever been out in that country over the mountain to the St Joe River and down the St Joe River, striking it at a point about eight or ten miles above Mason's?

A No, sir.

MR DARROW: To that we object.

Q Do you know where Pyle's place is up there?

A Yes, sir.

Q Have you ever been there?

A Yes, sir.

Q Now, this ridge between Mica Creek and Marble Creek extends down towards the St Joe River to near Pyles' place, doesn't it, or do you know?

A I do not know; I never was through the woods; I have always followed the trail.

Q You have always followed the trail. You have never been out that way?

A No, sir.

Q Have you ever gone to your place by Pyles' place, passing by Pyles' place and gone on into your place?

A The Pyles that I have reference to lives on the St Joe River.

Q Yes, I mean, but have you gone from Pyles' place up past into your place?

A No, sir.

Q You have never gone in in that way?

A No, sir.

EXCUSED.

MR DARROW: I am going to read Mr Brown's testimony. Will you admit he is dead?

MR KNIGHT: Yes, sir.

MR DARROW: I ask to read the testimony of Harvey T. Brown. It is admitted that Harvey T. Brown is dead. He testified before on behalf of the defendant.

THE COURT: Yes, sir.

MR DARROW: read the direct examination and Mr Knight the cross examination of Harvey T. Brown, as follows:



1.

"Harvey T. Brown,

"A witness called on the part of  
 "the Defendant, and after being  
 "first duly sworn, testified as  
 "follows.

## "Direct Examination.

"By Mr. Darrow:

"Q Will you give us your name in full, please?

"A Harvey T. Brown.

"Q And where do you reside?

"A Baker City.

"Q Baker City is in Oregon, is it?

"A Yes, sir.

"ty?"

"Q Did you ever hold any official position in Baker Coun

"A Yes, sir.

"Q What was it?

"A I was Sheriff of that county for four years.

"Q When were you Sheriff?

"A From July, 1902, until last July.

"Q You know Steve Adams who sits here, the Defendant?

"A Yes, sir.

"Q How long have you known him?

"A Oh, I would say about a year and a half.

"Q You know his wife?

"A Yes, sir.

"Q His uncle, Mr. Lillard?

"A Yes, sir.

"Q Were you ever called on to arrest him?

"A Yes, sir.

"Q By whom?

"A By Governor Gooding.

"Q By telegram, or telephone, or either?

"A By telegraph.

"Q You know Mr. Thiele, do you, the Pinkerton man?

"A Yes, sir.

"Q Where was he at that time?

"A Well, he came there to look up Mr. Adams.

"Q Was he in that country at the time you received the communication from Governor Gooding?

"A Yes, sir.

"Q Did you know at the time you received the communication that Mr. Thiele was there?

"A Yes, sir, I knew he was there.

"Q And about the same time did you get a communication from Mr. Thiele?

"A Shortly afterwards, the next day---it was after I received the telegram.

"Q And before you left Baker City to arrest Steve Adams you got a communication from Mr. Thiele?

"A Yes, sir.

"Q Whereabouts was that from?

"A From Haines.

"Q How far is Haines from Baker City.

"A Twelve miles.

"Q Which way?

"A Northwest.

"Q Which way is Adams' homestead from Haines?

"A It is east of Haines, about four miles.

"Q And four miles from Haines, and about twelve miles from



"Baker City?

"A Yes, sir.

"Q Haines is the nearest railroad station to his place?

"A Yes, sir.

"Q But in going to Steve's ranch, you dont have to go  
"through Haines?

"A No, sir.

"Q You got a telephone message from Mr. Thiele?

"A Yes, sir.

"Q And when you received that telephone message, what  
"did you do?

"A I took a man with me and went to Haines.

"Q What kind of a rig did you take?

"A A buggy.

"Q Who did you meet, if anybody?

"A Well, when I got in Haines, I met Mr. Thiele.

"Q And did you change rigs?

"A We changed rigs, yes, sir.

"Q Did he have a rig there?

"A Yes, sir, he furnished a rig right away and we took  
"a driver along, and the three of us went in the same rig.

"Q And who told you where to go, who directed you?

"A Well, he told me where he was.

"Q Who?

"A Mr. Thiele, when I met him in Haines.

"Q And where did you go?

"A Went to Mr. Lilliard's ranch.

"Q Mr. Lilliard's ranch?

"A Yes, sir.

"Q And did you see Steve Adams?

"A Yes, sir.

"Q Where was he?

"A Well, he was coming from work---that is, he was out  
"at the grannery, and he was coming from the grannery toward  
"the house.

"Q Anybody with him?

"A Mr. Lilliard's son was with him?

"Q Where did you go then, did you people go and meet  
"him?

"A Yes, sir.

"Q What did you do?

"A Well, I asked him if his name was Steve Adams, and  
"he said it was; then Mr. Thiele stepped up to him and asked  
"him if he knew Harry Orchard, or he mentioned some other  
"name, I dont remember now what.

"Q You mean some other name for Orchard?

"A Yes, sir.

"Q Was it Hogan or Dempsey?

"A I believe he said Hogan.

"Q And what did he say?

"A He said he did not. And he mentioned several other  
"names, six or seven.

"Q And what did Mr. Adams say?

"A He said he did not know them.

"Q Well, go on.

"A Then he asked him if he ever mined in Colorado, and  
"Northern Idaho, and he said no.



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"Q What is that---if he ever mined in Colorado or Northern Idaho?

"A Yes, sir, worked in the mines.

"Q What did he say?

"A He said no. Then he asked him where he came from to Oregon, and he said he came from Texas, and he asked him where he came to from Texas and he said Missouri.

"Q Is that the substance of the conversation at that time?

"A Yes, sir.

"Q What did Thiele then do?

"A Then Mr. Thiele said, "You keep him here a minute and I will see whether he is the man I want or not".

"Q And who did he say that to?

"A To me. And then he turned around and went to the house and knocked on the kitchen door and Mrs. Adams came to the door and he asked to see the little boy, and she called the little boy.

"Q What did she call him?

"A She said "Oh, Adolphus, come here".

"Q Then what did Thiele do?

"A Well, he turned around and he says, "Brown, that is the right man."

"Q Well, you arrested him?

"A Yes, sir.

"Q Did he go in and change his clothes?

"A Yes, sir.

"Q Whereabouts?

"A He went into the kitchen and she got his clothes for him and he changed his clothes.

"Q Were you and Mr. Thiele present at that time?

"A Yes, sir, and Col. Panting, all three of us, the deputy I had taken down with me.

"Q You stayed there until he changed his clothes and you came away with him?

"A Yes, sir.

"Q Did you show him any warrant, or any authority of any kind?

"A Yes, sir, he asked if we had one.

"Q And you had one?

"A I had a fugitive warrant.

"Q One you swore out yourself?

"A Yes, sir, and when I showed it to him he read it himself; I did not read it to him.

"Q How did you go back to Baker City?

"A We went in a two-seated rig, the driver and the rest of us.

"Q What did you do with Steve?

"A Put him in jail.

"Q Where did he ride on his way back to Baker City?

"A Why, he rode with Mr. Thiele and myself in the back seat; the three of us rode in one seat.

"Q Did you have any conversation with Mr. Thiele as to what he was wanted for?

"A Yes, sir.

"Q And you put him in jail that night?

"A Yes, sir.

"Q What time did you get there?



"A About eight o'clock, I think.

"Q Did Mr. Adams say anything about getting a lawyer?

"A Not that night.

"Q Did you see him the next morning?

"Q How far did you live from the jail?

"A About eight blocks.

"Q You came down in a cab or foot?

"A I went home afoot.

"Q No, when you went down the next morning?

"A Oh, I went down with a cab, the next morning.

"Q Did Mr. Thiele come down after you with a cab?

"A Yes, sir, Mr. Thiele came down for me with a cab.

"Q And he kept the cab until the train went away, didnt  
"he?

"A Yes, sir.

"Q Now, did you go down to the jail?

"A Yes, sir.

"Q And what did Mr. Adams say with reference to leaving  
"Oregon?

"A Well, he said he wanted to see---Mr. Thiele came to  
"me and said he had a telegram from Mr. Robinson, that he  
"was on the train with requisition papers, and wanted me to  
"bring the man to the train; I went in and asked Mr. Adams  
"to go to the train, and he said he wanted to see his attor-  
"ney first; I asked him who he wanted, and he said he was  
"acquainted with Mr. Moore, that he had done some land  
"work for him, and to get him.

"Q Did you see Mr. Moore?

"A Yes, sir.

"Q Where was Mr. Moore?

"A Well, I phoned to Mr. Moore's office and he was not in the office, they said he was at home, hadn't come over yet; and then I went to his house, came back to his office, and they said he had just gone to the court house, the recorder's office; and I went there, and I went from there to the Sheriff's office, and found him in the Sheriff's office, where he was looking up the taxes on some property.

"Q By the way, what was the charge against Steve?

"A For the murder of Ex-Governor Steunenberg.

"Q That is what the Governor said he wanted him for, was it?

"A Yes, sir.

"Q You told Steve what the charge was---you showed it to him?

"A Yes, sir.

"Q Well, you found Moore at the court house?

"A Yes, sir; he was there in the tax office, the Sheriff's Department---the tax department of the Sheriff's office.

"Q And did he see Steve?

"A Yes sir.

"Q And how long before the train left?

"A About an hour.

"Q And did you take him to the train?

"A Yes, sir.

"Q Who was with you at that time?

"A Why, Mr. Thiele, Mr. Adams, Mr. Moore and myself.

"Q Did you have any conversation with him as to what



"was wanted with him in Idaho?

"A Yes, sir.

"Mr. Knight: With whom?

"Mr. parrow; Adams.

"Q Where was it?

"A I think I talked to him about it in the jail, and  
"also in the depot.

"Q What did you tell him, Mr. Brown, as near as you  
"can recollect?---can you recollect the exact words, or  
"just the substance of them?

"A Well, at the depot---I did not talk to him until  
"after the train came in---"

Mr. Knight: We waive the objection.

"A (Continuing) well, we went down to the train, and  
"we waited there to see if Mr. Robbins got off with the  
"requisition papers, and he got off with a warrant for him;  
"and I took Mr. Adams and I went inside the car, and I sat  
"down with him and waited until Mr. Moore reported on what  
"to do, that is what we had agreed to prior.

"Q Who with?

"A Mr. Moore and myself and Mr. Adams.

"Q That you would wait until he reported?

"A Yes, sir.

"Q Well, go on.

"A And I sat down in there with him and what I remem-  
"ber he said was about like this: "he said, "I guess they  
"are going to take me back to Colorado." I said, "No, I  
"dont believe they are." He said, "Well, I don't want to go  
"back to Colorado." And from that he said, "Who is that big

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"fellow that was with you yesterday?" He said, "Is he  
"a detective?" And I said, "No, he is Col. Panting. And he  
"says, "This other man is a detective, is he not?" And I  
"said, "Yes" "Well", he says, "he is on that I know  
"Orchard", that was about the way he said it. I said  
"Yes, he knows you know Orchard." I told him, I said,  
"I have got inside information about this, and from what I  
"know about it, if you go over there and tell what you know  
"about this, I believe you will come out all right".

"Q How long was that before the train went away?

"A Oh, it was probably seven minutes, not over, might  
"have been ten.

"Q Had you been down to Colorado, before this time, to  
"make some investigation of this case, the Orchard case?

"A Yes, sir.

"Q How long before?

"A Well, I was there---I went to Boise on that special  
"train, and I went to Caldwell.

"Q Did you work some in connection with the Sheriff  
"of Canyon County?

"A Yes, sir.

"Mr. Darrow: That is all.

"Cross Examination.

"By Mr. Knight:

"Q Mr. Brown, there was nothing said about the Tyler  
"case at that time at all?

"A No, sir.



"Q You knew nothing about it?

"A No, sir.

"Q In the State of Oregon the Sheriff handles the tax records?

"A Yes, sir.

"Q All the records are in the Sheriff's office?

"A Yes, sir.

"Q I will ask you whether or not Steve Adams was placed in irons at the time you arrested him?

"A No, sir.

"Q I understand that Mr. Adams told you to go and get Mr. Moore?

"A Yes, sir.

"Q He had done business with him before, some land business or something of the kind?

"A Yes, sir.

"Q And he did not suggest the name of any other attorney, did he?

"A No, sir.

"Q And who suggested the name of Mr. Moore first, yourself or Mr. Adams?

"A Mr. Adams.

"Q Who is Mr. Moore?

"A Why, he is an abstract attorney down there---runs an abstract office.

"Q A regular attorney-at-law?

"A Yes, sir.

Mrs. Adams-D

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MRS. ANNIE ADAMS,

A witness called on behalf of  
the Defendant, being first duly  
sworn, testified as follows:

DIRECT EXAMINATION

BY MR. DARROW:

Q Give us your name, please?

A Annie Adams.

Q You are the wife of Steve Adams?

A Yes, sir.

Q And where was your home formerly?

A Baker City, Oregon.

Q You were married and lived in Colorado, were you not?

A Yes, sir.

Q Your people used to live in Colorado?

A Yes, sir; do at the present time.

Q Do now?

A Yes, sir.

Q Whereabouts were you married?

A Telluride, Colorado.

Q When did you go to Baker City to live?

A I went there the first day of August, 1905.

Q Did you have a homestead there?

A My husband took up a homestead shortly afterwards.

Q And you went first to Mr. Lillard's house, I believe?

A Yes, sir.

Q He is your husband's uncle?

A Yes, sir.

Q How long did you live there?



A From August until the following February; I left there the second day of March.

Q Then what happened?

A Steve was arrested in February, the latter part of February.

Q And he left you then?

A Yes, sir.

Q Taken away?

A Yes, sir.

Q Were you taken to Boise afterwards?

A Yes, sir; the second day of March.

Q The second day of March?

A Yes, sir.

Q Anybody come after you?

A Mr. Thiele.

Q That is the detective; some of them call him Thiele pronounced ~~(pronounced with two syllables)~~ and some Thiele (pronounced with one syllable)?

A Yes, sir; he told me he was a field detective at that time.

Q Where were you taken to?

A I was taken to Boise, 702 Fort Street, Mrs. Heubener's place.

Q Mrs. Heubener's?

A Yes, sir.

Q Was that the wife of the clerk up there?

A Yes, sir; the clerk of the penitentiary.

Q Were you given a name there?

A Mr. Thiele told me, at Huntington, that he had 'phoned to Governor Gooding to have the clerk of the penitentiary meet me at Nampa, and he would meet me as Mrs. Fuller--

MR. KNIGHT: I object to that. I move that that be stricken out; it cannot be material.

MR. DARROW: What name he gave her, it is material; he gave it to her.

MR. KNIGHT: It is hearsay testimony.

THE COURT: I wont strike it out. It strikes me as immaterial that she went under the name of Mrs. Fuller.

MR. DARROW: Q Is that what they called you at the time?

A Yes, at the pen too; Mr. Heubener met me at Nampa---

MR. KNIGHT: Wait.

MR. DARROW: Q You have already stated that you took the name there?

A Yes, sir.

Q Where did you go when you went to Boise?

A I went to Mrs. Heubener's house in the morning, but in the afternoon I called on my husband to see him.

Q Did you have a conversation with Mr. Thiele about what had been said to your husband, if anything, in reference to a confession?

A Yes, sir.

MR. KNIGHT: What was that?

MR. DARROW: Q Did you have a conversation with Mr. Thiele with reference to what had been said to your husband, if anything, about a confession?

A Yes, sir.

Q Now, dont answer this question please. Did he, at that time, tell you that he had been promised immunity and would soon be back on your ranch and you need not take any clothing with you?



MR. HAWLEY: We object as entirely immaterial, irrelevant and incompetent; it does not tend to enlighten the issues in any way whatever.

MR. DARROW: The only objection I can see to it is whether it is impeachment, as long as the objection was sustained.

THE COURT: The objection will be sustained.  
Defendant excepts and exception allowed.

Q When did you see McParland, if at all?

A The following Sunday, after I went to Boise.

Q Whereabouts?

A At Mrs. Heubener's house.

Q You were living there at that time?

A Yes, sir.

Q And he came out to see you?

A Yes sir; Mr. Heubener brought him up there.

Q Did he at that time tell you, in substance, that he had talked with Steve; that he had promised him if he made a confession corroborating Harry Orchard and went through with it, he would be able to go back on his ranch in a short time, and there would be no prosecution of him?

MR. KNIGHT: We object as irrelevant, incompetent and immaterial.

Objection overruled.

A Yes, sir.

Q Did you go to the penitentiary afterwards to see your husband?

A I went most every day; if the penitentiary rig was out they came in after me and took me up.

Q The penitentiary rig?

A Yes, sir.

Q Afterwards, did you come there to live?

A Three weeks after I went to Boise.

Q Where did you live there?

A At the old warden's house; inside of the wall;  
it is called the women's ward.

Q Steve lived there with you and the children?

A Well, at first he took his meals there, until the  
gates was finished; then they put him over there permanent-  
ly.

Q Mr. Whitney came to see you?

A Yes, sir.

Q The Governor?

A Yes, sir.

Q Mr. Borah and Mr. Hawley?

A Yes, sir.

Q You kept house, did you, then?

A Yes, sir.

Q A day or two after you got to Boise, did you see  
Warden Whitney?

A I saw him the first afternoon I got there, Mr.  
Darrow.

Q Where did you see him?

A In the clerk's office in the penitentiary; he met  
me there.

Q Did he say to you at that time, "I want you to  
cheer Steve up all you can; he has just gone through a  
terrible ordeal, and he is feeling very badly"?

A Yes, sir.



Q Was the house you spoke of enclosed?

A Yes, sir, with a twenty foot stone wall.

MR. DARROW: I assume, your Honor, that you would make the same ruling that you made with Steve when the question was asked before?

THE COURT: Yes.

MR. DARROW: I dont want to ask one that I think would be sustained.

THE COURT: You will have to give it here in order to save the record, I suppose. You are entitled to the same record. You can give it to the reporter in the absence of the Jury.

MR. DARROW: I suppose I made a record on Mr. Adams' examination, but I will ask it again. Q The Governor called to see you, I believe you said he did?

A Yes, sir, the day before Bob Wetter was reprieved, it was the day before.

Q Wetter was sentenced to death, was he?

A No, sir; he was reprieved that evening.

Q I mean, he was sentenced to death?

A Yes, sir.

Q The day before he was reprieved?

Yes sir,  
A ~~That was the day~~ he and Mr. Borah were up there.

Q Did Mr. Gooding have any conversation with you?

A Yes, sir.

Q Did Mr. Gooding have any conversation with you?

A Yes, sir.

Q What did he say?

MR. KNIGHT: We object as irrelevant, incompetent and immaterial.

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Objection sustained.

Defendants excepts and exception allowed.

Q What did he do while he was there?

MR. KNIGHT: We object as irrelevant, incompetent and immaterial; injecting into the record something that has no relevancy whatever.

Objection sustained.

Defendant excepts and exception allowed.

Q How long was the Governor there?

A probably a half hour, as near as my recollection is.

Q How many times did Mr. Hawley call to see you there?

A Two or three times is all that I can remember of that he called on me.

Q How many times did the Senator call to see you?

A Two or three times.

Q Senator Borah. The Governor called more than once?

A Just once.

Q Mr. Whitney, how many times did he call?

A I saw him every day nearly.

Q Did you talk with Senator Borah when he was there?

