

C. H. MOYER AND HARRY ORCHARD

President of Western Federation of Miners Flatly Denies Story of the Great Murderer.

WAS ASSOCIATED WITH HIM.

Never Discussed Any Kind of Criminal Act With Him—Was a Cool Witness, and Satisfied the Defense.

Boise, Ida., July 10.—Charles H. Moyer went to the stand today, a witness for his fellow-defendant, William D. Haywood, and, besides making a positive denial of all the crimes attributed to him and the other federation leaders by Harry Orchard, offered an explanation of the unsolicited appearance of the Western Federation of Miners as the defender of Harry Orchard immediately after his arrest at Caldwell for the murder of Steuenberg.

Moyer swore that it was Jack Simpkins who engaged Atty. Fred Miller at Spokane to go to Caldwell to represent Orchard, then known as Thomas Hogan, and that it was the request of Simpkins that the witness and Haywood subsequently advanced \$1,500 from the funds of the federation to meet the expense of deferring Orchard. At various stages of the trial the witness offered in evidence a number of documents, including a heretofore undisclosed cipher telegram which Simpkins sent to federation headquarters and the union at Silver City, Ida., covering the move to protect the federation, which was charged with the crime within a few days after it occurred.

HEARS OF STEUENBERG'S MURDER.

Moyer began by saying that he got his first knowledge of the crime from the Denver newspapers, and that on the evening of Jan. 4, five days after the crime, a telegram in the federation's cipher—a code in which certain numerals represented the alphabet and published in the ritual of the organization, was used to transmit the password to local unions—came to Haywood from Spokane. It was long and the translation was difficult and uncertain, but he and Haywood figured the next day that it was signed by Simpkins and read: "Cannot get a lawyer to defend Hogan. Answer." Moyer testified that he was suspicious about the message, the newspapers having already charged the crime up to the federation, and that he decided to consult John Murphy, general counsel for the federation, before he took any steps.

Moyer said he left for Chicago that afternoon, but that Haywood took the matter up and a communication was made with the union at Silver City and made arrangements to engage Atty. John Nugent to look after the interests of the federation and to defend Orchard if necessary. The defense produced copies of this correspondence and all of it was read into the record.

Continuing, Moyer said that Atty. Miller came to Denver about the first of the following month, bringing with him the record of Orchard's preliminary hearing. Miller went to Denver at the suggestion of Simpkins, so the witness testified, and brought a request from Simpkins that the federation furnish the large sum of money that would be needed to defend Orchard. Moyer said that he and Haywood conferred with Atty. Murphy and Miller and subsequently gave Miller \$1,500.

ORCHARD HIS BODYGUARD.

Moyer denies that he ever discussed any kind of criminal act with Orchard or any one else, or that he had ever given him a cent except for expenses on the trip Orchard made to Ouray as a bodyguard for him. He said that he had no personal feeling of hostility for Steuenberg and there were no circumstances that would make him desire the life of John Neville, whom Orchard testified Moyer wanted to kill. Moyer said that Neville came to him after his arrest for alleged complicity in the independence station affair and asked that the federation give him \$200 to reimburse him for the expense. Moyer refused in clearing himself, but this request was refused.

Moyer denied that he participated in the conference in Pettibone's backyard where Orchard said he, Haywood and Pettibone had discussed various acts of violence, denied knowledge of the subsequent meeting at federation headquarters where Orchard swore the Steuenberg and Neville executions were planned, denied practically every material statement in all of Orchard's testimony. Moyer explained that Orchard accompanied him to Ouray because Orchard was going to Silverton and they made the journey together for protection. Representatives of the United Mine Workers had been beaten up by thugs employed by the mine owners, and the witness said he finally released along cut-off shotguns for their own protection. Moyer swore that his gun was not subsequently used to kill Lyle Gregory, but that Orchard returned it to the witness after they got back to Denver, and the weapon had never been discharged up to the time Moyer was arrested.

MOYER'S ARREST AT OURAY.