A He came over to the house to see us. One time I saw him in the office is all.

Q Did you talk with him?

A Yes, sir.

Q Talked to Mr. Hawley and he to you?

A Yes, sir.

Q Did you hear Mr. Whitney testify about Steve asking him to lock him up for safe keeping, in your presence?

A I heard him testify so.



Q Did Mr. Adams ever ask him to lock him up for safe keeping in your presence?

MR. KNIGHT: Was that question asked?

MR. MCBEE: Yes, sir; she heard Mr. Whitney testify to that.

THE WITNESS: He testified so in the previous trial, and I think he did this time too.

MR. KNIGHT: I dont think there was any such testimony.

MR. DARROW: Is Whitney here? I would not say absolutely; I think I asked him, but I am not dead sure. He did in the previous trial, I know.

MR. KNIGHT: I will ask the witness.

THE WITNESS: I thought probably he did it this time; I think he did all right.

THE COURT: (To the witness) You keep still, please, while they are arguing. I get my recollection of the evidence on both trials somewhat mixed.

MR. DARROW: Is Mr. Whitney here?

MR. KNIGHT: He is here.

MR. DARROW: Let me ask him. I think he did.

MR. KNIGHT: I dont think he did.

MR. DARROW: They objected to immateriality.

THE COURT: I shall allow the question to go in if the foundation is laid.

MR. KNIGHT: That is the only objection we will have.

MR. DARROW: Q Did he say in your presence, did your husband ask him to lock him up for safety, or for any other reason?

A No, sir.

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Mrs. Adams-D  
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Q Were you kept confined while you were there?

A Yes, sir.

-----CROSS EXAMINATION

BY MR. KNIGHT:

Q When did you arrive at Boise?

A Seventh day of March, Friday.

Q And you went to see Steve the next day?

A The same day.

Q The same day?

A Yes, sir.

-----RE-DIRECT EXAMINATION

BY MR. DARROW:

Q Did you take your clothing and household effects with you?

A I just took a few clothing.

Q Did not take much?

A I supposed I would soon be back.

MR. KNIGHT: I move that that be stricken.

THE COURT: I will give the lady the last word.

WITNESS EXCUSED.



J. W. LILLARD,

A witness called on behalf of  
Defendant, having been hereto-  
fore duly sworn, testified as  
follows:

DIRECT EXAMINATION

BY MR. DARROW:

Q Give us your name, please?

A J. W. Lillard.

Q Where do you live?

A Baker County, near Baker City.

Q What is your business?

A I am there with my son on a ranch; farming mostly;  
I have been engaged in.

Q How old are you?

A Next April will be seventy years old at six o'clock  
in the morning, so the record says.

Q You are Steve's uncle?

A Yes, sir; my sister's son.

Q He used to live with you at Baker City?

A Yes, sir.

Q And since?

A Yes, sir.

Q And he first went to your ranch at Baker City?

A Yes, sir.

Q Were you there when he was taken away?

A I was not.

Q Where were you?

A In Texas.

Q When did you go to Texas?

A I think about the 18th of the month of January.

Q When did you return?

A I returned the latter portion of March or the first of April; I think it was the first of April.

Q When did you go to see him after that?

A A few days after; I think the latter portion of March or first of April.

Q Did you see him then?

A I never saw him; he was not there; I did not go to the penitentiary; I went to Governor Gooding's office.

Q When did you first see him alone?

A I never seen him alone until the Irrigation Congress; I believe it was in September.

Q How long after that did you ask for a writ of habeas corpus?

A The same day; commenced preparing the papers the same day.

Q The first time you had ever seen him alone?

A Yes, sir.

Q What date was that before?

MR. KNIGHT: I dont think that is material; I object to it for that reason.

MR. DARROW: I dont think so either, I will withdraw it.

Q Had you been to the penitentiary some time before that to see him?

A Yes, sir; I made three visits there.



Q Did you see Warden Whitney there?

A Yes, sir.

Q I will ask you whether warden Whitney said to you, at the time you were down there at the Irrigation Congress and shortly after you had taken dinner with Mr. Adams, if you stopped in his office in going out and if he said as follows: Warden Whitney saying to you that Adams had the promise of immunity if he would help testify and convict three men; the three men he was referring to being Moyer, Haywood and Pettibone.

MR. KNIGHT: I object as irrelevant, incompetent and immaterial. It does not appear that the Defendant was there.

A Yes, sir.

MR. DARROW: The same question was asked of Mr. Whitney and answered at this trial.

MR. KNIGHT: No, matter; it is immaterial.

MR. DARROW: It is a question of what they promised him.

MR. KNIGHT: No, a question of a conversation between Mr. Lillard and Mr. Whitney.

THE COURT: I think I shall sustain the objection and strike out the answer; the answer was very prompt.

Defendant excepts and exception allowed.

MR. DARROW: I suppose that objection is sustained on the ground of competency.

THE COURT: Yes, sir.

MR. DARROW: I might have made it a little more formal, but if on the ground of competency, that is enough.

WITNESS EXCUSED.

MR. DARROW: I have a motion now I wish to make.

MR. KNIGHT: The motion has been served on us; it con-

tains some hearsay matters that we dont want to go before the Jury.

THE COURT: It is pretty nearly the hour to send the Jury out anyway.

THEREUPON, the Court admonished the Jury, as required by law; officers were sworn to take charge of the Jury, and the Jury retired in their custody.

MR. DARROW: I want to file this motion; it has not been yet. (To the Clerk) Put the file mark on it. Any rule here as to the practice you have which requires it.

MR. KNIGHT: No, we are not technical.

MR. DARROW: I would not like to have you catch me up on that.

MR. DARROW: (reads motion as follows)



IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI.

STATE OF IDAHO, )  
 )  
 PLAINTIFF, )  
 )  
 VS. )  
 )  
 STEVE ADAMS, )  
 )  
 DEFENDANT. )

AFFIDAVIT OF C. S.  
DARROW.

State of Idaho, )  
 ) SS.  
County of Kootenai. )

C. S. DARROW, being first duly sworn, on his oath, deposes and says:

That he is one of the Attorneys for the Defendant in the above entitled cause; that on about the 15th day of November, 1907, he received a telegram from one Alex Mackel, an attorney of Butte, Montana, advising Affiant that William B. Chandler had made a mistake as to the identification of Steve Adams while testifying as a witness at Wallace, Idaho, on the first trial of the above entitled cause; whereupon affiant wired said Alex Mackel to have said Chandler come immediately to Rathdrum, Kootenai County, Idaho, where the second trial of said cause is now in progress; that in answer to said telegram, said Alex Mackel wired affiant that said William B. Chandler would not come and on the 16th day of November, 1907, said Alex Mackel sent to affiant a signed statement of the said William B. Chandler to the effect that he was either mistaken or was in great doubt as to the correctness of his testimony in identifying the defendant, Steve Adams as the person whom he saw at Price's cabin

on August 24th, 1904, and after having heard the testimony of Otis Chinn and others he was very much inclined to think that he was mistaken in his former testimony, and that he would not now testify that the person whom he saw in the Marble Creek country August 24, 1904, was Steve Adams, but on the contrary would state that to the best of his knowledge and belief the person he there saw was not Steve Adams, and in the telegram of November 16, 1907, said Alex Mackel stated that said William B. Chandler thought the person whom he saw was Ed Theriault.

Affiant further says that it appears from the signed statement of said William B. Chandler that he is the same person who testified on the former trial of this cause and is now a resident of Butte, Silver Bow County, Montana, and that his presence cannot be secured as a witness for the Defendant on the present trial of this cause and his absence was not procured by or at the solicitation of the Defendant and this affidavit is made in support of the motion hereto attached to withdraw from the consideration of the jury the testimony of said William B. Chandler.

Affiant further states that the City of Butte Montana is a distance of nearly four hundred miles from the city of Rathdrum, Idaho and the deposition of said William B. Chandler could not be secured in time to present it at the present trial of the above entitled cause that the fact that said William B. Chandler would contradict his evidence given at the former trial was not known to affiant or his associates up to on about the 15th day of November, 1907, that the facts herein set forth were not known to affiant and his associates



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3.

upon the former trial of the above entitled cause and no opportunity has been presented to Defendant's counsel to interrogate him as to said contradictory statements.

C. S. Darrow.

Subscribed and sworn to before me this 18th day of  
November, 1907.

Edwin McBee,

Notary Public.

(SEAL)

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI.

STATE OF IDAHO,	}	
		PLAINTIFF,
VS.		
STEVE ADAMS,		DEFENDANT.

M O T I O N.

Comes now the above named Defendant, Steve Adams, by his attorneys, and moves the Court to withdraw from the consideration of the jury all of the testimony of William B. Chandler read in the record in the above entitled cause as given by him upon the witness stand on the former trial of the above cause for the reasons set forth in the affidavit of C. S. Darrow, hereto attached and made a part hereof.

In the event of the refusal of the Court to strike all of the testimony of the said William B. Chandler read in the record in the above entitled cause from the former testimony of said William B. Chandler, to strike all of that portion of said testimony relating to the identification of the said Defendant by said Chandler on the 24th day of August, 1904.

This motion is based on the affidavit of C. S. Darrow hereto attached and for the further reason that said facts contained in said affidavit were not known to the Defendant of his counsel at the time of the former trial of this cause and because Defendant's counsel have not had any opportunity to propound impeaching questions to the said William B. Chandler as required by the Statutes of the State of Idaho.



Attorneys for Defendant.

C. S. Darrow,  
Chicago, Illinois.

Fred Miller,  
Spokane, Wash.

Edwin McFee,

C. L. Heitman, J. H. Wourms,  
Ratndrum, Idaho.

MR. DARROW: On that we move to have the testimony of W. B. Chandler withdrawn from the Jury.

THE COURT: I dont think the showing is sufficient. Your motion will be denied.

Defendant excepts and exception allowed.

THEREUPON, the Court took a recess until Thursday, November 21, 1907, at two o'clock P. M.



THURSDAY, NOVEMBER 21, 1907.

AFTERNOON SESSION.

At this time, Defendant being in Court with his counsel, present as before, the Jury came into Court, in charge of the officers, were duly polled, and all answered to their names, and the trial of this cause proceeded as follows:

MR. DARROW: We rest.

EUGENE L. WHITNEY,

Recalled in Rebuttal on behalf  
of Plaintiff, testified as fol-  
lows:

DIRECT EXAMINATION

BY MR. HAWLEY:

Q Mr. Whitney, you were present in the clerk's office at the penitentiary at the time Adams signed his statements that are in evidence?

A Yes, sir.

Q Was McParland there upon that day?

A No, sir; he was not.

Q Was he at the penitentiary at all that day?

A No, sir; he was not.

Q Did Mr. Adams take Mr. McParland, or any one else, to one side and talk to them in regard to signing the statement?

A No, sir; he did not.

Whitney(Recalled)  
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Q Did he make any objection or protest of any kind against signing the statement?

A None whatever.

MR. DARROW: Were any of your witnesses in the Court room?

MR. KNIGHT: Neither one of our witnesses has been in, Mr. Darrow.

#### CROSS EXAMINATION

BY MR. DARROW:

Q You have already said you dont know when that was Adams signed it?

A I could not say as to that.

Q You cant remember?

A Well, I dont remember; I did not pay much attention to the date.

Q Do you know what month it was?

A It was shortly, I would presume it was along about the first of March.

Q Do you know what time of day?

A That he signed them?

Q Yes, sir.

Q It was along towards evening.

Q Along towards evening.

A Yes, sir.

Q Did you see Mcparland that day?

A I dont think I did that day.

Q Do you know whether you did?

A I saw him the day before.



Q Where?

A At the Idanha.

Q Was he at the penitentiary the day before.

A I dont think that he was.

Q Well, do you know.

A I could not swear positively, but I dont believe he was.

Q Was he the day after?

A No, sir; I think not.

Q What?

A I think not.

Q Have you any reason for thinking not?

A I know there were several days that he was not up there.

Q What days was he not there?

A Well, I could not tell you just the days he was not there, but I know there was quite a time perhaps that he was not there.

Q You cant tell the days he was there or the days he was not there, can you?

A No, I cant tell these dates.

Q Do you know when he left Boise?

A I could not tell you when he left.

Q He frequently came to the penitentiary, didnt he?

A Yes, sir.

Q Do you know how many days he was with Steve Adams?

A I could not tell you the number of days he was there; he was there several days.

Q Do you know how many days he was with Harry Orchard?

A No, sir; I could not tell you the number of days he was with him.

Q Do you know the times of day when he was with Steve Adams?

A Yes, sir; sometimes I do.

Q Every time?

A Not every time perhaps.

Q You dont know the time of day nor the number of days, or the time of month or the time of week that he was with Steve Adams, do you?

A I couodnt tell you just exactly.

Q Can you tell us any day of the month or any day of the week that you know they were together?

A No, sir; I could not.

Q You did not pay any attention to it, did you?

A I did not pay any attention to the dates, no sir.

Q You did not make any memoranda?

A No, sir.

Q Did you give these statements to Steve Adams?

A Sir?

Q Did you give these statements to Steve Adams?

A Yes, sir.

Q Anybody present?

A Mr. Heubener was busy; he was busy working on his books at the time, I think.

Q Was he with you when you gave them to him?

A He was in the room, yes sir.

Q Was he with you when you gave them to him?

A He was in the room, yes, sir.

Q Where were you when you delivered them to him?



A I delivered them to him in the clerk's office.

Q How did he get from the cell to the clerk's office?

A He comes out of the gate; it is the first door after he comes out of the gate.

Q Who brought him out?

A I brought him out.

Q Do you remember the time of day you delivered them to him?

A It was sometime in the forenoon.

Q Do you remember the time in the forenoon?

A No, sir; I cant tell you the exact time.

Q How do you remember it was in the forenoon?

A I know he was working on them nearly all day.

Q Who was working on them all day?

A Mr. Adams was.

Q Were you there with him?

A I was in his office, yes, sir.

Q How often?

A I cant tell you; a number of times.

Q Dont remember?

A No, sir.

Q About how many times do you suppose you saw him that day?

A I saw him several times; it would be hard for me to tell the number.

Q Do you know where he got his lunch?

A His lunch was taken in to him.

Q By whom?

A I dont recollect; it was usually delivered to one of the other convicts there.

Q Do you remember whether he got his lunch in your office on that day?

A He got it in the clerk's office.

Q Anybody eat with him?

A No, sir.

Q You say Mr. Heubener was there at the time you handed it to Steve?

A Yes, sir.

Q What did you say when you handed it to him?

A I just said to him there were those papers that he had wanted, that was sent up to him, or something to that effect. He understood what they were.

Q That is as near as you can tell, is it.

A I cant recollect, but then I just handed them to him; he had mentioned it to me the day before about McParland was going to send them up.

Q And you just handed them and said to him that was those papers that was sent up to him?

A Yes, sir; something to that effect.

Q Did he make any reply?

A He said "All right".

Q Did you talk to him during the day?

A Nothing, only just once in a while, I would step in the office for some purpose or something.

Q Do you remember saying anything to him during the day; do you remember what you said or what he said?

A No, sir; I couldnt say that I can.

Q You cant recall anything that he said, or anything that you said?



A No, sir; I could not.

Q Or anything that Heubener said?

A No, sir.

Q You never testified before that he had his lunch served there, did you?

A I could not say whether I did or not; I think I did though.

Q You think you did?

A Yes, sir.

Q How many times did Steve ever have his luncheon served in your office?

A Why, several times.

Q You dont know how many do you?

A I couldnt tell you the number of times, no sir.

Q Anybody else come into the office that day?

A There were parties in my office, yes, sir.

Q Anybody else come into the office where Steve was?

A I could not say that there was; I could not say that there was not.

Q You could not say either way?

A No, sir.

Q Do you know where Hopkins was at that time?

A No, sir; I do not; I could not say where he was.

Q You could not say whether he came in or did not come in?

A No, sir; I could not say, but I have no recollection of his being there.

Q Do you know whether Mr. Thiele came in or not?

A I have no recollection of his being there, at that time

Q ~~But~~ Would you say that he was not there?

A I would not say that he was not, no, sir.

Q Would you say anybody was not there only McParland?

A I know that McParland was not.

Q Is there anybody else that you know that was not there, that you happened to think of?

A No, sir; I dont think that Mr. Thiele was there that day; I dont think he was.

Q You would swear that he was not, would you?

A No, sir; not positively; he may have been.

Q Or you would not swear positively Hopkins was not?

A I would not swear positively, but I dont think he was.

Q You would not swear positively to anything that Adams said or anything you said that day.

A No, sir, because it was just a casual conversation.

Q What time did he sign it in the day, if you remember?

A It was along towards evening; I could not state just the time.

Q Have you any remembrance on that subject at all?

A Well, I know he was in there nearly ~~every~~<sup>a</sup> day with it before he signed it.

Q How many days was he in there altogether?

A I could not tell you that.

Q And you could not tell what time he got in there in the morning of this day?

A No, sir; it was in the forenoon, though, I think, sometime; perhaps just before noon; I could not say.

Q Did he have any cigars?

A He might have had some that day.

Q Do you know whether he did?



A No, sir; I could not say whether he did or did not.

Q Did you give him any.

A I dont know that I did.

Q Do you know that you did not?

A I dont know; I might have given him one and might not have; if I had them there I might have given them to him.

Q I guess you did. There is not any doubt about it. Do you remember whether he was smoking any that day?

A I could not say that he was.

Q That he was or was not?

A No, sir; I could not say whether he was; I presume he was, though; he usually smokes.

Q Did you give him a pen?

A No, sir; there were pens on the clerk's desk?

Q Anybody watching him?

A At the time?

Q Yes, sir, all day?

A Why? the clerk was in there with him all day.

Q All day?

A With the exception of when he went to his lunch.

Q What is that?

A With the exception of when the clerk went to his lunch.

Q Did the clerk eat there or go to his lunch?

A No, sir; he went to his lunch.

Q Who took this away after he signed it?

A I did.

Q What time of day did ~~xxxx~~ he sign it?

A I took it next morning, if my memory serves me right.

Q Took it from Steve that morning?

A No, sir; I took it that night from him.

Q What did you do with it?

A I think that I did not deliver it to Mr. Mcparland until the next morning; I would not say positively.

Q Where did you deliver it?

A At the Idanha.

Q What time?

A I think it was in the forenoon.

Q Do you know.

A Well, I only know from one thing. I usually go down town in the forenoon.

Q Well, that is all you know about it; you usually go down in the forenoon.

A My memory is that I gave it to him in the forenoon.

Q But you think you did it at the time you usually go down?

A Yes, sir.

Q Who was there when he signed it?

A Mr. Heubener and myse;f.

Q Anybody else?

A No, sir.

Q Had you been in there long or were you called in?

A In the clerk's office?

Q In the room where you were?

A No, sir; it was signed in my office.

Q In your office?

A Yes, sir.



Q Then he came out of that room and went into your office, did he?

A Yes, sir.

Q Just before he signed it?

A Yes, sir.

Q Do you now remember distinctly that Heubener was there when you gave him this paper?

A He was sitting at his desk, I am confident of that, working on his books at the time I handed it to him.

Q In the room, was he?

A Yes, sir.

Q I call your attention to page 601, bottom of the page. I will show this to you. Read anything more you want to. (Handing witness record, who examines the same)

A Yes sir.

THE COURT: Read all you want, Mr. Whitney.

THE WITNESS: I dont think there is anything there that I care to read outside of that.

MR. DARROW: Q At the former trial of this case, were these questions asked and did you make these answers?

"Q Where was he at the time you delivered it to him?

"A In the clerk's office.

"Q Was there any one else there?

"A I cant say that there was when I delivered them."

Did you make those answers?

A I did.

Q You dont remember a single thing you said to him or he said to you during the whole day?

A I dont recollect; it was just a casual conversation.

GEORGE C. HEUBENER,

A witness called in Rebuttal  
on behalf of Plaintiff, being  
first duly sworn, testified as  
follows:

DIRECT EXAMINATION

BY MR. HAWLEY:

Q Your name is what?

A George C. Heubener.

Q You reside where?

A At Boise.

Q What is your business or occupation?

A I am Chief Clerk of the penitentiary there.

Q Were you engaged in that business in 1906?

A Yes, sir.

Q February and March, 1906.

A Yes, sir.

Q Where was your office situated with reference to  
the warden's office?

A In the rear of the building, the third room there.

Q And connects with the warden's main office by a  
doorway?

A Why, there is another small room in between.

Q But it is all connected together?

A Yes, sir.

Q Do you know Steve Adams?

A I met him down there, yes, sir.

Q You may state whether or not you assisted on or about  
the 28th of February, 1906, in the taking of a statement



made by him to Mr. McParland?

A I did, yes sir.

Q In regard to various matters?

A Yes, sir.

Q You may state whether or not you were there the first day the statement was being made, or was it the second day?

A Why, it may have been the second or third day. I did not start with him.

Q You finished it up, did you?

A Yes, sir.

Q And was there the last time?

A Yes, sir.

Q You dont know how long they had been engaged in getting that before you took hold?

A I dont remember just hwmmany days, but they were several days there.

Q You may state whether or not Mr. McParland and yourself and Adams were present? Was there any one else present? State who all were present at that time?

MR. DARROW: I object on the ground it is not Rebbttal. It should have been offered in chief.

Objection overruled.

Defendants excepts and excepcion allowed.

A What do you meqn?

Q When you were taking the statement, taking it down in shorthand?

A There was Mr. McParland and Mr. Adams and myself were there.

Q Any one else?

A Mr. Whitney once in a while would come in, but he would go out again.

Q Did Mr. Whitney participate in the affair at all?

A No, he did not.

Q You are a shorthand man?

A Yes, sir.

Q Shorthand reporter?

A Yes, sir.

Q And you took this statement in shorthand, did you?

A Yes, sir.

Q And afterwards wrote it out n longhand?

A I transcribed it on the typewriter.

Q Do you know who the other stenographer was who assisted in taking those notes?

A Mr. Hopkins.

Q State whether or not he transcribed his notes, if you know?

A I presume he did.

MR. DARROW: We object.

THE COURT: Presumptions dont go. State if you know.

MR. DARROW: This is stricken out?

THE COURT: This is stricken out.

MR. HAWLEY: We dont make any objection to striking it out.

Q How long after the taking of this testimony was it before you had your part of it transcribed?

A Why, it only took a day or two.

Q Afterwards, or at the time of taking that statement,



you may state who asked the questions?

A Why, Mr. McParland asked the questions.

Q And who made the answers there?

A Mr. Adams.

MR. DARROW: It is leading, that is all.

MR. HAWLEY: I disagree with counsel on that being leading.

Objection overruled.

Q State whether or not any suggestions in regard to the answers were made, or any dictation in regard to the answers was made by McParland to Adams.

MR. DARROW: I object on the ground it is leading.

Objection overruled.

Defendant excepts and exveption allowed.

A No, sir; there were no suggestions made.

Q Now, you may state if you were present at the warden's office or in your own office at the penitentiary building at the time these statemens were signed by Adams?

A I was, yes sir.

Q About how many different statemens was there at the time; I mean how many different volumes or separate statements were there, if you know?

A There were possigly seven or eight; something like that.

Q You dont recollect the exactmamount?

A I dont recolle ct the exact number; they were all separate, each a separate affair.

Q How many that you yourself prepared?

A I dont remember that.

Q And what day was this that these statements were given to Adams?

A I believe it was on March 6th.

Q March 6th, 1906?

A Yes, sir.

Q What date did Mr. Adams examine these statements; if so, when and where?

A He examined them in the office there, in my office on that day.

Q How long wa he engaged in the examination of these statements, so far as you know?

A He started in while I was in the office there, or shortly after noon, shortly after dinner, and continued until about half past four or somewhere in there, that is, before they were signed.

Q And what was he engaged in doi;ng in this time immediately after dinner, until half past four?

A Looking over these statements, that is, all of them.

Q Was there any one else in the room at the time?

A I was in there most of the time alone and Mr. Whitney, I believe, came in a couple of times there, and just spoke for a moment and went out again.

Q State whether you had any talk with Adams with reference to the statements or correcting the statements; if so, what was that conversation?

A Well, as I recall it, he started in to make his corrections himself when he was reading, but said to me that he was not bery good at writing and asked me to make



the corrections in his statements, and I told him several times to be careful, that is, to read it carefully because the statement was wated in his words.

Q State whether or not you made any corrections of the statements?

A Well, you mean of the corrections there or just the---

Q (interrupting) Did you write any in the statements?

A I made a number of corrections for him, yes sir.

Q At whose request?

A At his request.

Q And whose language did you use in putting it down?

A His own.

Q Did he make any himself in any of these statemenst?

A If I remember rightly, he did make one or two at the very beginnning, but on account of him stating that he could not write very well, he asked me to make the other corrections for him.

Q Now, look at States Exhibit E9(handing witness same) Look it over and see, in the first place, whether that is one of the statements that was corrected on that day. Look at the end of it or look it over as much as you please, so as to identify it if you can?

A Yes, sir; that is the statement that he signed on that day.

Q That is the statement that he signed?

A yes, sir.

Q Can you state by examining that whether that is one of the statements the he himself wrote any corrections in. Examine those different pages where corrections have been mad

Examine all of those pages and all of these corrections, so that you can answer definitely and positively in regard to the matter?

A The corrections in there are all in my handwriting.

Q In your handwriting?

A Yes sir.

Q You have examined all of the corrections in this document, have you?

A I saw them all in there, yes sir.

Q You had seen this prior to your examination here, had you not?

A Yes sir.

Q And were familiar with it?

A I was.

Q And you know that all of these corrections that were made here in this, pages one, two three and succeeding pages are in your handwriting?

A Yes sir.

Q And all made at his request you say?

A Yes sir.

Q Was there any suggestion made, by you or any one else, in regard to these corrections in this?

A No sir.

Q Was your own language used in any place in it?

A I don't recollect anything of the kind.

Q After these corrections were made what was done, if anything, in regard to signing the statements?

A He was asked if he would sign it, and an acknowledgment taken of it, and he said, "Yes, sir".



Q Then what was done?

A His acknowledgement was taken on all of them; on the various ones, this one included, and he signed them properly, and I signed them, and attached my seal, and Mr. Whitney witnessed the documents; one of them---

Q Do you remember whether that was done when you moved into the warden's main office or was it done in your office?

A That was done in my office.

Q You think that was done in your office then?

~~xxx~~ Did not go into the main office to do that?

A No sir; it was done in my office.

Q What time was it then, after this work <sup>Who</sup> ~~xxx~~ had the signatures and the jurat put on?

A Directly after he finished going over them, that is, after he looked them over.

Q You may state whether or not at that time, at the time of signing any one else was present, outside of Whitney and yourself?

A Mr. Adams, Mr. Wgitney and myself were the only ones in there at the time.

Q State whether or not Mr. Mcparland, James McParland was there that day at all?

A He was there at no time that day.

Q At no time. Was he there, or any one else there at the time these statements were signed and the Affidavit made?

A No sir.

Q State whether or not, Mr. Adams at the time of signing made any objections to any one, or raised a protest of

any kind against signing them?

A No sir; he did not.

MR. DARROW: You mean in his presence, of course?

MR. HAWLEY: He was there he says all of the time.

You were there all of the time?

A I was, yes sir.

Q Could any remarks have been made by him in regard to that matter without your hearing them?

MR. DARROW: I object to that. It is for him to say where they were and the jury to say whether they could have been heard.

Objection sustained.

Q Were you there all of the time in the presence and hearing of Adams?

A Yes, sir.

Q State whether or not any coercion was used of any kind in regard to signing or making the Affidavit?

A I did not understand the question.

Q Did any one there use any coercion toward him in regard to the signing or making the Affidavit?

A No sir.

Q State whether or not anything was said by him, in the nature of protest, signing his rights away or in language of that kind?

A No sir.

Q You are absolutely positive of that, are you?

A Absolutely, yes sir.

Q You have stated that McFarland was there at the time these statements were corrected, I understand you?

A He was not there at any time during that day.



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Q He was not there when they were signed?

A No sir.

Q You know Mrs. Adams?

A I met her down there, yes sir.

Q State whether or not she was at your house at any time?

MR. DARROW: I will give you the date.

MR. HAWLEY: Yes, I was trying to get that date; I have lost my memoranda.

MR. DARROW: There you see the questions are asked; I dont know whether the date is there or not. (Handing Mr. Hawley record)

Q You may state whether or not just before Mrs. Adams came up to the penitentiary to stay, you had a conversation with Steve Adams, the Defendant, in the office of the state penitentiary, near Boise, Idaho, in which Mr. Adams said to you in substance and effect: "I dont want my wife to suffer for my crimes?"

A That is the statement he made there, yes sir.

Q Do you remember the exact date of that occurrence?

A I dont remember the date; it was just either on the day or the day before she came up.

Q I want you to examine State's Exhibit 23, For Identification and State's Exhibit 24, for Identification?

A I have seen both of them before, yes sir.

Q State who wrote these letters or these copies?

A I wrote the copies, the ones that you have in your hand.

Q The ones that I have in my hand, both 23 and 24. Have you any rule at the penitentiary ~~in~~ with reference to the letters of persons that are confined in the penitentiary?

A Yes sir; we have.

Q What is that rule? So far as receiving letters sent out or coming in are concerned?

MR. DARROW: We object to the rule; that would not matter.

MR. HAWLEY: I think that shows that we are in accordance with the rule; that we are allowed to prove it.

Objection overruled.

MR. DARROW: We object to it on the ground the rule would not cut any figure, and except to the ruling.

A All communications coming through the mail of any one confined there in the penitentiary is read in the office.

Q State whether Mr. Adams was <sup>aware of this rule</sup> ~~anywhere in the penitentiary~~ and whether he had signed any request or any agreement to that effect?

MR. DARROW: Now, his knowledg I suppose.

MR. HAWLEY: Yes sir.

A We have a form of order down there, that any one who is confined there is obliged to sign; if not, their mailing privilege is out off there.

MR. DARROW: We ask to have that stricken out.

MR. HAWLEY: We think it pertinent because we will follow it up with another---

THE COURT: I shall not strike it out. I deny your motion.

Defendant excepts and exception allowed.



Q State whether or not Mr. Adams signed such an order?

A He did, yes sir.

Q You are acquainted with his handwriting?

A Only with his signature, what little I saw of it, yes sir.

Q You saw him write that there?

A I saw him write his signature, yes sir.

Q We will take this letter, Exhibit 23, and you may state whether you saw the original of that, of course, in making a copy?

A Yes sir, I did.

Q In whose handwriting was it?

MR. DARROW: I would like to cross examine on his familiarity with his handwriting.

MR. HAWLEY: That would be a proper subject of examination after I conclude.

THE COURT: No, I will give you a chance, Mr. Darrow. Proceed with this examination, Mr. Hawley. You shall have an opportunity.

A It was Steve's handwriting.

Q And how did it come to your office?

A Mr. Whitney brought it in to me and asked me to take a copy of that.

Q Mr. Whitney, the warden.

A Yes sir.

Q And you did it?

A I did it, yes sir.

Q Where did he bring it in to you?

A Into my office.

Q State, by taking that date, about what date was it he brought it in?

A I believe he brought it in on that very day.

Q March 3, 1906.

A Yes sir; it might have been the next day; I don't know just what time of day the letter was handed to me.

Q And what time did you return it, if you ever did return it?

A Just as quick as I had it transcribed; as quick as I copied it, I mean.

Q And on the same day?

A And on the same day.

Q To whom?

A To Mr. Whitney.

Q I will ask you to take State's Exhibit 24, for identification, and state how the original of that came into your possession?

A In the same way ~~that~~ as the other one was.

Q Brought to you by Whitney?

A Yes sir; with the same request about it.

Q In whose handwriting was the original?

A In the same handwriting as the other was.

Q What did you do with it?

A Copied it.

Q What date was this 24 brought to you?

A Brought on the same day there, I believe; of course I got it and handed it right back to Mr. Whitney.

MR. HAWLEY: You may examine now.

MR. DARROW: In full or on this matter?

MR. HAWLEY: On this matter I understood you.



THE COURT: Better offer them.

MR. HAWLEY: We will offer them. If objection is made, we will produce Mr. Whitney again.

THE COURT: Yes sir.

-----CROSS EXAMINATION

BY MR. DARROW:

MR. HAWLEY: I will make a formal tender of these in evidence after the cross examination on this line; if it does not develop sufficient familiarity, I may have to call Mr. Whitney.

THE COURT: Very well; condition allowed.

MR. DARROW: Q Some letters were delivered to you by Mr. Wgitney?

A Yes sir.

Q And he told you to copy them?

A Yes sir.

Q Was it a rule to copy all of the letters that went out?

A No sir.

Q Were these the only letters that pretended to be from Steve Adams that you copied.

A The only ones that pretended to be, yes sir, as you say.

Q What?

A As you say, it would mean by pretended, those were the only ones that were copied of his letters.

Q You never copied any others?

A No sir.

MR. HAWLEY: Of Steve Adams?

MR. DARROW: Of Steve Adams, yes sir.

THE WITNESS: Not of his, no sir.

Q Did you read those letters?

A Those were the only two that I read.

Q And those were given to you by Whitney?

A Yes sir.

Q And you were where, in your office at the time?

A Yes sir.

Q And you copied them and passed them back to Whitney?

A Yes sir.

Q Do you remember what kind of paper they were on?

A Our own letter paper that we have down there.

Q Do you remember how many sheets?

A It was a double sheet; taking this letter paper, then folded up in that way (illustrating).

Q You did not get it from Adams?

A No sir.

Q Or return them to him?

A No sir.

Q Ever read any of his other letters?

A No sir.

Q The only ones you ever read?

A The only ones, yes sir.

Q Did you ever see any of his writing at any other time?

A I saw his signature.

Q Do you mean to that Affidavit?



A That Affidavit, also on the order, on that postal order that you have.

Q Anything else?

A No sir.

Q That is, you saw these two signatures?

A Yes sir.

Q And that is all you ever saw of Steve Adams' writing?

A Yes sir.

Q And these were not delivered to you by him or handed back to him and he never said a word to you about it?

A No sir.

Q But they were handed to you by Mr. Whitney, and he told you to copy them?

A Yes sir.

BY MR. HAWLEY:

Q (Direct resumed) These were his signatures to the letters, were they?

MR. DARROW: I object to that.

A They were the signatures that appear there, yes sir, or in the same handwriting that appears on that postal order.

Q You may state whether or not it is a custom there or habit to copy letters sent out by people in the penitentiary?

A Why, we sometimes do it, yes sir.

Q It is not an invariable rule, but it is sometimes done and sometimes not?

A Sometimes not, yes sir.

MR. HAWLEY: That will be all for the present; you can go on with the general examination, and we will recall Mr. Whitney in order to make this prove competent.

MR. DARROW: All right.

Q (~~Dross~~ examination resumed) What is your business now?

A Chief Clerk at the penitentiary.

Q How long have you been Chief Clerk?

A Since March 12, 1904---1905 I mean.

Q Did you go therw with Mr. Whitney?

A I went there about two weeks after he did?

Q From where?

A From Coeur d' Alene City.

Q You were acquainted with him before you went there?

A Slightly, yes sir.

Q Were you his stenographer before you went there?

A Yes sir.

Q Whatever you took, you took down in shorthand?

A Yes sir.

Q In what kind of a book?

A A stenographic shorthand book?

Q What did you do with it?

A With what one do you mean?

Q The one in which you took these statements?

A I still have them down in Boise.

Q At Boise?

A Yes sir.

Q You saved them, did you?

A Yes sir.

Q You testified in this case before?

A Yes sir.



Q You have not the books here?

A No sir.

Q When have you looked at them?

A I have not looked at them since I got through transcribing those notes.

Q You have got them all saved up, though, safe and sound, have you?

A I know where they are, yes sir.

Q You have not looked at them since?

A I have not paid any attention to them since.

Q Did you take every word that was said in your presence, by whomsoever said?

A Why, once in a while---

Q (Interrupting) Did you that day take every word, by whomsoever said?

A I was going to tell you.

Q Tell me?

A Once in a while, they would stop me occasionally between and I would wait a minute; then a few words would be spoken by Mr. McParland and Mr. Adams, and then we would continue.

Q Then the answer is that you did not take every word that was said?

A Every word that I was told not to take, I did not take.

Q Mr. McParland was there all of the time, wasn't he.

A Yes sir.

Q And you did it for him?

A Why, they would stop me occasionally and talk possibly half a minute or so, not any longer, over some matter.

Q And those things you did not write down?

A I was told not to; I was told to just wait a minute and see how this is.

Q Can you tell what part of this you wrote?

A Only the corrections in them?

Q And you dont know whether you wrote any of the rest or not?

A Why, I took the end of it.

Q I am asking you if you could tell what part you took by looking it over?

A I can, yes sir.

Q That is what I want to know.

A Beginning down here at this one question(indicating).

Q Suppose you read it, Mr. Heubener?

A You want the whole finish of that?

Q I guess you better read it all. Now, read all of the part that you took.

THE WITNESS: (Reading) "Q In making these statements "that you have made on the different outrageous perpetrated " at the command of the inner circle of the Western Federation of miners, more especially Moyer, Haywood and Pettibone, was there any force or coercion used to get you to "make these statements?

"A No sir.

"Q Was there any promise of immunity or reward made by "James Mcparland, or anybody else to you in order to get you "to make these statements?

"A No sir.

"Q Then these statements were made of your own free "will?



"Q Then why did you make these statements?

"A I felt it a duty I owed to my family, my friends  
"and brother working men, the state and God. I wanted to  
"live a new life and thought this was the best way to  
"commence.

"Q You had seen through the facts that the Executive  
"Board, or at least a portion of the Executive Board of the  
"Western Federation of Miners had used you as a tool?

"A Yes sir, and I hope that the reign of terror  
"inaugurated by Meyer, Haywood and Pettibone, and other  
"members of the Executive Board of the Western Federation  
"of Miners will cease." And then the following: (Reading)  
"State of Idaho, County of Ada, SS. Stephen W. Adams,  
"being first duly sworn"----do you want that read?

THE COURT: Go on and finish it.

THE WITNESS: (Resuming reading: "Stephen W. Adams,  
"being first duly sworn, says, that the above and fore-  
"going questions were asked by James McParland, and answered  
"by him, the said Stephen W. Adams, in the office of the  
"Warden of the Idaho State Penitentiary at Boise, Idaho,  
"on the 27th day of February, 1906; that he has carefully  
"read over the above and foregoing questions and answers there  
"to and corrected the same and that the above questions and  
"answers are true and were made by him of his own free will."  
That portion of it---I asked you about it---that was not  
dictated to me, not that Affidavit.