Moyer remained on the stand under direct examination from shortly after 10 in the morning until a few minutes before 4 in the afternoon, and most

A Skin of Beauty is a Joy Forever.



of the time was taken up with a recital of his witness' connection with the federation of miners. He told a detailed story of arrest at Ouray and his transfer to Telluride, where the militia were to recognize the process of the courts set in motion to effect his release. He was arrested on the pretext that he had desecrated a flag by the issuance of a federation handbill denouncing the methods of the state officials, mine owners and militia on which an emblem of the American flag was reproduced. A copy of this handbill was introduced, and then the witness told of the various efforts to secure release and of his subsequent arrest on the charge that he was implicated in the Vindicator outrage.

Only one important clash marked the relations of counsel during the day. The defense wanted to prove all the circumstances under which Moyer and his associates were secretly arrested in Denver, denied communication with counsel, and taken to Idaho by special train, but the state opposed it. The court ruled that the circumstances of the extradition were not properly a part of the defense, but Messrs. Darrow and Richardson continued their plea that it was most important as showing a conspiracy on the part of the mine owners and Pinkertons, and managed to show that Moyer had been denied permission to communicate with counsel, that Bulkley Wells of the Mine Owners' association was in charge of the arresting and extraditing party, that Wells had charge of the train, and that Wells had the keys of Moyer's handcuffs and twice unlocked them during the journey to Idaho. The attempt to show that the three prisoners had been illegally taken to the Idaho penitentiary failed under adverse rulings of the court.

MOYER SELF-POSSESSED.

Moyer made a self-possessed witness and at the end of the long day he declared, expressed and proved over both his testimony and the probable impression he made on the jurors. He is a man of good appearance and added to his low-pitched voice is of pleasing tone. He displayed some nervousness when he first faced the courtroom and worked it off on a pencil that he carried, but the examination had no proceeded as if before he seemed quite at ease. He will resume the stand at 9:30 tomorrow morning, when the state will enter upon its cross-examination. His direct testimony took a very wide latitude and the way is open for an equally wide cross-examination. Senator Borah will be the state's questioner.

AFTERNOON SESSION.

At the afternoon session of court Moyer said he asked the sheriff who arrested him at Ouray if he had a warrant. He said no; that he had acted on a telephone communication from Haywood. Moyer said he was charged with desecration of the American flag—it being claimed he had used the flag for advertising.

A paper poster representing the flag and containing in big letters the question: "Is Colorado in America?" was here introduced and held before the jury. Each strike of the flag contained a statement, of which the following are examples: "Martial law declared in Colorado," "Habeas corpus suspended in Colorado," "Free press muzzled in Colorado," "Wholesale arrests in Colorado," "Six soldiers defy the courts of Colorado," etc.

The witness said the flag was printed in Denver by the Western Federation of Miners, Haywood writing the sentiments.

ARRESTED FOR RIOT.

Moyer said he was next arrested on a charge of riot and the murder of Hoxey McGee at Victor, Colo., June 8, 1904.

The witness also said he was arrested for the murder of McCormick and Beck, who were killed in the Vindicator mine. He was taken to Cripple Creek on the charge.

He was released on bond after a few days in jail and never called for trial. Moyer said that a part of the time he was in the Telluride bull-pen, Pinkerton Operative Riddell, then posing as a miner, was a fellow-prisoner. At this juncture Riddell, a tall, slender, wiry young fellow, with a constant grin on his face, stalked into the courtroom.

THE CIPHER TELEGRAM.

Jan. 4, 1906, Moyer said a cipher telegram was received from Spokane. The federation had had a cipher message code ever since its organization and used it in the general transaction of business. It was a sort of shorthand and was used for sending out passwords, etc. The cipher was here introduced in evidence. It was merely a system of using numbers to represent letters. The telegram also was offered in evidence.

The message was from Jack Simpkins and translated read as follows: "Spokane, Jan. 4, 1906. Cannot get a lawyer to defend Hogan. Answer—L. J. Simpkins."

COUNSEL FOR ORCHARD.

Moyer said he was called to Chicago after consulting Murphy and the matter of employing a lawyer was decided.

He said that Mr. Nugent was in the hands of Secy. Haywood. The defense here introduced a series of telegrams and letters which were sent to Haywood and B. J. Hanlon, financial secretary of the local union at Silver City, Ida. The first of these was from Haywood to Hanlon, directing the latter to contact with Pinkerton, now a member of the defense's counsel, as attorney for Orchard at the expense of the Western Federation of Miners, to protect the interests of the organization in Boise. Hanlon replied that Nugent desired particulars. Haywood in reply to this said that the press dispatches indicated that another conspiracy was on foot to take the Western Federation of Miners with grave crimes. The federation, he declared, defended no one guilty of crime, but in the past had found that if it were left to the mercy of the courts, members they would have been the victims of conspiracy.