Q Not the Affidavit?

A No sir.

Q You commenced about the middle of the last page,  
didn't you or a little below that?

A It is almost to the top there; up here; from that point down to there (indicating).

Q How do you distinguish?

A Because the statement was placed----

Q Is this the place? (Indicating)

A Begins right there, "In making the statements."

Q How do you distinguish it?

A Because those were the questions and answers made at the time; he made <sup>the</sup> a statement after that, Mr. Adams did, that was inserted in all of the statements.

Q That part was inserted on everything?

A Yes, sir.

Q And that is the way you distinguish?

A Yes sir.

Q Was that made at the same time the rest was taken down?

A That was made just when he had finished making his confession.

Q Did you take any more of any other statements than that part?

A Why, yes sir, I did.

Q Are you sure?

A Yes sir; not in that statement; not in that confession there that you have.

Q You did not hear any more than this, did you?

MR. HAWLEY: I beg your pardon, I may have misunderstood you. You say you took no more of this particular statement?

A I said I did not.

MR. HAWLEY: I beg pardon.

MR. DARROW: Q You did not hear any more than this



A Not of this statement.

Q Do you know how long it took you to take that much, including the interruptions?

A A very few minutes.

Q Including the interruptions?

A Yes sir.

Q And you have not got your book here?

A No sir; I have not.

Q Do you remember anything that was said during the interruptions?

A I think I do, yes sir.

Q Anything said in reference to living a new life?

A Well, Adams made that statement himself.

Q Was anything said, by way of interruption, in connection with that.

A In connection with the statement you just made there?

Q His living a new life?

A I dont remember that.

Q You dont remember. What time did you get in there upon this day, if you remember?

A On that day?

Q Yes sir.

A When he went over his statements, you mean, when he read them over?

Q On the day that you say you took this, the day that you say you wrote this down?

A I dont remember; I did not write that out there myself---that is, the whole thing; I did not ~~keep~~ copy any only that one.

Q You did not copy any of it?

A That was put up to me in the shape it is now.

Q Who copied it, or don't you know?

A Mr. Hopkins copied that part, outside of the end.

Q Who copied the part that you read to the Jury?

A I copied that on one of the others and it was taken down to be placed on the end of each particular matter, just as it is placed on that.

Q You wrote that out and that was taken down and recopied by some one else?

A Yes sir.

Q You assume by Mr. Hopkins.

A Yes sir.

Q To whom did you give it?

A I handed it to Mr. Whitney and he took it down.

Q Did you have anything else on your stuff that you wrote out excepting that?

A Why, mine were taken down; that is all that I had taken.

Q How is that?

A Everything that I had taken was taken down.

Q Was there more than this that you have read to the Jury?

A There was some other matter; that was at the end of some other matter at the time, and was taken down intact, and just that portion copied on that one.

Q This part that you have read to the Jury was the only part that was copied, by somebody, as you understand it?

A Yes sir.

Q You did not do any of this work on this exhibit that you read?



A I did not do any of the typewriting?

Q I mean the typewriting?

A No sir.

Q Have you an independent recollection of what is on there that you have read?

A Why, no sir, I have not. I have not seen it until this morning, not from the time it left my hands.

Q Now, I will ask you again, do you remember what time of day you wet in there?

A Do you mean when Mr. Adams went over his statement?

Q No, I mean when you took this down?

A I dont rememb r just what time of day this was because, as I say, we were i there a day or two.

Q You dont remember what time of day or what day?

A No, I dont; it was along in the end of February, though, one of the last days of February?

Q But you cant tell what day or what time of the day?

A No sir.

Q How many times did you see Mcparland there?

A That would be a hard matter to answer. He was up there quite frequently.

Q Can you give us an idea how often he was there?

A No, sir, I could not.

Q Or how long he stayed?

A Well, he stayed there various lengths of times.

Q You would not pretend to say what day he was there or how long he was there?

A No sir, I could not.

Q How many times he saw Adams?

A No sir.

Q Or how many times he saw Orchard?

A No sir.

Q Or what he said to ether one of them?

A Not when he was alone with them; I could not say.

Q So far as you know; he came when he wanted to and stayed as long as he wanted to?

A Yes sir.

Q And he might have been there when you were not there?

A Yes sir; it sometimes happened I was not at the penitentiary.

Q He sometimes came day after day?

A Sometimes, yes sir.

Q Do you know whether you were in the penitentiary every day in February?

A Why, there were one or two days about the middle of the month that I am obliged to be down town nearly all day, and outside of that I think I was there.

Q Do you know anything, except on one or two days in the middle of the month?

A Yes sir.

Q Were you there every day in March?

A With the exception of possible a few days, I was.

Q Do you know the dates?

A That time varies because, as I stated, there are a couple of days a month I am obliged to be down town on business.

Q Are you down town on business upon other days?

A I am usually out there all day at usual times.

Q You are not there always, are you?

A Nearly always.



Q I said always.

A I am not always there. A couple of days in the month I am down town.

Q I say, aside from those two days in the month?

A I am there.

Q Always?

A Yes sir.

Q What time do you go on service?

A About 8 to 8:30 along there in the morning.

Q You used to go after Mrs. Adams, didnt you?

A Yes sir.

Q what time of day?

A Usually in the afternoon.

Q She stopped at your house, didnt she?

A Yes sir.

Q How long?

A Why I believe it was one and a half or two weeks.

Q When?

MR. HAWLEY: We object to this as not being proper cross examination, unless some particular object.

MR. HAWLEY: DARROW: I want to know when he was there.

MR. HAWLEY: We say it is not proper cross examination.

Objection overruled and objection withdrawn.

Q When was it that you were going to get Mrs. Adams to your house?

A That was after she came there.

Q Immediately after she came?

A Yessir.

Q Did you get in a carriage?

A Yes sir.

Q Do you know how long you would be gone?

A I would just drive down to the house and she would drive up to the penitentiary.

Q How far is that?

A It must be a mile and a half or two miles?

Q Take her back?

A Yes sir.

Q You say this document was signed in your room?

A Yes sir.

Q Where is that with reference to the warden's room?

A It is the third room back?

Q His is the first; there is another between you and yours is the third?

A Yes sir.

Q And Steve was in your room all of the time?

A Yes sir.

Q You are sure about that?

A Yes sir.

Q Who gave him those statements that day?

A Gave who those statements?

Q Mr. Adams?

A Mr. Whitney, I believe, gave them.

Q Were you there?

A Why, I don't think I was present at the minute that he handed them to him; I think I was out in one of the other rooms, or may have been working at the desk; I don't remember distinctly as to that.

Q You don't remember whether you saw him hand them or not?

A I do not.



Q Do you remember when you first saw Adams with them?

A Right after lunch.

Q Right after lunch?

A Yes sir.

Q That is the first you saw of them?

A That is when we were together, yes sir.

Q Well, he had evidently just gone, had he not?

A Yes sir; I presume so.

Q How long after lunch?

A Well, possible a half an hour or so; it must have been probably along about one o'clock.

Q Had you had your lunch?

A I had sir.

Q Had he had his?

A I dont know.

Q Didnt you and Adams eat lunch together in the office that day?

A No sir.

Q Sure about that?

A Positive.

Q Did not Adams?

A I dont know whether he ate in there that day or not.

Q You dont know, but it was after lunch anyway.

A Yes sir.

Q What time were they signed?

A Between four and five o'clock, sometime along in there.

Q Are you sure of the time?

A I cant place it to the minute; I say between four and five o'clock.

Q Well, you are quite sure are you? How long was he there that day?

A In looking over his statements, do you mean?

Q Yes.

A Oh, from about one o'clock until along about four, in there, and then shortly after that they were signed; almost directly afterwards, after he got through.

Q Anybody else in there during the time or any part of it?

A Mr. Whitney was the only one that came in.

Q How many times was he in there?

A Possibly once or twice during the afternoon.

Q Do you remember?

A I could not say just exactly.

Q Did you hear him talking to Adams?

A I dont remember anything that was said.

Q You dont remember?

A No.

Q Was Mr. McFarland there the next day?

A He may possibly have been there the next day?

Q Do you know?

A I dont know, no sir.

Q Was he there the day before?

A I dont know.

Q Was he there the second day after?

A No sir; I dont know.

Q Was he there the second day before?

A I dont know.



Q Do you remember the day of the week this was?

A No sir.

Q Nor the day of the month, from your memory?

A I believe it was the 6th of March.

Q Was that from your memory or because you see it?

A I saw the statement this morning.

Q I asked you if you remember?

A I do not remember, no sir.

Q Do you remember what kind of a day it was?

A I believe it was a rather cloudy day.

Q You think that, do you?

A I cant say for certain; I am just taking that from the time of the year. We have very <sup>cloudy</sup> ~~stinky~~ days down there at that time.

Q You do have cloudy days sometime in March?

A Yes sir.

Q Was Mrs. Adams there that day?

A I am not sure; I would not swear to that, but I think possibly she came up there sometime late in the afternoon.

Q You think possibly?

A I dont know; I cant say.

Q Your memory is not very good that far back on that matter is it?

A Because she came over there so frequently at the time that I could not remember the exact date of it.

Q So did Mcparland come frequently, didnt he.

A He, did, yes sir.

Q Did you say anything to Adams that day that you remember?

A I did say to him that those statements were wanted, as he stated them, and to read them over carefully.

MR. HAWLEY: Go ahead.

A (Continued) and to read them over very carefully.

Q Did anybody tell you to tell him that?

A No sir.

Q You said that on account<sup>your</sup>?

A Yes sir.

Q Nobody asked you to say a word to Adams?

A No sir; not in that respect.

Q And he had the statements when you got there?

A Yes sir.

Q Did you swear to that on the former trial?

A I dont think so; I dont think I was asked in regard to it.

Q When did you recall it?

A I have known it all the time, ever since the statement was made?

Q What did he say to that?

A He just went right ahead and looked them over, as I thought carefully because it took him plenty of time.

Q Did he make any answer to that?

A No sir.

Q Did you sy anything to him else that you recall during the whole day?

A I dont remember.

Q That is all that you can remember saying to him?

A Yes sir.



Q And you dont remember his saying anything to you?

A Except when he would come to some place there in the statement that he did not think was right, he would speak up and tell me about it.

Q And whatever corrections there are there, you made that is, they were made in your handwriting?

A At his request.

Q At his request?

A Yes sir.

Q You remember any conversation you had with him during the whole day, except what you have stat3 d?

A No sir.

Q When was the conversation about his wife?

A Why, that was either on the day or the day before she came up there to stay.

Q On the day she came or the day before?

A Yes sir.

Q You dont remember when that happed?

A I dont remember the date that she came up there.

Q Was that all of the conversation you had with him about his wife?

A The conversation was had in the office there.

Q Tell me if you can think of some one else?

A I believe Mr. Whitney wa in there at the time?

Q With whom was he talking?

A He was talking to both of us there.

Q Both of you?

A Yes sir.

Q Was anything else said sout his wife?

A The conversation started by Steve being told that she was coming up there.

Q By whom?

A By Mr. Whitney.

Q That is, Mr. Whitney said that Adams' wife was coming up to the penitentiary

A yes sir.

Q Did they say anything about the Board, Penitentiary Board?

A I dont think so.

Q The Board considered she better come?

A No sir.

Q He said she was coming, is that it?

A Yes sir.

Q Then what did Steve say.

A He said that he would not stand for that, because he knew she was coming into the women's ward; he would not stand for that; he would not have a lock and key turned on her; that he would not have her punished for his crimes.

Q He said he would not have a lock and key turned on her?

A Yes sir.

Q Now, you dint say that to Mr. Hawley, did you?

A Mr. Hawley asked me the question in a different way.

Q You did not say before that he said he would not have the lock and key turned on her?

MR. HAWLEY: I object to that method of examination. I asked the question of him.

THE WITNESS: He did not ask that, sir.

MR. DARROW: He did not say that?

MR. HAWLEY: Certainly, that was brought out.

Objection overruled.



Q Do you think of anything else that he said about that?

A No, I dont, because those things impressed themselves on me so at the time.

Q Do you remember the exact words?

A Almost.

Q Almost?

A Yes sir; just as I have given them to you.

Q You know the difference between his saying that he would not have a lock and key turned on his wife because he would not have her suffer for him, and his saying that he would not have a lock and key turned on his wife, and he would not have her suffer for his crimes?

A He stated for his crimes.

Q Now, you are sure of that word?

A Yes sir.

Q When was your attention called to that word, sir.

A Right at that time.

Q By having heard it.

Q No, by whom was your attention called to it.

A I dont think I understand what you are trying to drive at.

Q When did you ever state that the next time?

A I stated that to Mr. Whitney and I talked it over right afterwards.

Q You di?

A Yes sir.

Q After he had gone out?

A Yes sir.

Q That he had told them he did not want her to suffer for his crimes?

A Yes sir.

Q When did you talk it over next?

A I could not say just exactly the time there, but we spoke of that several times after that.

Q Strange matter that you should talk about isn't it?

A Because it impressed us so, yes sir.

Q Turning the lock and key on her, did that impress itself on you too?

A The latter part of the statement, that would especially impress itself upon me.

Q It was the word "crimes" that impressed this on your mind, was it?

A Yes sir.

Q And also Mr. Whitney?

A I presume so, yes sir.

Q And you and he talked it over again, I presume?

A Yes sir.

Q And you have talked it over ever since?

A I don't think so.

Q You have had the constant association of Mr. Whitney from that day down to the present, haven't you?

A Yes sir.

Q You are his Chief Clerk?

A Yes sir.

Q And his confidential man?

A Yes sir.

Q And his stenographer?

A Yes sir.

Q And you have talked this case over a good many times, haven't you?



RE-DIRECT EXAMINATION

BY MR. HAWLEY:

Q One word, I did not understand with regard to these confessions. A part of the last page of this confession that you took down originally. But now, did you take some of the confession, or some of these different volumes of that confession entirely yourself, the second day, or the day that you took them?

A Yes sir.

MR. HAWLEY: That is what I understood.

MR. DARROW: I guess that is what he said.

MR. HAWLEY: In order to clear that up, there were seven or eight, I believe, you say of these?

A Yes sir; all different matters.

Q And you took different volumes?

A Yes sir.

Q But the conclusion as read by you was taken out and written on all of the statements?

A Put on one and put on all the way that I took it, that is, by myself.

MR. DARROW: Q That is, the conclusion was the same on every one?

A Yes sir.

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WITNESS EXCUSED.

MR. HAWLEY: I recall Mr. Whitney. Beg pardon for having to recall him, but there was a matter I did not understand until this witness testified to it.

EUGENE L. WHITNEY,

Recalled in Rebuttal, on behalf  
of Plaintiff, testified as fol-  
lows:

DIRECT EXAMINATION

BY MR. HAWLEY:

Q Warden Whitney, in the early part of the State's case, do you remember of Mr. Darrow calling your attention to this March, I mean 1906?

A He handed me letters a great many times; I recollect of his handing me letters, yes sir.

Q Do you ever recollect of his calling your <sup>attention</sup> to this that you took to Mr. Heubener and had copies made?

A yes sir.

Q State when those letters were handed to you, by whom were these letters handed to you?

A By Mr. Adams.

Q State whether they were sealed at the time they were handed to you?

A No sir; they were not.

Q You may examine State's Exhibit No. 23, and state whether you recognize that?

A yes sir, I do.

Q State's Exhibit No. 24 for identification, do you identify that?

A Yes sir.

Q You may look at these and see or state, independent of that, or refresh your recollection, if you desire, from an inspection of these, as to the dates these two letters



were received by you from Adams?

A I could not state. This was about the date they were received. I made no notation of it at all.

Q That is, it was about that time, was it.

A Yes sir; he wrote the letters and handed them up there; I suppose ~~that~~ it was the date of it.

Q And after they were handed up, what did you do?

A I read the letters, which is the practice there, and I took them in and had Mr. Heubener copy them.

Q Do you know whether or not these copies were correct?

A Yes, sir; I think they are correct.

Q You saw Mr. Adams write?

A I did not see him write the letters, no sir.

Q I say you have seen him write?

A yes sir.

Q And you knew his signature?

A Yes sir.

Q And state whether or not the signature on each of these letters was his signature to the originals.

A Yes sir; it was.

Q And after these letters were kept; you may state whether or not you---state what you did with the original?

A The original was sealed up and sent to the parties to whom they are addressed?

MR. HAWLEY: I offer in evidence State's Exhibit 23 For Identification; also offer, so counsel may be examining it, State's Exhibit 24, for Identification.

MR. DARROW: We object, and I think I will ask, Mr. Hawley to examine this witness a little on the question.

MR. HAWLEY: All right.

THE COURT: Proceed, Mr. Darrow.

Examination by Mr. Darrow on the Admissibility of the letters marked for Identification State's Exhibit 23 and 24.

MR. DARROW: Q Mr. Whitney, did you ever see this man write?

A yes sir, I have.

Q Ever see him sign his name?

A Yes sir.

Q Do you think you would know his signature?

A yes sir, I would, if you was to hand letters to me. I dont know that I could pick his signature out amongst others.

Q You would not know his signature as a signature would you?

A Sir?

Q As a signature, you would not know his signature?

A If I knew that he signed it, I would but, as I say, I would not undertake to pick it out among others.

Q Then, what you mean is, that you would know it if you knew it?

A If I saw him sign it, I certainly would.

Q But you would not know it from John Hancock's if you did not see him sign it?

A I cant identify his handwriting, identify it to-day no sir.

Q You never could, could you?

A I think after he was there, I could; I have read a great many of his letters.



Q How many about did you ever read?

A Well, I have read several letters.

Q About how many?

A I could not state how many because I did not keep track of them.

Q Why do you say a great many, then?

A Well, I recollect that he wrote quite frequently there.

Q How many boarders did you have about that time?

A I think perhaps 215 or 200; I could not state just the number.

Q They all write more or less frequently?

A Yes sir.

Q And you read all of the letters?

A Sometimes I read them and sometimes my deputy read them.

Q Are you havnt any idea how many of Steve's Adams' letters you have read?

A No sir.

Q Did you have any more of his letters copied than those two?

A These are the only two that I had copied.

Q Do you suppose you read twenty of them?

A Well, I hardly think that many.

Q Ten?

A I think perhaps ten or more; I couldnt say positively how many.

Q Whom else did he write to?

A Well, sir, I dont know that I could give the names of the parties that he wrote to.

Q Do you remember anybody that he wrote to?

A I recollect those two, because I had them copied.

Q Do you remember any others?

A I don't recollect of any others, I think.

Q But you did have others?

A Yes sir; he wrote other letters; I don't know whether they are to the same parties. I know he has written to this lady, his aunt, there two or three different times.

Q He wrote her other letters?

A Yes sir.

Q That you did not have copied?

A Yes sir.

Q Did he write his brother any other letters?

A I think he wrote two or three letters to his brother at different times, yes sir.

Q Which you did not have copied?

A Yes sir.

MR. DARROW: I guess that is all I want to ask him. We will object to the letters on the ground that they are immaterial and irrelevant and that they have not been proven to be the letters of the defendant, or copies of them.

MR. HAWLEY: Are they admitted, your Honor?

THE COURT: The objection will be overruled.

Defendant excepts and exception allowed.

The letters offered are received and marked PLAINTIFF'S EXHIBITS 23 and 24.



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PLAINTIFF'S EXHIBIT NO. 23.

C O P Y.

State Prison, Idaho, Mar. 3rd, 1906.

Mr. & Mrs. Maggie Oliver:-

My dear aunt and uncle.

I received your most welcome letter and was glad to hear from you all and of your belief in my innocence. I wish to God that I was but I fell in with bad company and was led to commit a number of most vile sins, breaking the law of both man and God Had I stayed with my church and with the raising of my poor parents, who are I believe in Heaven, I would be a free man to-day, but I allowed myself to be led into sin most damnable I am going to try to undo what I have done and sin no more. I expect when my friends find out the real truth they will disown me but God knows I could not help it. I hope you all will pray for me and my forgiveness. I am just going to tell the facts in this case and others, and put my trust in God to guide me through it. If I can do some good the rest of my life I am willing to try. I think that is all a poor sinner can do when he has sinned so bad. As to your basket, it will be very thankfully received. The warden treats me very kindly, have plenty to eat and good place to sleep. I have a little baby boy almost three months old named after my poor father, David. Auntie, dont forget to pray for me. I feel the disgrace of my sins very sharply. I have 480 acres of land in Oregon, Aunt---I had my wife and babies put with friends so people would not bother them to death. She feels very bad. I am sure I asked her to pray

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for me to. She is the best woman in the world. It nearly kills me to think of the misery I have caused her, which I will never cause again. Excuse a short letter. When people find out all the facts in these cases, I hope they will forgive me. Hoping to hear from you all soon I will close with my love to you all, your nephew,

Stephen Adams

direct in care of the warden, State's Prison, Boise,  
Idaho.



## PLAINTIFF'S EXHIBIT NO. 24.

C O P Y.

Boise, Idaho, Meh. 8th, 1906.

Mr. W. T. Adams.

My dear Brother.

I received your most welcome letter. Was very glad to hear from you and sis and of your kind offer to help me out of my troubles, which I do not deserve in the least. Brother, I have been living under a clouded sky as long as I can stand it. I am going to do the best I can to undo what has been done as near as I can by doing what I think is just to my brothers, my wife and family and friends, and what is just in the sight of God. I am going to tell the whole truth as near as I can remember it and let the blame fall where it may. I am going to begin a new life right now. You can help a sinner lots like me by praying for me, and altho I advis you to stay with your family for they need you and you can help just as much there as here. The life I have lived is not worth living. it is hell on earth. I tried it thoroughly. I look back with horror on the last few years of my life but hope to be forgiven. If I could think it is right, I would never see a trial but I know it is not right to do that and add another sin just as bad to the rest of many. I know lots of people will look with scorn on me but when they know the truth it may be different. I cant go to my grave with this load of sin on my soul and think of my father and mother praying

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for me. Oh such a sinner. Brother, pick your company  
and commence right now be sure to pick the best and you will  
never fall like your brother. Ask my friends to forgive me,  
and also you and Joe must do the same. Give sis and all  
the little ones my best regards and love. Write right away  
for a good letter helps me, especially from my brothers.  
Don't forget to pray for me the sinner of sinners.

Direct in care of the warden, Boise, Idaho.

Your brother,

Stephen Adams.



W. B. HOPKINS,

A witness called in Rebuttal,  
on behalf of Plaintiff, being  
first duly sworn, testified as  
follows:

DIRECT EXAMINATION

BY MR. HAWLEY:

Q What is your name, sir?

A W. B. Hopkins.

Q Where do you reside?

A Denver?

Q What is your business or occupation?

A Stenographer.

Q In whose employ were you in February and March, 1906.

A Pinkerton National Detective Agency.

Q In what capacity?

A Stenographer.

Q State whether or not during those months, or any  
part of those months, you were in Boise, Idaho?

A I was.

Q And in what particular employment there?

A As stenographer.

Q For whom?

A Mr. McParland.

Q The General Manager of that Agency?

A The General Manager of the Western Division.

Q Are you acquainted with Steve Adams, the Defendant?

A I have met him.

Q Did you meet him on or about the 27th of February, 1906?

A I did.

Q Where?

A In the rear of the office of the Warden of the penitentiary, in Boise.

Q What time of that day did you meet him?

A I think it was along about 10:30 or 11:00; somewhere along there.

Q Had you ever seen him before, to your knowledge?

A I saw some fellow bring him off the train the night they brought him.

Q You had not spoken to him?

A Not spoken to him.

Q Simply taken a passing glance at him?

A That is all.

Q At whose request did you go to the <sup>pen</sup>~~train~~ on the morning of the 27th?

A I went there on the request of Mr. McParland.

Q In whose company did you go up to the pen?

A In Mr. McParland's and the man that drove the rig, I dont know who he was.

Q The penitentiary team, was it?

A The penitentiary team.

Q How long after you reached the pen with McParland was it before you saw Adams?

A I should judge fifteen or twenty minutes; I am not certain about that.

Q State whether or not a statement was made that day in your presence by Adams?



A Yes, there was a statement made by Adams.

Q Did you take down the statement?

A I did.

Q You may state whether or not the confession or statements being made by him were concluded that day?

A Well, all I took were concluded that day; I dont know---

Q (Interrupting) I mean was the full statement made or to be resumed at some other time?

A As far as I knew it at the time, I took all there was, but then I cant say whether it was intended to be taken any more later or not.

Q You dont know?

A I dont know.

Q All you know is what you took?

A Yes sir.

Q Did you take a statement with reference to matters connected with Marble Creek in that district?

A In the vicinity of the St. Joe River, up around in that country, yes sir.

Q You took that statement?

A yes sir.

Q Did you afterwards write it out?

A I did, yes sir.

Q You may examine State's Exhibit 19, and state whether or not that is the statement that you took that day?

MR. DARROW: I object to the question put to this witness on the ground that it is not Rebuttal evidence; part of their case in chief.

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Objection overruled.

Defendant excepts and exception allowed.

A This is the transcript that I made of the testimony.

Q The transcript you made of the testimony?

A Whatever it was.

Q There are some interlineations there?

A Let me see them first?

Q Yes. (Handing same to witness) In saying you made it, do you mean to say that you made these interlineations in different places, or that you made the typewritten copy; what is it you mean to say?

A I made the typewritten copy.

Q You may state whether or not this typewritten copy you made was from your notes?

A It was from my notes, shorthand notes.

Q You took this down in shorthand?

A I did.

Q And this was made from your notes?

A Made from my notes.

Q You may look at the last page and see if the last part of the last page was taken down by you, or added at some other time. If you remember the last two or three questions, state what you recollect about that?

A This was copied by me from a piece of paper that was brought in by Mr. McParland; I think it was brought from the penitentiary.

Q The last few questions there?

A Yes sir.

Q Who was there at the time this was being made?

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A At the time the questions were asked, you mean, or at the time the transcript was made?

Q At the time the questions were asked and taken down.

A Just Mr. McParland and Mr. Adams and myself.

Q Just you three?

A Yes sir.

Q I will ask you who asked the questions?

A Mr. McParland.

Q And who made the answers?

A Mr. Adams.

Q Was any suggestions made as to the substance of the answers by McParland to Adams?

A He only suggested to him to stick to the answer to the question.

Q Stick to the answer to the question that he was taking?

A That is about all that I know.

Q I will call your particular attention to this paragraph on page 8. I will show it to you and read it first: "Q What excuse did he give?

"A He said all the settlers agreed to help pay it, "but they did not come in with the money. I got a hundred "and twenty dollars. Mason gave me a hundred dollars and "Simpkins gave me twenty dollars when I left." Read any of the contents that relates to it.

A What do you want to know about it?

Q I merely want to ask you in regard to that, after you have familiarized yourself with that, whether or not McParland made any suggestions there to Adams about that answer, how he should answer that?

A No suggestion that I have any remembrance of any kind at all.

Q What is your answer?

A No suggestion that I have any remembrance of, of any kind at all.

CROSS EXAMINATION

BY MR. DARROW:

Q You are a stenographer?

A Yes, sir.

Q Where are you working?

A I work in the office of Thomas, Bryant & Malburn.

Q What is their business?

A Lawyers.

Q How long have you worked for them?

A Since November, 1906.

Q How long did you work for the Pinkerton Agency?

A From about the middle of January, 1903, until the first Saturday in August, 1906, or about that.

Q A little over three years?

A Yes.

Q You were doing <sup>Mr. McParland's</sup> ~~some reporter's~~ work that month?

A Not all of the time, sir, the latter part I was.

Q General work there?

A General work.

Q You were sent to come up to Boise and do some work?

A I was, yes sir.

Q Do you remember about how many statements you took?

A From whom do you mean, from Mr. Adams? That date?



Q Yes.

A It was all one statement; it lasted all day long really from 10:30 in the morning until 5 o'clock at night, about 5.

Q You were working from 10:30 in the morning until when?

A About 5:30 in the afternoon somewhere, though I have forgotten the exact hours.

Q You went to work about 10:30.

A Somewhere about that time.

Q Do you know about what time Mr. McParland got there?

A We got there together; I should judge just about between 10 and 10:30.

Q Did you see Adams the same time he did?

A Not until about fifteen or twenty minutes later.

Q That is, he went in first?

A He went in first; I sat out in the front office.

Q You sat out watching the clock, I suppose?

A I did not watch the clock; I was right in the front office.

Q What were you doing?

A Talking to Mr. Heubener and Mr. Mills, or Whitney, or whoever was there.

Q But you say it was about fifteen or twenty minutes?

A I judge about that time.

Q Have you thought about it since?

A I thought about it when I was asked about it on the witness stand last year.

Q Is that what you said last year?

A As near as I can remember, it was about that time; I have not seen this since last trial.

Q Did you answer it at all?

MR. KNIGHT: Show him the testimony if you want to ask him.

MR. DARROW: Very well. Q Do you remember what you said before?

MR. KNIGHT: That is not fair.

THE COURT: Let him see what he swore to before, Mr. Darrow.

MR. DARROW: (Handing witness record) There it is; you may look back if you want to.

MR. HAWLEY: Look it all over if you desire.

THE COURT: As much as you desire to read.

MR. DARROW: Q You dont find any answer to it at all, do you.

A I dont find any answer at all, no sir.

MR. HAWLEY: There is no question of that kind.

MR. DARROW: The objection was sustained.

MR. HAWLEY: No wonder he was not answered; it was not answered.

MR. DARROW: Q The question was asked you, as follows:

"Q And did you see Adams first on that date?

"A Mr. McParland saw him first.

"Q How long was McParland with Mr. Adams before you were called in, and commenced your work in taking down the statement?

"Objected to as not Rebuttal testimony, incompetent, irrelevant and immaterial. Objection sustained. That was on the other trial?

MR. HAWLEY: Yes sir; it was a different state of affairs at the other trial.



Q Now, you do know that Meparland went in first?

A Yes sir.

Q And then he called you?

A He called me when he was ready for me.

Q What kind of a book did you take this down in?

A Just a common stenographer's note book.

Q What did you do with it?

A Why, when I was through with it, I handed it in to the agency.

Q You left it with the agency office?

A Took it back there when I went back there later on.

Q So far as you know, it is not there now?

A No.

Q Where is it?

A It is in my satchel over at my hotel?

Q Have you got it?

A Yes sir.

Q Have you looked it over?

A Yes sir.

Q On your way over here?

A On the way up on the train, I did.

Q Will you bring it in?

A I think I can.

Q What system do you use?

A Bryant & Stratton Edition of the Graham System.

Q Have you got the note-book that has this statement?

A Yes sir; I suppose I have.

Q You suppose you have. Dont you know?

A What statement are you referring to?

Q I am referring to the Tyler statement?

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A Yes sir; I have got that with me.

Q And you looked it over coming up?

A I looked it over coming up.

Q Did you take down everything that was said that day?

A Not everything that was said, no, not everything; sometimes Mr. McParland would say---

Q (Interrupting) I asked you if you took down everything that was said?

A No sir.

Q Well, they were talking back and forth <sup>all</sup> that day, werent they?

A Pretty much all day, from the time I got there until in the evening, except we had our lunch.

Q And you took down whatever you supposed was wanted to be taken down?

A That is it.

Q Did you refer to a part here that you say there was nothing said about, to Mr. Hawley, with reference to some money?

A I dont understand the question.

Q You were asked a question with reference to some money here, and you said it was taken down the way it was given, didnt you?

A Yes sir.

Q Well, was it?

A It was taken down the way it was given, spoken, I know.

Q Do you remember it?



A I remember the statement quite well.

Q What is the statement?

A Just hand it to me.

MR. HAWLEY: Show it to him.

MR. DARROW: I dont want to show it to him, he says he remembers it.

THE WITNESS: I cant remember the exact words of the statement.

Q Oh, you cant?

A Not at the present time, no.

Q That is what I supposed?

A I have not got my notes here; I can reach them, I guess.

Q Well, sir, how do you know from memory that they are the exact words used that day?

MR. KNIGHT: He has not said so; there has been no such testimony.

MR. DARROW: Q Do you know?

A I dont know that they are the exact words.

Q And you cant tell now what the words were in reference to that money matter, can you?

A Not right away now, no.

Q And yet you read it here three minutes ago?

A Well, I recognized it as what I wrote.

Q You recognized all of it as what you wrote, didnt you?

A Yes sir.

Q Do you know whose name was mentioned in connection with the money?

A Mr. Mason was one.

A I think it was George Simpkins, I am not certain about that.

Q Anybody else.

A I believe this man Tyler's name was mentioned; I am not certain.

Q Anybody else in connection with money?

A I dont remember just now.

Q Do you know how much money was mentioned, in connection with any of them?

A I remember of two amounts; one was a hundred dollars and the other was twenty dollars.

Q Any other amount?

A In that one question?

Q Yes sir, or any other question with reference to money.

MR. KNIGHT: As to any other question the statement must be shown him.

THE COURT: Yes sir.

MR. KNIGHT: The witness is entitled to the same consideration as any other witness.

MR. DARROW: Q Do you remember in that connection any amounts?

MR. KNIGHT: What connection?

MR. DARROW: In connection with the names mentioned.

MR. HAWLEY: We object as improper anyway; the question is before the Court and Jury whether this is a correct transcript of those notes, if it is changed. They cannot expect this witness or any witness to know what they contain. He says he madd these notes correctly and if they are



transcribed correctly, the transcript can be brought here.

THE COURT: The matter that counsel inquired about was whether there was any prompting of these sums of money, isnt it?

MR. DARROW: Yes sir.

MR. HAWLEY: He was asking as to his recollection of this, understand it, I dont desire to make any technical objection, but if I understand the position of counsel aright, it is not fair to the witness. If I understand, his object now is to ascertain whether the witness can repeat this matter contained in the question. I asked whether or not any suggestion was made in regard to those amounts when the statement was made in answer to this particular question.

MR. DARROW: This particular question is without regard to his notes, and the only way he can tell is by my testing his memory on that particular matter.

The bailiff reported to the Court that the wife of a Juror wanted to ask one of the Jurors a question over the 'phone, and thereupon, the Jury were duly admonished, as required by law, officers were sworn to take charge of the Jury, and the Jury retired in their custody, and a recess was taken for ten minutes.

At this time, the Defendant being present with his counsel as before, the Jury returned into Court, in charge of the sworn officers, and upon being polled, all responded to their names, and the trial of this case proceeded as follows:

W. B. HOPKINS,

On the stand for cross examination.

BY MR. DARROW: Q You did a good deal of Mr. McParland's

work before this time?

A Quite a little.

Q In the way of taking statements?

A Not in the way of taking statements like that.

Q Had you ever done any?

A I took a statement from some man in the jail at Denver at one time, I have forgotten his name and have forgotten what it was, for Mr. Carey.

Q You knew in this kind of work and any other the parts to put down, did you not?

A I dont quite understand what you mean.

Q You knew the parts to put down as part of the statement and such conversation as would be left out?

A I didnt know very much about it at all. I was told what to do.

Q You were told what to do?

A Yes sir.

Q You would not pretend to repeat everything Steve Adams said or everything that McParland said?

A I should not.

Q Or everything that you said. I suppose you did not take very much?

A Not very much; very little.

Q Did you get your lunch together in the office?

A We did.

Q Do you know whether the Tyler matter is in one book by itself?

A I think one book takes it all in.

Q Is there any other matter in that book?

A I believe there is.



Q What answer?

A I believe there is; I cant say positively though.

Q You say you used the Bryant & Stratton System?

A Bryant & Stratton Edition of Graham.

Q Who is that, is that Munson or Pitman?

A Graham; it is a Graham system.

Q That is the foundation of it?

A That is the foundation of it.

Q As far as you know, have you any objection---but you dont need to answer it, perhaps counsel may want to object to our saying that book to night.

MR. HAWLEY: We have no objection in the world.

A No objection on my part.

RE-DIRECT EXAMINATION

BY MR. HAWLEY:

Q You speak of some conversation that was not put down. Was there a good deal of such conversation, extraneous matters asked about?

A I think during the lunch there was a few stories told; I have forgotten now just what they were.

Q I mean in talking, when the questions were answered, were the digressions, things of that sort, outside matters, brought in at times?

A Were outside matters brought in, did you ask me?

Q Yes, sir; talked about.

A Not that I remember; mostly about matters in question

Q You have made some statement with regard to putting something down and leaving something out. What was it that you left out?

A At times Mr. McParland would say, "Now, dont put this down", and he talked the matter over with Mr. Adams, and when he was through, he would ask the question, and the question was put down, and the answer was made, and I would put the answer down.

Q Was the talk apparently in regard to matters that he had no knowledge of?

MR. DARROW: To that I object; the question should be in regard to what he said and what Adams said.

Objection sustained.

WITNESS EXCUSED.



Root Recalled D

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GEORGE H. ROOT A witness on behalf of the State being  
Recalled in Rebuttal, testified, as  
follows:

DIRECT EXAMINATION

BY MR KNIGHT:

Q You testified before, did you?

A Yes, sir.

Q Where did you say your homestead is in the Marble Creek  
country?

A Section 27, 28, township 44---3 east.

Q That would be right in here (indicating on the map  
on the wall)?

A Yes, sir.

Q How far is that from Jack Simpkins' place?

A About threemiles and a half.

Q This way from Price's cabin at Mica Meadows then?

A Yes, sir.

Q How long have you lived there, Rx several years?

A Yes, sir.

Q Madtrips frequently from your place up to Mason's?

A Yes, sir.

Q About how long does it take to make that trip?

MR DARROW We object to that unless he knows.

THE COURT: I think you had better confine it to Simpkins'  
cabin.

MR KNIGHT: I cant make it from Simpkins' cabin because he  
does not ---

Q (Interrupting) Have you made the trip from Sim-  
pkins' cabin frequently?

Root Recalled D  
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A No, sir.

Q You say your cabin is about threemiles from Simpkins' cabin?

A Three and a half.

MR KNIGHT: I think the question is pertinent; I am asking him how long it takes him to make that trip?

MR DARROW: I object to it; it has got to show in the same place and the same trail.

THE COURT: Show the condition of the trail.

MR KNIGHT: It seems to me this question is pertinent and proper. He says his cabin is three and a half miles further in than Simpkins' cabin. I am asking him how long it takes to make the trip. There is no evidence here before this jury as to what trail the defendant traveled over between the place where Tyler was killed (interrupted)

THE COURT: All right, I overrule the objection.

MR DARROW: Do I understand the court to say he may say how long it takes from his place out?

THE COURT: Yes, from his place out.

MR DARROW: Without reference to where he came to or how he came whether past Simpkins' cabin or not; might just as well ask how far it is from Rathdrum to Coeur d'Alene?

THE COURT: I have decided. You can take your exception.

MR DARROW: Well, I think I want an exception, your Honor. It seems to me improper to ask how long it took to go from Root's to Mason's; dont know whether over the Marble Creek trail or not, dont know whether any mountain; might be a perfectly level road.

THE COURT: I may strike it out but I shall allow it now.

Q How long does it take, Mr Root?



Q How long does it take, Mr. Root

MR. DARROW: Objected to as incompetent, irrelevant and immaterial. Not rebuttal.

THE COURT: Objection is overruled.

MR. DARROW: Defendant excepts.

A It takes about six hours to go from my place to Hugus' place.

Q Opposite Mason's?

A Opposite Mason's, yes, sir.

Q How long does it take to make the trip by way of the trail---

MR. KNIGHT: We withdraw that question now.

Q Is there a trail that runs from your place in 27 and 8 in this direction (goes to the map) over this trail, the Marble creek Trail, marked "Marble creek Trail"--- trail to Marble creek on this map? (Indicating)

A You say is there a trail from my place?

Q Yes, over this trail?

A Lets see (Witness goes to the map)

(Mr. Darrow goes to the map) (All examine the map, witness and counsel for State and Defendant)

A There is a trail from my place to the southeast of Section 8 and then out.

Q Then out over the Marble creek trail?

A We call it the "Huckleberry Mountain Trail".

Q Trail from Huckleberry Mountain Trail to Mason's?

I think so.

Q How long does it take to make the trip to Mason's from your place over the Huckleberry Mountain Trail?

A About the same length of time as it does to go over what we know as "The Johnson Trail".

Q About six hours?

MR. DARROW: Let him say.

THE COURT: About how long?

A That way, a man to make it in six hours, would have to travel tight along all the time.

Q Mr. Root, have you a map of that country showing the creek and the trails there from your cabin out to St. Joe and Mason's place?

A I have.

Q Have you it with you?

A Yes, sir.

Q Let me see it please.

A (Produces map)

Said map was marked for identification State's Exhibit No. 25.

Q Mr. Root, I hand you State's Exhibit No. 25 for identification, and ask you what it is?

A This is a map drawn by Walter Bond at the time we were endeavoring to get the County to build a new trail from the head of navigation into Marble Creek.

Q Do you know whether or not that correctly represents the trails and rivers in that district at that time?

A It does.

MR. McBEH: What year was that, Mr. Knight?

Q What time was this map made?

A 1904.

MR. KNIGHT: I offer this exhibit at this time.

MR. DARROW: We object, map made by Walter Bond.



He is the man to come here; in the next place it is not rebuttal; and this witness knows nothing about it.

MR. KNIGHT: This witness has testified that it is correct.

MR. DARROW: He could testify that a map of the world was correct, but that don't make it evidence. Certainly I want to cross examine him before---

THE COURT: You may cross-examine.

CROSS-EXAMINATION

ROOT (On the Map)

By Mr. Darrow:

Q When did you get this?

A Early in the spring of 1904.

Q Where?

A At the head of navigation down on the St. Joe.

Q Who did you get it of?

A Walter Bond.

Q Who is Walter Bond?

A Homesteader in the Marble Creek district.

Q Is he a surveyor?

A No, sir.

Q You never made any survey here?

A No, sir.

Q Walter Bond is not a surveyor?

A No, sir.

Q You just asked him about a map and he gave you this; is that it?

A I asked him to draw me a map showing the proposed new trail from the head of navigation to

Marble creek.

Q You asked him for that map because you wanted to know where the new trail was?

A I wanted to know whether it was a feasible thing to do or not, build a new trail through there.

Q You asked him to draw a map for that purpose?

A Yes, sir.

Q He gave you this?

A Yes, sir.

Q How long after?

A Some two months after I had asked him for it.

Q You never made any measurements of this yourself at all?

A No, sir.

Q Do you know about what sections certain creeks run through?

A Not without referring to the map.

Q No, You dont know of your own knowledge, do you?

A I do in my immediate neighborhood.

Q Well, do you know the sections which Prime creek runs through?

A No, sir.

Q Do you know the sections which Big Creek runs through?

A No, sir.

Q Do you know the sections which Bear Creek runs through?

A No.

Q Do you know the sections which Trout Creek runs through?

A No.



Q Falls creek?

A No, sir.

Q Have been on any of these creeks?

A Yes, sir.

Q Do you know the sections that Cedar Creek runs through?

A No, sir.

Q Do you know the sections that Marble creek runs through?

A Some of them.

Q Not all of them?

A No, sir.

Q How many of them; give us one?

A 33 and 34.

Q 33 and 34; what others?

A 29-44-3 East.

Q 29-33-34, what were the others you gave?

A 29.

Q What next?

A That's all I remember.

Q I thought you gave some others.

MR. HAWLEY: The other numbers were the township and ranges were they?

A 44-3 all of those.

Q And that's all you know?

A That's all I remember now.

Q On this map it shows it through these twenty sections, does it not, at least twenty sections, does it not?

MR. KNIGHT: I object to that. He must hand him the map if he asks that, if he wants to inquire into that; this is not an insight and unseen proposition.

Q Do you know whether the regular trail to Marble Creek is shown on this map?

A Yes, sir.

Q Do you know what sections it runs through?

A No, sir.

Q You never surveyed it to find out?

A Surveyed it, in what way?

Q In any way?

A No, sir.

Q All you know about this map is what you have told us?

A Yes, sir.

MR. DARROW: We submit that you cannot use a map of that kind; this wouldnt settle a horse trade to say nothing about a criminal case.

DIRECT EXAMINATION- resumed

ROOT

BY MR. KNIGHT:

Q State whether or not you are familiar with the country between your place and the St. Joe River?

A In a direct line?

Q I mean going down between your place and the St. Joe River?

A Yes, sir; I am familiar with it.

Q How far is it from Jack Simpkins's place down the ridge easterly from Mica Creek to the St. Joe River, if you know?

MR. DARROW: Object to that he has not shown he knows it.

MR. KNIGHT: I ask him if he knows.



MR. DARROW: I want to examine him on that first.

MR. KNIGHT: He has no right to examine him on that.

MR. DARROW: He has shown no knowledge at all;  
has just answered in a general way.

THE COURT: I didn't understand your former question.

MR. KNIGHT: My question is how far is it from Jack  
Simpkins's cabin down to the St. Joe River.

THE COURT: From his place to Jack Simpkins's, is it.

MR. KNIGHT: I didn't ask that question.

THE COURT: If he is familiar with the country he  
can answer.

MR. DARROW: He says he is not. I say he has got  
to show that he knows.

THE COURT: Well, he can answer if he knows.

Q Do you know about how far it is from Jack Simpkins's  
cabin down to the St. Joe River?

MR. McBEH: To what point?

MR. KNIGHT: Nearest point.

A It is a little over seven miles.

MR. DARROW: I ask to have that stricken out. The  
question is if you know.

THE COURT: Yes, the question is do you know.  
Do you know?

A Yes, sir.

Q How far is it?

A A little over seven miles.

Q Now, do you know into what river Mica Creek flows?

A St. Joe River.

Q Into what creek does Marble Creek flow?

A St. Joe River.

Q Do you know about how far the mouth of Marble Creek is from the mouth of Mica Creek?

MR. DARROW: Do you know of your own knowledge?

A About nine miles.

Q Do you mean by the windings of the river?

A Yes?

Q Now, what kind of country is there between Mica Creek and Marble Creek, what character of country?

MR. DARROW: I object to that on the ground that he dont show he knows, and it is not rebuttal.

THE COURT: Objection overruled.

MR. DARROW: Exception.

A I can only say about that part of it nearest to Marble Creek.

MR. DARROW: Now, to that I object.

Q Whats the character of the country nearest to Marble Creek?

MR. DARROW: How far does he mean?

MR. KNIGHT: From Simpkins's cabin down to the St. Joe River.

MR. DARROW: I object. He does not say he knows-- how far he knows. He might five rods or ten rods.

THE COURT: Objection overruled. He can state.

MR. DARROW: "The part nearest Marble Creek"; I would like to know how near Marble Creek you mean.

MR. KNIGHT: You have a perfect right to inquire.

MR. DARROW: I have a right to inquire before he answers.

MR. KNIGHT: I dont think he has.



THE COURT: I have overruled the objection.

MR. DARROW: May I be heard?

THE COURT: yes, sir.

MR. DARROW: Here is a trail which extends several miles, and he is asked the character of the country and he says he knows only the country nearest to Marble Creek; his knowledge of that character might not extend ten feet; might not extend ten rods; of course a man's life cant be guessed away in that way. Unless this witness knows the extent of country I ought to have a right to find out how much much of it he does know.

MR. KNIGHT: You have a perfect right to inquire, Mr. Darrow.

MR. DARROW: well if I can inquire I--

MR. KNIGHT: Not now, no.

MR. DARROW: I dont propose to wait until he has answered a matter of as much importance as this, a man's life at stake.

MR. KNIGHT: It is perfectly competent.

MR. DARROW: How can it be competent?

MR. KNIGHT: because they may have gone right down the same stream--

MR. DARROW: Thats not the question you asked.

You asked if he knows the country and he says he only knows that nearest to Marble creek.

THE COURT: The objection is overruled.

MR. DARROW: I take an exception.

Q Whats the character of the country?

A There is a long divide between Mica creek and

Marble creek, running in a northerly direction to the St. Joe River.

Q Now, do you know the character of the St. Joe River from the mouth of Marble creek down to Pyle's place, that is as to whether it is-- well, just a moment. Do you know where Pyle's place is on the St. Joe River?

A Yes, sir.

Q Where is Pyle's place, with reference to the mouth of Mica Creek?

A Just about the mouth of Mica Creek.

Q What is the character of the St. Joe River from Pyle's place down to Mason's, if you know, as to whether it is swift or slow?

A The character of the river is rather swift from Pyle's down.

Q Do you know whether it is so you can go by boat or canoe down that river?

A Yes, sir.

MR. KNIGHT: Now, I again offer this map in evidence.

THE COURT: The objection will be sustained.

MR. KNIGHT: That's all.

CROSS-EXAMINATION

ROOT

BY MR. BARROW:

Q Where did you say your homestead is?

A Sections 27 and 28, township 44-3 East.

Q Do you know--- do you go to Mica Meadows when you go out from there?

A Yes, sir.



Q Go past Mica meadows?

A Yes, sir.

Q Dont go past Jack Simpkins's place?

A No, sir.

Q Or Mason's?

A No, sir.

Q How far do you strike the trail above Mica Meadows?  
the trail I am speaking of is the trail to Marble Creek,  
or dont you know that trail at all?

A There are several trails to Marble creek.

Q Do you know the trail ordinarily used from Mica  
Meadows up to where Mason's and Simpkins's homesteads are,  
or dont you know?

A I have not been there over that trail since they cut  
the new one to my place.

Q Were you ever over it?

A yes, sir.

Q When?

A I traveled that trail from the spring of 1902 until  
1904.

Q How far up from Mica Meadows to Marble Creek and  
the homesteads of Mason and Jack Simpkins?

A I didnt go there.

Q Well, how near there, how far along the trail did  
you go from Mica Meadows?

A Do you mean how far it is from Mica Meadows to my  
place?

THE COURT: No, he means how far you went from Mica  
Meadows on that trail over towards Mason's. You know  
where Mason lives?

Root-X  
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A Yes, sir.

THE COURT: How far were you on that trail running to Mason's?

A I went on that trail until it passed the trail running off going down to Mason's.

Q How far is that?

A About six miles.

Q You were about six miles up from Mason's homestead?

A I went beyond that to my place.

Q You went six miles on the trail?

A Yes, sir.

Q Did you use the same trail from Mica Meadows to Mason's on the river? Mr.

MR. KNIGHT: Do you mean Mason's St. Joe place?

MR. DARTOW: I mean Mason's on the river, where his grass farm is.

A The trail never went to Mason's, it was to Hugu s's place I went.

Q Did you ever travel that trail?

A Yes, sir.

Q Did you ever time yourself on the Hugu trail from Mica Meadows to the river, going on the Hugu trail?

A Dont think I ever did.

Q How many times did you ever travel it?

A A great many times.

Q Never did time yourself?

A Not that I remember.

Q Never did time yourself the other way?

A Which way do you mean?

Q From Mica Meadows up six miles?

A Only by knowing what time we left the place and



about what time we got in.

Q Did you ever do that?

A Do you mean by timing myself, if I looked at my watch when I started?

Q Yes?

A And when I got there?

Q Yes?

A I dont remember ever having done this.

Q How long since you made that trip?

A Over which trail?

Q Over the old trail?

A Not since the fall of 1904.

Q You have been going some other way, have you?

A Yes, sir.

Q And you didnt go over this trail --- you dont go over this trail going to your place?

A Which trail?

Q The old trail that we have been speaking about?

A No, sir; I dont travel the Huckleberry Mountain Trail now.

Q Where did you come out on your trail at the river--- where do you come out

A At St. Joe.

Q At St. Joe?

A Yes, sir.

Q You go direct to St. Joe?

A Yes, sir.

Q Have you ever been from Jack Simpkins's place direct to the river?

A I have been from the river directly through past where his place was.

Q When?

A In 1901.

Q Didnt go over any trail?

A No, sir; there was none.

Q Anybody with you?

A There was.

Q Who?

A A party of four or five of us.

Q Well, who?

A My father.

Q Anybody else?

A William Peavey.

Q Who else?

A W. T. Mandel.

Q Who else, give us the names?

A William Stoddard.

Q Thats all?

A Thats all I remember.

Q Where did you go from?

A Mouth of Marble Creek--- Oh, we left Wallace, and went from the St. Joe River.

Q Yes. You went to the mouth of Marble Creek, did you?

A Yes, started up there.

Q Where did you go from the mouth of Marble Creek?

A Travelled about two miles up the creek and went off about two miles on the right.

Q You travelled about miles up the creek?

A Yes, sir.

Q How did you go?

A Afoot.



Q Then what did you do?

A We turned off to the right and climbed on the divide.

Q Where did you land that day?

A In the vicinity of where William Theriault's homestead now is.

Q Stay there all night?

A We did.

Q Where is that from Mason's homestead?

A About three miles south.

Q About three miles south?

A Three or four, would not say the exact distance.

Q What direction is it from the mouth of Marble creek up to Theriault's?

A South.

Q What time did you get to Theriault's, if you remember?

A There was no Theriault's there at that time.

Q Was there no place there at all?

A No, sir.

Q You camped did you?

A Yes, sir.

Q Oh, yes. You camped at night, I suppose?

A Not necessarily always at night. We always stopped at night. Did no night traveling.

~~Q Did you stop at night?~~

Q That is what you did: You camped at night then?

A yes, sir.

Q Was Jack Simpkins's homestead there, that is his cabin there?

A No, sir.

Q Was Mason's cabin there?

A No, sir.

Q Then there were no cabins there?

A No, sir.

Q And no trail?

A No, sir.

Q How far was Pyle's place from the mouth of  
Marble Creek?

A Must be about four miles.

Q How far from Mica Creek?

A It would be a mile and a half or two miles from  
Mica Creek.

Q Been in there this season?

A Yes, sir.

Q To your homestead?

A Yes, sir.

Q Over the new trail?

A Yes, sir.

MR. DARROW: That's all.

WITNESS EXCUSED."



C.H. Williams-D  
D-19

C. H. WILLIAMS,

Recalled in rebuttal, testified  
as follows:

BY MR. KNIGHT:

Q You have testified before here?

A Yes, sir.

Q Have you recently made a trip from Mason's place on the St. Joe River, or Hugus's place which is opposite Mason's place, over the Marble creek trail, to Mica Creek?

A From Mica Creek to Hugus's and on to Mason's.

Q From Mica Creek to Mason's?

A Yes, sir.

Q Did you also make a trip from near Marble creek to near Mica Meadows to Price's place?

A Yes, sir.

Q When was that, Mr. Williams?

A I made the trip from Price's place to Mason's place on the 12th---

Q 12th of this month---

A --of the present month, yes, sir.

Q From Price's place to Mason's?

A Yes, sir.

Q Who was with you?

A Mr. Gyde.

Q Any one else?

A No, sir.

Q How did you travel?

A Traveled horseback part of the way; part of the way afott.

Q How long did it take to make the trip?

MR. DARROW: Objected to as not rebuttal; nothing in the evidence showing the character of the country was different then from what it is now.

THE COURT: The objection will be overruled.

MR. DARROW: Defendant excepts.

Q How long did it take you to make the trip from Price's place to Hugas's place on the St. Joe River?

A I left Price's at one thirty and arrived at Hugas's place at three thirty-five.

Q Then it took two hours and five minutes to make the trip?

A Yes, sir.

Q Mr. Gyde was with you?

A Yes, sir.

Q On what day did you make the trip from near Marble Creek to Price's place?

A The following day.

Q From what place did you start?

A We started from the south line of section 12.

MR. KNIGHT: South line of section 12.

A Not clear to the south line, about forty rods off from the south side of 12.

Q You mean the southeast portion of section 12, or the southwest portion? of

A About the middle; it would be west of the center of section 12.

Q Who was with you that day?

A Mr. Gyde and-- I have forgotten the name of the party now.

Q Struther?



Q You traveled to Mr. Struther's place?

Yes, sir.

Q How long did it take you to make the trip to Struther's place?

MR. DARROW: I object---

MR. KNIGHT: It has been developed by Mr. Struther, your own witness, you asked your own witness where he lived.

MR. DARROW: Now, as to my own witness, I asked how far it was to Price's down the river, I didn't ask him that at all.

MR. KNIGHT: Mr. Struther's testimony shows that his place is about a mile from the place where the body of Fred Tyler was found.

MR. DARROW: you are assuming something here.

(Mr. Knight and Mr. Darrow both go to the map on the wall) (Witness goes to the map with them)

Q (After consulting the map) Now, Mr. Williams I will ask you, starting from the place you say you were located, fifty-five or sixty rods from the south line of Section 12, in Eagle creek, how long you were traveling down to Frank's cabin?

MR. DARROW: I object to that; not over the same trail.

THE COURT: Overruled.

MR. DARROW: And not rebuttal.

THE COURT: Objection overruled.

MR. DARROW: Defendant excepts.

Q Go ahead, Mr. Williams.

A We was just three quarters of an hour going

from the point designated thereon the map to  
Struther's place---

Q You went to Struther's place?

A Yes, sir; stopped there twenty minutes, and we was  
just an hour and one or two minutes going over to  
Price's place.

Q From Struther's place?

A Ye, sir.

Q Then you were a little over an hour and three quarters  
going from the point fifty or sixty rods north of the  
south line of Section 12, over to Struther's place to  
Price's cabin and Mica Meadows?

A Yes, sir.

MR. KNIGHT: That's all.

CROSS-EXAMINATION

WILLIAMS

BY MR. DARROW:

Q Did you meet anybody on the road?

A On what part of the road, Mr. Darrow?

Q Any part of it?

A No, sir; not that road.

Q Did you see Billy Stoddard on this trip?

A I might have met him on the portion of the  
road from the head of navigation out to Price's.

Q Did you meet him anywhere?

A I met a man on a gray horse. I dont know what  
his name was.

Q Were you hurrying any, Mr. Williams?



A we trotted along.

Q You did?

A Walked and trotted.

Q You were alive when you got through?

A Apparently so, yes, sir.

Q Could still move all right?

A Oh, yes.

Q When did you go up there?

A We left here on Sunday I think.

Q You went up to time yourself on this trip, did you?

A yes, sir.

Q You have already testified before in this case?

A yes, sir.

Q At this time and at the former trial?

yes, sir.

Q Where did you land? Where did you go to first?

A First time we went over to Bruin's place.

Q Where did you go up the river?

A Went to the St. Joe River

Q Where did you get off?

A St. Joe.

Where did you get your horses?

A I dont know the man's name; you could hardly call them horses; they were jaded.

Q How?

A Cayuses.

Q Where did you get your cayuses?

A St. Joe.

Q Who got them?

A Billy Theriault.

Q He was your guide, was he?

A No, sir; I had no guide.

Q Billy Theriault got them for you?

A Yes, sir.

Q What place did you get them?

A I couldn't say because I am not familiar with the liverymen's names there.

Q You know what town you got them in?

A I got them in St. Joe.

Q So you got the horses, did you?

A Yes, sir; sort of things, sort of a thing, you might call it a horse.

Q Then where did you go from there?

A We went across the river and went up Bond creek.

Q To what point?

A Went to Bruen's place.

Q What time did you get to Bruen's place?

A We didn't time ourselves.

Q Where is Bruen's place?

A Two miles up the creek from Price's place.

Q When did you leave St. Joe?

A That morning.

Q What time?

A What time in the morning?

Q Yes?

A Not able to say.

Q You could get it pretty close?

A Along about seven o'clock, I should judge.

Q From there what time did you get to Bruen's place?

A We got there near noon.



Q Near noon?

A yes, sir.

Q That was two miles from Price's?

A yes, sir.

Q Which way?

A I would say west, if I know the points of the compass.

Q Towards St. Joe?

A Towards Marble creek.

Q Beyond Price's from St. Joe?

A Yes, sir.

Q Over what trail?

A Marble creek trail.

Q What trail did you take up to Price's?

A I took the Huc kleberry Trail, what is called the Huckleberry Trail.

Q Does that trail-- It is that trail from Mason's up to Price's, is it?

A No.

Q Did you not pass Price's?

A In going in?

Q Yes?

A No, sir.

Q And you got to Bruen's about noon?

A Yes, sir.

Q Where is Bruen's up there?

A Sir?

Q Can you tell us where Bruen's is?

A No, I cant, except that it is up Mica Creek from Price's place; dont know the section it is on.

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Q Didnt go to Price's at all, did you?

A No, sir.

Q Trail didnt lead to price's.

A There is a trail leads off this side of Engstrom's place going to Price's.

Q You didnt go past Price's?

A The trail goes to Price's there---

Q Did you go past Price's?

A No, sir; didnt go past there going in.

Q I mean coming out?

A No, sir.

Q How long is thistrail on the St. Joe river from Bruen's?

A from what point?

Q From where you started, taken from where you went?

A Twelve or thirteen miles, I suppose.

Q Did you walk or ride?

A We did both.

Q Did both. Yes, you did what you could to make the best time out?

A We was not making record time I think.

Q Youwere not?

A No.

Q Yes---

A We were not attempting to time ourselves.

Q Not attempting to make time?

A Not attempting to make time.

Q How much did you walk and how much did you ride?

A We walked up hill and whenever we got sore riding got off and walked. I got off and shot a bird once, I believe.



Q Who shot the bird?

A I did.

Q What did you have?

A I had a six-shooter.

Q Did you kill any?

A I didnt kill any on that trip.

Q I mean on that trip?

A No, sir.

Q You just shot at birds, not to kill the birds,  
but to kill time?

MR. KNIGHT: We object.

" Did you spend any time hunting?

A Very little.

Q Oh, you just through that in here for scenery?

A I did not.

Q Well, you got to Bruen's, you say, about noon?

A Something near noon, the noon hour.

Q You dont know just what time, do you?

A I think when we left there it was a little after noon.

Q Yes.

A We stayed there and took a rest around Bruen's  
place. I went in the house.

Q Do you know how long after noon?

A I dont know just to a minute.

Q Did you have anything to eat?

A No, sir; had lunch in my pocket.

Q Didnt stop for eating?

A No, sir.

Q Didnt stop to feed your horses?

MR. KNIGHT: I dont see how this is material and I

object to it for that reason.

THE COURT: Oh, the objection is overruled.

MR. KNIGHT: I call attention to the fact that this was when they were going in not when they were coming out.

MR. DARROW: I understand it.

THE COURT: Well, you went through that country, I shall overrule the objection.

Q Then where did you go?

A Down to Price's place.

Q That was two miles more, was it?

A Yes, sir.

Q Did you look at your watch when you got to Price's?

A Not just when we got there. We let the horses out awhile to rest.

Q Did you eat any yourself?

A Yes, sir.

Q Is there a hotel there at Price's?

A No, sir; nobody there at all.

Q No one there. Who pointed out Price's place to you?

A I had been to Price's before.

Q You had been to Price's before?

A Yes, sir.

Q How long ago?

A A year ago in July---two years ago.

Q What time did you leave Price's place?

A At about one thirty.

Q Where did you go then?

A Went over to Hugas's place, Mason's.

Q Hugas's?

A Yes, sir. Just opposite Mason's house on the river.



- A On the southwest side.
- Q You left there at one thirty?
- A Yes, sir.
- Q Did you walk or ride?
- A Both.
- Q Both. That is, both you and Mr. Gyde walked and both of you rode at different times?
- A Yes, sir.
- Q Was there anybody else with you?
- A No, sir.
- Q Whose watch did you do this by?
- A Mr. Gyde's.
- Q Did you look at it?
- A Yes, sir.
- Q Did you have a watch?
- A I had one but it was out of commission.
- Q You used yours up going in, I suppose?
- A Perhaps so.
- Q Did you shoot any birds that day?
- A Coming out?
- Q Yes?
- A No, sir.
- Q Any other wild animals?
- A Didn't see any to shoot at.
- Q You were attending strictly to business?
- A We got along.
- Q Yes. What time did you get down there?
- A Three thirty-five.
- Q Look at your watch before or afterwards?
- A After.

Q Three thirty-five?

A Three thirty-five.

Q Who did you say was down there?

A I saw a young man there at Hugas's place.

Q Who was it?

A I dont remember

Q Mostly down hill, was it?

A No, I would not say, it was just about the center of the divide.

Q Do you know which is the easiest trip, going in or coming out?

A Coming thisway, I would judge.

Q That is the way you came?

A yes, sir.

Q Yes. You knew that all the while, didnt you?

A No, not in a way, I didnt; I had no means of knowing it.

Q You have known that since?

A Yes, sir.

Q Is that it?

A Thats right.

Q Well, then, what did you do when you got to Hugas's?

A we got some feed for our horses, put them in the barn, got some lunch for ourselves .

Q How far is that from Mason's?

A Quarter of a mile, I should judge.

Q Which way?

A Down this way a little ways; not very sure about that, positive.



Q Then where did you go?

A Across the river and came down to St. Joe.

Q What time did you get back to St. Joe?

A Got there something I think-- I have forgotten whether we had a watch or not.

Q You didnt go beyond Bruen's then?

A No, sir; not that day.

Q What did you do the next day?

A We went out again and went over the trail.

Q What time did you get back to St. Joe?

A Between seven and eight o'clock, if I remember right

Q Was it not nine?

A I couldnt--- no, it was not as late as nine.

Q Where did you go at St. Joe? Where did you stay that night?

A Stayed at the Riverside Hotel, I believe--- no, we went to Ferrill's, that night.

Q How long did you stay at Hugus's?

A Well, I think we were there three quarters of an hour.

Q Then you went on down to St. Joe?

A Yes, sir.

Q Got there between seven and eight you think?

A Yes, sir.

Q Do you know the time you got there?

A Not positive.

Q Didnt look at your watch?

A No, I did not.

Q Did Gyde?

A I was asking Mr. Gyde about that when we went out

the next day, if he knew what time we got in last night---

Q He didnt know---

A He said it was between seven and eight.

Q Well, then, you stayed there all night, did you?

A Yes, sir.

Q At what hotel?

A Ferrill's place.

Q Theriault's place?

A Ferrill's.

MR. KNIGHT: Ferrill's, Ferrill's.

Q Ferrill's, Oh, yes. Started out next day?

A Yes, sir.

Q What time did you leave?

A I disremember now; about seven o'clock I think, round  
about seven o'clock.

Q Same cayuses?

A No, sir.

Q Oh, you changed?

A Yes, sir.

Q Get your horses at the same place?

A We got them of Billy Theriault.

Q You got the first ones at Billy Theriault's?

A Billy Theriault got the first horses for us; I  
dont know the name of the stable, of the liveryman,  
we returned them to a barn---

Q Then you got two---

A Two black horses.

Q Similar horses--

A Better horses.

Q Better horses. Where did you go then?



A We went out to Theriault's place.

Q Theriault's?

A yes, sir.

Q Where is that?

A That's about twenty-two miles from the City of St. Joe.

Q Now, you started at Ferrill's place about seven in the morning?

A We started from Theriault's barn, where we got the horses, I don't know what time we left Ferrill's, it was earlier though.

Q Oh. Where did you go from Ferrill's?

A We went to -- to the barn to get our horses.

Q There in St. Joe?

A Yes, sir.

Q Theriault had got the horses for you?

A yes, sir.

Q You left there about seven?

A Some time about seven.

Q Where did you go then?

A We went over the same place again, up Bond creek and up past Engstrom's and---

Q Where was the first place you got to, Bruen's?

A I don't understand what you mean.

Q Did you stop anywhere? Where was the first stop?

A We didn't stop at Bruen's; went right on by Bruen's--

Q Where did you go come out?

A We went over to Marble Creek, out past Buzzle Creek to Theriault's homestead.

Q What time did you get to Theriault's homestead?

A I forget.

Q Forget?

A Yes, sir, forget the hour.

Q Why, you went there to time yourself, didnt you?

A Not particularly on that, no, sir.

Q Did you have any other purpose except to time yourself there? Was not that what all this was for?

A We didnt go to time ourselves over that road.

Q All you were doing it for, was to time yourself, was it not?

A No, sir; you are mistaken.

Q Cant you tell what time you got to Theriault's?

A No, sir; dont remember.

Q Did you get there the same week?

A I think so.

Q Did you get there the same day?

A Yes, sir.

Q What time of day?

A I told you I didnt remember.

Q Can you give us any opinion, any information, upon that subject?

A I think so.

Q Suppose you do it then?

A Got there after noon.

Q Is that the best you can do on it? Oh, Mr. Williams, you are not interested in this case, are you?

MR. KNIGHT: Oh, n w, I object to that.

Q Cant you tell us about what time you got there?

A We got there some time in the afternoon.

Q Is that the best answer you can offer to this jury?

A Is not that sufficient?



Q No, it is not sufficient for me.

THE COURT: Give us your best recollection.

A Well, along between one and two o'clock, I would say.

Q Which would you say it was, nearer one or two o'clock?

MR. KNIGHT: If you know.

A I dont know.

Q Dont know?

A Never looked at a watch to see.

Q Your watch hadnt started?

A My watch hadnt started.

Q Going yet?

A No, sir.

Q Will you tell me where Theriault's is on this map?

A I dont know whether I will or not.

Q Will you make a try for it?

A If Marble Creek trail is on that map I guess I can.

Q Well, I guess it is.

Q Do you know what section it is in?

A No, I dont.

(Mr. Darrow, Mr. Knight and the witness go and examine the map on the wall)

Q (After returning from examining the map) You dont know where Theriault's is exactly?

A I was never there but once.

THE COURT: Answer the question.

Q You say you got there between one and two o'clock?

A I think so.

A But would not swear to it?

A I would not swear to just the hour and minute.  
My impression is that we got there between one and two.

Q How long did you stay there?

A Was there long enough to feed the horses.

Q And yourselves?

A Yes, sir; ate lunch.

Q What time did you leave there?

A I disremember the hour. We was there an hour, I guess  
all together.

Q Then you must have left between two and three?

A I suppose.

Q Where did you go?

A Came back.

Q To where?

A Came back to Mr. Coddington's place.

Q Whose place?

A Tom Coddington's.

Q Where is Coddington's place?

A It is on the Marble creek trail, I would say  
about three miles north of Simpkins's.

Q Had you ever been there before?

A Where?

Q Coddington's place?

A I have been there once.

Q You never measured it, did you?

A No, sir.

Q You are just guessing at it?

A Just about.

MR: KNIGHT: He didnt say--- said he didnt know



what section it was on.

A No, sir; when I am traveling over the ground I generally estimate about how far I have traveled.

Q Thats all you know about it, is it?

A I have been over the trail just this side of Coddington's, about three quarters of a mile in to Simpkins's.

Q When did you do that?

A I June.

Q In what year?

A Year ago last summer.

Q What?

A A year ago last summer.

Q Yes. Where did you start from that time?

A I started from over near Fernwood.

Q About what time of day?

A I was about two days getting in from Fernwood at that time.

Q About two days?

A Yes, sir.

Q Where is Fernwood?

A Over on the St. Maries River.

Q How far is that from Simpkins's place?

MR. KNIGHT: Now, I object to that; thats not material.

MR. DARROW: I am asking him where it is.

THE COURT: Objection overruled.

Q How far is that from Jack Simpkins's?

A What, Fernwood?

Q Yes.

A Well, I can only say, I judge from the time it took me to come in.

Q Thats it, you judge the distance from the time

and the time from the distance.

A The time it took me to come in there.

Q When was it it took you two days?

A I was part of two days; didnt hurry at all. I was afoot.

Q How far, do you have any idea?

A I should say twenty-eight or thirty miles, maybe.

Q You cant tell where Coddington's is?

A On the Marble creek trail, about three and a half or four miles from Bruen's place and toward Marble creek.

Q When did you get to Coddington's place?

A On what day?

Q Yes, sir.

A On what trip?

Q This trip? From Theriault's to Coddington's?

A I suppose we got there some time between three and four.

Q Do you know when you got there?

A No, I dont.

Q How long did you stay?

A Stayed over night.

Q You left Coddington's next morning, did you?

A Yes, sir left Coddington's next morning.

Q Same horses?

A yes, sir.

Q What time did you leave Coddington's?

MR. KNIGHT: Have you a memorandum of that?

A yes, I have.

MR. DARROW: Refer to your memorandum, if you want to.

MR. KNIGHT: Refer to your memorandum.



MR. DARROW: Sure.

A (Referring to his memorandum) 6:59.

Q How is that?

A 6:59.

Q 6:59?

A Yes, sir.

Q That's almost seven o'clock, was it not?

A I suppose so.

Q Did you do that by Mr. Gyde's watch?

A I did.

Q So, you got ready to start at 6:59?

A yes, sir.

Q Had you mounted when you looked at the watch?

A No, sir.

Q Jumped on your horses after that, did you?

A Yes, sir.

Q That was at Coddington's?

A yes, sir.

Q Where was your next stop?

A Our next stop was at Mr. Pardee's.

Q Where?

A Pardee's.

Q Where is Pardee's?

A Down on the north edge of 12, Section 12, in Eagle Creek.

Q What time did you get to Pardee's?

A Don't remember; didn't look at the watch.

Q Then your start didn't help you, your start at 6:59.

MR. KNIGHT: We object.

Q Didnt you look at your watch when you got down there

A No, sir.

Q Is it not a fact that i t took you so long that you didnt want t o time yourself?

A No, I went to look for an old trail, went down to Simpkins's--

Q The fact is, you lost your way, didnt you?

A No, sir.

Q You took time to look for that old trail?

A Yes, sir and expected to find the old trail, only we didnt.

Then you didnt time yourself, did you?

Q ~~Thaxxyouxdidntxakkyxatixyoux~~

A No, sir; it was not necessary.

Q It was not necessary?

A No, sir; it was not necessary.---

Q You got lost?

A No, sir; I didnt get lost.

Q You made a mistake in the place?

A No, sir; I went right over through the woods---

Q You didnt gain timethen, when you took this start at 6:59 ? When did you find out you didnt need to time yourself?

A I dont know that I gave myself any concern.

Q You didnt time yourself?

A No, sir; I didnt look at the watch after we got down there. We left to go on down where Tyler was killed.

Q What time did you leave there?

MR. KNIGHT: Where?

Q Wherever he stopped.

MR. KNIGHT: Pardee's?



Q Pardee's, is it not? When did you determine to do that?

A We determined right there at the time, because it was impossible to get our horses through there.

Q You couldn't get through?

A No, sir.

Q You say you had to go through anyway?

A We went right straight down as I started when I left the old trail.

Q Did you take a horse with you?

A No, sir.

Q Went afoot?

A Yes, sir; went afoot.

Q What time did you leave?

A I didn't time myself at all.

Q Then where did you go?

A Went down to the south edge of 12.

Q South edge of 12?

A Yes, sir.

Q Do you know what quarter section?

A No, I don't.

Q How did you find the south edge of 12?

A I went down with young Coddington-- or young Struthers.

Q Did you know the south edge of 12?

A I know where that place is when we went in to get Tyler.

Q Do you know the south edge of 12?

A Yes, sir.

Q How do you tell up there in the woods?

A Because I had been there before.

Q Did you know it? ---

A Yes, sir.

Q Then you didnt know it by Struthers?

A No, sir: we went along; he was on the north---

Q Did he go along to show you where the south edge was.

A Not particularly; he went along.

Q Then did you go down there to start?

A yes, sir.

Q Did you have your horses with you?

A No, sir; we had no horses there.

Q How long did you stay there?

A Where?

Q South edge of 12?

A A few minutes.

Q Where did you go then?

A Came back.

Q What time did you leave the south edge of 12?

MR. KNIGHT: If you have a memorandum you can look at it

MR. DARROW: yes, sure.

A (Looks at his memorandum) but before he finds his place in the book) 10:18, I think.

Q 10:18?

A Yes.

MR. KNIGHT: Well, just wait a minute.

MR. DARROW: yes, be sure.

A (The witness finding his place) 10:45.

Q Thats by Mr. Gyde's watch?

A yes, sir.

Q Then where did you go?



A We came up to Pardee's.

Q You walked back up to Pardee 's did you, or did you run?

A We never ran a step.

Q What time did you g up to Pardee's?

A We got there about 11:30.

Q Has it been burned over there?

A No, sir.

Q That country burned there?

A No, sir.

Q You are sure about that?

A I am very sure.

Q Where were the horses?

A They were eating grass.

Q Saddled?

A Saddled.

Q Ready for you?

A Yes, sir.

Q Anybody there?

A Mrs. Pardee was there; Miss or Mrs. I aint sure which.

Q You got on your horses at Pardee's?

A Yes, sir.

Q Where did you go then?

A We came out to Price's.

Q What time did you get to Price's?

A We got there at one minute after one, I believe.

Q What?

A One minute after one.

Q How much after one?

A One minute after one.

Q Yes. Thats by Mr. Gyde's watch, too?

A yes. We stayed twenty minutes at Mrs. Pardee's and had dinner.

Q You ate dinner there?

A Yes, sir.

Q How long did you stay at Price's?

A We didnt stay but a little while.

Q Then where did you go?

A Came back over the Marble creek trail up towards Bruen's, took a cut off from Price's Marble creek trail goin towards St. Joe.

Q When did you get to St. Joe?

A Got to St. Joe.

Q What time did you get there?

A Didnt time myself to St. Joe.

Q Well, can you tell us about what time you got to St. Joe?

A We got there at dusk.

Q Dusk. Do you know what time of day, what o'clock?

A Four something.

Q What?

A Four something.

Q It was before you had your supper, was it not.

MR. KNIGHT: Four something, he said.

A Something about four o'clock.

Q Then you came back here?

A yes, sir.

Q Mr. Struthers did point out Section 12, didnt he?

A yes, sir.

Q South part of section 12?



A yes, sir.

Q Was there a trail through there when you were there?

A Bear trail through some places, here and there. There was some places a kind of a trail.

Q From the south side of section 12?

A Not from the south side, what portion of trail we saw was up rather on the north.

Q Was there a trail from where you started at the south part of section 12?

A North part.

Q There was not any from the south part then?

A No.

Q Then you took back your horses I suppose?

A Sir?

Q Then you delivered your horses after you got back with them?

A Sure.

MR. DARROW: I guess thats all---

Q You say there is no burn between Pardee's place and Bruen's?

A There is a burn there between.

Q What?

A There is a burn between Price's and Mrs. Pardee's.

Q That has been burned within the last two years, has it not?

A I think so.

MR. DARROW: Yes, thats all.

WITNESS EXCUSED.

MR. KNIGHT: State rests in rebuttal.

MR. DARROW: Well, your Honor, we would like to see whether we have any sur-rebuttal.

THE COURT: I will adjourn until 9 o'clock tomorrow morning to give you opportunity to determine upon your course.

THEREUPON, the jury was duly admonished by the Court, as required by law, and the officers being duly sworn, the jury retired in their charge, and court thereupon adjourned until tomorrow morning at 9:00 o'clock.



Sur-Rebuttal  
 Struthers-Reed,  
 A-1

FRIDAY, NOVEMBER 22, A. D., 1907.

MORNING SESSION.

At this day Defendant being in court with his counsel, present as before, the record of yesterday's proceedings was read and approved.

MR. DARROW: Will you get those two letters, Mr. Clerk?

MR. CLERK: I left them down in the vault last night. I will go and get them.

The Court waits.

The Clerk returned and reported that he could not get into the vault to get the letters wanted by Mr. Darrow in his further cross-examination of Mr. Whitney, and to save time, Mr. Darrow asked permission to call Mr. Struthers in sur-rebuttal, reserving the right to cross-examine further the witness E. L. Whitney, although out of the order.

SUR-REBUTTAL

CHARLES STRUTHERS

Was thereupon recalled and testified as follows in sur-rebuttal.

BY MR. DARROW:

MR. DARROW: This witness is called in sur-rebuttal. Of course Mr. Whitney will not be. I want to ask him a few more questions, but the Clerk cannot get into the vault to get those letters and I am just doing this to save time. I will do this if you dont object.

MR. KNIGHT: No I dont object to the order.

Struthers-Rebuttal  
A-2 L

Q You testified here yesterday, didnt you?

A Yes, sir.

Q You live on Section 12?

A Section 2.

Q What part of it?

A Southeast quarter.

Q Can you show that on the map? Show us where you live?

A Yes, sir. (Goes to the map on the wall and points out the place) My cabin is right down in the southeast corner of 2.

Q This is 12 to the right below?

A This is 12. My cabin is right inside of that corner there. (Indicating)

Q Did you see Mr. Williams and Mr. Gyde up there the other day?

MR. KNIGHT: Thats all been gone over, Mr. Darrow.

MR. DARROW: No, not what I want.

THE COURT: Objection overruled.

A Yes, sir; they was at my cabin.

Q At your cabin. foot or horseback?

A They were horseback.

Q Did you go anywhere with them?

A Yes, sir.

Q For what purpose?

MR. KNIGHT: We object, for what purpose

Q Did you show them where the line was?

A As a guide?

Q Yes. To what point?

A Why, I dont think there was any particular point



named.

Q Do you know where they started from, what part of the section, when they times themselves at 10-45, was it not? Do you remember?

A Yes, sir; 10-45.

Q Do you remember looking at your watch at 10-45?

A Yes, sir. I was with them then?

Q Do you know where they were at that time?

A No, sir; I dont know what part of the section.

Q Do you know what section they were in?

A No.

Q Is there any way of telling?

A There would be if I was more familiar with the country.

Q Was there for you?

A No, sir.

Q Any marks or locations there at all?

A They were right at the forks of the creek.

Q Any other marks?

A Thats the only mark I had.

Q Any surveyor's line or anything of that kind?

A Not that I noticed.

Q How was this spot picked out from where they started?

A Mr. Williams picked out from his idea of the country when he was in there two years prior to that time.

Q How long have you know that?

A This was the first time I was ever down that far.

Q How long have you been in that section where you are living?

Struthers-Sur-  
rebuttal, A-4 L

A Three years and twenty days.

Q Been in that vicinity before?

A Not prior to that time.

Q You went there--- How near there?

A I was--- well this is as near as I ever was to that part of the country.

Q How near to this place had you ever been before?

A This place on the creek, you mean?

Q Yes.

A Why, I should imagine within half a mile.

Q And is there no point you know of to tell where it was they started?

A Why, nothing more than saying they started from the forks of these two creeks, without a man with a compass to run out the lines and see where they are.

Q To run it out with a compass--- without running it out with a compass could you tell what section or part of section it was on?

A No, sir I could not.

Q Does that map show those two creeks or not?  
Does it?

A No, sir.

Q Can you point somewhere in the vicinity where it was? It was on Eagle Creek somewhere?

A Yes, sir; it was on Eagle Creek.

(They go to the map on the wall)

Q And Eagle Creek as shown on the map, runs up over the top of 11, and on into another township?

A yes, sir.



Struthers-Sur-  
rebuttal- A-5 L

Q But you would not know where it was on Eagle Creek?

A No, sir.

Q Whether in the north, south, east or west part of  
Section 12?

A No.

Q Or whether it was on Section 11?

A No, it was not on 11, it was in 12.

Q Somewhere in 12?

A Yes, sir.

Q Is there any difference in traveling over that  
country now from what it was in 1904?

MR. KNIGHT: I object to that as not sur-rebuttal;  
been all gone over.

MR. DARROW: Want to show by this witness that there  
were places there where it was impossible to make travel more  
than a mile in an hour.---

THE COURT: It will be allowed, to prove changed condi-  
tions in sur-rebuttal.

Q You may state what the condition is.

MR. KNIGHT: We will say, as far as we are concerned,  
we rely upon the testimony as to the old trail.

MR. DARROW: This is bearing upon Williams's testimony  
as to how long it took him to go down there.

A At the present time, the way the trail is from  
my cabin, I can make it in a little over an hour, but  
before I built that trail it took me two hours and a little  
over to travel that old trail.

Q Was there any trail down through there?

A No, sir; none whatever.

Q Was there any trail from the point where you  
people started down through there?

Struthers-Sur-  
rebuttal A-6 L

A. No, sir.

Q. What kind of a growth was it?

A. Well, there was part of it that was so thick you couldn't see six or eight feet in front of you as you were traveling.

Q. How fast could you travel through there?

A. Why, there is places on Section 12 you couldn't travel a mile and a half an hour.

Q. Do you know whether there has been a burn there since then?

MR. KNIGHT: That has been thoroughly gone over.

THE COURT: Objection overruled.

Q. How is that?

A. There has been a fire both places, below me and above me on the trail.

#### CROSS-EXAMINATION

STRUTHERS

BY MR. KNIGHT:

Q. You were not with Mr. Williams during all of that time down in Section 12, were you, Mr. Struthers?

A. No, sir.

Q. You and Mr. Gyde stopped and he went on further down, didn't he?

A. Yes, sir.

MR. KNIGHT: That's all.

A. Afterwards came back where we was.



Struthers-Sur-  
reb ttal- A-7  
BY MR. DARROW:

## RE-DIRECT EXAMINATION

Q How long after ?

A I should say about five minutes.

Q Aside from that, you were with him all the time?

A No, I believe he left us on the way going back and went another direction for a little ways and afterwards caught up with us.

## RE-CROSS EXAMINATION.

Q The fact is, you and Mr. Gyde walked alone practically all the way back.

MR. DARROW: Mr. Williams rode?

A Yes, sir.

Q Do you remember what direction that was from your cabin?

A I dont know.

Q You dont know the points of the compass in there?

A No, sir.

Q You are sure it was on section 12?

A We were on 12, yes, sir.

Q I believe you stated that it was about three-quarters of a mile---

A Yes.

## WITNESS EXCUSED.

MR. DARROW: Now, I will examine Mr. Whitney, if you will let me.

MR. KNIGHT: Certainly.

Whitney-recalled X  
A-8

EUGENE L. WHITNEY

Recalled for further cross-  
examination, testified as follows:

BY MR. DARROW:

Q Mr. Whitney, you testified to handing some letters to your clerk, to be copied?

A Yes, sir.

Q Do you remember when that was?

MR. KNIGHT: Do I understand this is sur-rebuttal?

MR. DARROW: No. I said I wanted to cross-examine him further.

THE COURT: Yes, we called for cross-examination. I understood you to say you would not make any objection to the order.

MR. KNIGHT: Yes, I did.

Q Do you remember when that was?

A It was about the date they was dated there.

Q I asked you if you remember?

A It might be the day after; could not say positively.

Q Oh, do you remember now---

A I say I cant recollect whether it was on the very day he handed them to me or the next day.

Q Do you know what date they bear?

A I do, because I saw them yesterday.

Q What dates are they?

A I think the 3rd and the 8th of March.

Q Where have you had those letters since?

A After the letters were copied I put them in a



Whitney-X  
A-9

private letter file that I have there.

Q The copies?

A Those copies.

Q And you have had them there ever since?

A Yes, sir; until about two months or a month and a half ago.

Q You didnt notice the letters prior to that?

A They had slipped my memory. I had forgotten all about them.

Q You didnt notice the letters prior to that?

MR. KNIGHT: Answer, Mr. Whitney.

A No, sir; no, sir

Q You did not. And where did you get them--  
when did you get them?

A I presume two months or a month and a half ago.

Q Was anybody with you?

A No, sir.

Q Where was this letter box?

A In my letter file.

Q Any other letters there?

A Yes, sir; lots of them.

Q Any other letters of Steve's?

A No, sir.

Q No other letters of Steve's

A No, sir.

Q You are sure about that?

A yes, sir.

Q Was Steve in the hospital when these were written?

A My impression is that he was at that time.

Q When he handed them to you?

Whitney-X  
A-10

A No, I think he handed them to me in the office.

Q You had brought him to the office?

A He was in the clerk's office.

Q Somebody brought him there?

A Yes, sir.

Q Do you know who that was?

A Yes, sir; I brought him.

Q You dont remember what he was brought that for?

A No, I dont recollect.

Q Not to hand you these letters?

A Sometimes he came to the gate and handed  
me letters.

Q Did he that time?

A I cant say positive that these were given to me  
in the clerk's office, but I think so.

Q You mailed the originals?

A Yes, sir; I mailed the originals.

Q Did you ever make any effort to get the originals?

A No, sir; never did.

MR. DARROW: I am going to ask the Court to exclude  
these letters on the ground that they are incompetent,  
irrelevant and immaterial; it has not been proved that  
any effort has been made to get the original letters.  
I refer to the copies marked State's Exhibits 23 and 24.

MR. KNIGHT: I think no argument is necessary upon  
that proposition. It is a well known rule of law that you  
can prove originals by copies; these letters are in the  
custody of parties outside the jurisdiction of this Court and  
who are relatives of this defendant, and it would not  
in any event for the State to get the original papers.



Whitney-X  
A-11

THE COURT: The motion will be denied.

MR. DARROW: we except.

WITNESS EXCUSED.

SUR-REBUTTAL - RESUMED.

MRS. ANNIE ADAMS

Recalled in sur-rebuttal,  
testified as follows:

BY MR. DARROW:

Q What time did you say you went to Boise?

A Friday, the 2nd of March.

Q Friday, the 2nd of March?

A Yes, sir.

Q Had your baby with you?

A Yes, sir.

Q What day did you see Steve?

A That same evening.

Q Did you see him next day?

A I believe I saw him every day, Mr. Darrow, for  
awhile.

Q You saw him every day for awhile?

A Yes, sir.

Q What was his condition after you got there?

A He---

MR. KNIGHT: we object.

Q What was his physical and mental condition at that  
time?

A He was all broke down.

MR. KNIGHT: I dont see how it could be material in  
sur-rebuttal.

Annie Adams-Sur-rebuttal  
A-12

MR. DARROW: It is material as showing his condition at the time these letters were handed out; his condition at the time, mind and body at the time these confessions were made.

THE COURT: I shall allow it.

Q What was his condition at that time?

A He was all broke down, Mr. Darrow.

Q What was his mental condition?

A Well, I couldnt say. He was nervous. He told me that he thought he had been doped---

MR. KNIGHT: I object to that and move it be stricken out.

(No ruling)

Q You say he was nervous and excitable?

A He was.

Q Where was he in the penitentiary?

A I saw him in the clerk's room. He was brought out there.

Q Did you see him after the 8th of March?

A I believe the first time I saw him he asked me to write to his Aunt Maggie, which I did.

Q The first time you saw him?

A Yes, sir.

MR. KNIGHT: I ask to have that stricken out.

THE COURT: It is stricken out.

MR. DARROW: I will take an exception.

Q Did you ever see the letters, copies of which were introduced in evidence yesterday, before? Did you ever see them?



Adams-A Sur-rebuttal  
A-13

A Yes, sir.

Q Did you ever see anything but these copies that were introduced?

A Never.

Q Were you there every day?

A Yes.

THE REPORTER: Now, I want to know whether I understood her. I understood her to say yes.

MR. DARROW: She did say "yes". She did say "yes".

Q You meant you saw them yesterday when you said "yes"?

A Yes, sir.

Q That's what you meant when you said yes?

A Yes, sir.

MR. KNIGHT: I think the testimony ought to be stricken out as entirely immaterial in sur-rebuttal. It is not material.

MR. DARROW: Counsel, when she answered "yes" thought it was the answer he wanted and didnt object then.

THE COURT: That was evidently a misapprehension.

Cross-examination waived.

WITNESS EXCUSED.

MR. DARROW: We rest.

MR. HAWLEY: If your Honor please, counsel have come to a conclusion in regard to the mode of argument which probably will be adopted, if it meets with the approval of the Court. I beg counsel to listen so that if any corrections are necessary they may be made.

It is understood and agreed by and between counsel of the respective parties that seven hours a side shall be devoted to the argument---

MR. DARROW: Not more than seven hours.

MR. HAWLEY: Yes, not exceeding seven hours upon a side, the concluding argument for the defense to be made by Mr. Darrow and for the prosecution by Mr. Hawley, shall occupy three hours each, if they desire to take that much time, but neither of us engaged in the closing argument shall be permitted to have any time over three hours, even if the other counsel dont take the full time that is allotted to him. And this time limit is to be strictly construed, and neither side to exceed its time in any event.

THE COURT: Very well, it is very satisfactory to the Court. I did not feel like limiting the time of argument, but I do feel as if it were almost imperatively necessary for the case to go to the jury tomorrow night.

Thereupon, Mr. McFarland proceeded with the opening argument to the jury, on the part of the State.

During Mr. McFarland's argument he said:

"Were the state officers, were the detectives justified in taking a man like Steve Adams, with his reputation, and sticking him into the little jail at Caldwell"---



A-15

MR. DARROW: We object to that and take an exception to it.

THE COURT: He is presumed to have a good reputation.

MR. HAWLEY: There is evidence that he didnt have.

MR. McFARLAND: Well, I will just take it back that far.

Thereupon, at 10:43, Mr. McFarland closed his opening argument on the part of the State, and

at 10:47 Mr. Heitman began his opening argument on the part of the Defendant, continuing until 12:00 o'clock.

At which time the jury was duly admonished as required by law, the officers were sworn and the jury retired in their charge and court took a recess until 1:30 P.M.

FRIDAY, NOVEMBER 22, A. D. 1907,

1:30 P. M.

At this day, the defendant being present in court, with his Counsel, present as before, the jury was duly polled, and all answering to their names, the trial of this cause proceeded as follows:

MR. HEITMAN resumed his opening argument on the part of the defendant.

During his argument Mr. Heitman, in speaking of Mr. Whitney, said in part, as follows:

"He says he is my friend. He says Mr. Heitman has been charged rightfully and wrongfully--I misunderstood him when on the stand, but the record shows that he "said rightfully and wrongfully"-----

A-16

MR. KNIGHT: Rightfully or wrongfully, Mr. Heitman.

MR. HEITMAN: No, rightfully and wrongfully.

MR. HAWLEY: You know that record is wrong as well as we do, Mr. Heitman.

MR. HEITMAN: The record is not wrong.

MR. McBEE: The record is not wrong (Reading)  
"Sometimes rightfully and sometimes wrongfully".

At 3:57 Mr. Heitman closed his argument to the jury.

Thereupon, Mr. McBee proceeded with his argument to the jury in behalf of Defendant, at the conclusion of which at 4:30 o'clock, the jury was duly admonished, as required by law, and court took recess until 7:00, P.M., the officers being duly sworn and the jury retiring in their charge.



## SATURDAY NOVEMBER 23RD MORNING SESSION.

Mr Knight concluded his argument on the part of the State, occupying the remainder of his allotted time; followed by Mr Darrow, who occupied the remainder of the morning session. The court then took a recess till 1:30 p.m. At which time Mr Darrow proceeded with his closing argument on the part of the defendant, at the close of which Mr Hawley made the closing argument on the part of the State. Thereupon the court took a recess till 7:30 P M. Saturday November 23rd, A D 1907, 7.30 P. M.

## SATURDAY NOVEMBER 23RD 7.30 P. M.

At this time, present as before the court proceeded to instruct the jury in writing, and at 8:27 o'clock the jury retired in charge of sworn officers to consider of their verdict.

## SATURDAY NOVEMBER 23rd, 1907.

At 11:55 P. M. defendant in court with his counsel, it was determined by agreement of counsel that the jury be allowed to go to bed at midnight and rest until 8 o'clock A M. tomorrow, and court took recess till 8 o'clock tomorrow Sunday November 24th.

## SUNDAY NOVEMBER 24th, 1907, 5.35 P. M.

Defendant in court with his counsel, Present as before.

The jury came into court in charge of the officers and being duly sworn answered to their names and the following proceedings were had:



THE COURT: Gentlemen, I understand you have not agreed upon your verdict?

THE FOREMAN: We have not.

THE COURT: Is there any chance for agreement?

THE FOREMAN: Dont seem to be, your Honor.

THE COURT: Has there been any change since you reported to me this afternoon?

THE FOREMAN: There has not.

THE COURT: Is it a pretty even division? I dont ask you to give the numbers?

THE FOREMAN: I would not call it so. I shall not state the number?

THE COURT: No, you need not give the numbers. You say you have had no change since this afternoon?

THE FOREMAN: No, we have not.

THE COURT: What say you, gentlemen, shall I discharge this jury?

MR DARROW: I dont know whether any of the rest of them think there is a chance to agree.

Various jurors expressed themselves to the effect that an agreement was hopeless, and the jury was thereupon discharged from further consideration of this case and for the Term.