Secy. Hanlon then wrote to Haywood and told him that Mr. Nugent was willing to take up the case if it appeared there was to be an effort to put the crime on the Western Federation of Miners. Hanlon declared that he would employ counsel at the time, as it would give the capitalistic press an opportunity to say the federation was concerned in the crime. Hanlon said he would stop at nothing in the effort to put the crime on the federation. His record in Cripple Creek showed this.

Haywood wrote in reply that he fully believed in the delinquency of the federation's position and the antagonistic attitude of the capitalistic press, but he said there was no doubt that everything would be done to point the finger of suspicion at the Western Federation of Miners.

MONEY FOR ORCHARD'S DEFENSE.

When the reading of the letters had been concluded, Moyer said that after the preliminary examination of Orchard, he met Fred Miller, an attorney from Spokane, at the residence of John Murphy, general counsel of the Western Federation of Miners. Miller told him that he had been sent to Caldwell to represent Orchard at his preliminary examination, by Jack Simpkins, the member of the executive board residing in Spokane. Miller then the preliminary examination, went to Denver to discuss the matter with the officers of the federation. He had with him a transcript of the evidence.

BORAH ON HIS FEET.

Senator Borah was on his feet here with an objection to going into the matter of the extradition of the prisoners, saying it was immaterial and irrelevant.

Atty. Darrow declared it was highly important, as showing the counter conspiracy. He contended that the arrests were made by Pinkertons, and that the prisoners were turned over to Bulkley Wells, a member of the Mine Owners' association, to bring them to Idaho.

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them out of the way and to get this organization out of the way." Judge Wood allowed the witness to say that no opportunity was given to consult counsel. The prisoners were kept in jail till 3 a. m., when they left on a special train.

"Where did the train stop?" Judge Wood did not allow the witness to answer.

"How long did it take to make the trip?" This question was also ruled out.

"Who had charge of the train?" An objection was raised to this question, but Judge Wood allowed it to be answered.

Moyer said the train was in charge of Bulkley Wells, who had been adjutant-general of the Colorado militia and a member of the Mine Owners' association. There were on the train two Pinkerton detectives, two members of the Colorado militia, and "Bob" Melrum, a gun man from Telluride.

The direct examination of Moyer was concluded at 3:52 p. m. when court adjourned until tomorrow morning at 9:30 o'clock.

PLANS FOR SELECTING SUCCESSOR TO SCHMITZ.

San Francisco, July 10.—The plan for the selection of a mayor of San Francisco pending the election of a successor to Mayor Schmitz, convicted and sentenced to five years in the penitentiary for extortion, has been decided upon by the bribery prosecution, and was made public late last night, and was formally submitted through Dist. Atty. William H. Langdon to the commercial and labor organizations of the city.

The plan as submitted in letters mailed to the commercial and labor organizations last night, called for a convention composed of 50 delegates, 15 to be named by the labor and building trades councils, and 35 to be named by the commercial organizations. These are to select a mayor to fill out the unexpired portion of Schmitz's term. If this plan is accepted the convention is to be held within two weeks and governmental rehabilitation of San Francisco accomplished.

Dist. Atty. Langdon in his letter reviewed the present situation in San Francisco and the conditions leading up to it, explained why the district-attorney's office had to take the initiative, expressed the desire to keep politics out of the reorganization of the city government, stated that the selection of Supervisor Charles Booth by the board of supervisors yesterday as a temporary mayor, was merely a temporary expedient, and that the district attorney would refrain from participation after the convention has assembled.

A reply is asked for within five days. Booth was sworn in as mayor last night. It was announced that he would be permitted to remove no one nor make any appointments.

MINE PROMOTERS INDICTED.

Chicago, July 10.—Frederick H. Colvin and Edwin A. Ecke were today indicted by the federal grand jury on the charge of using the United States mails to promote a fraud. It is alleged that the two men, as president and secretary respectively of the Boston-Colo. Copper company, sold stock throughout the country in a mine that was practically worthless.

MARK TWAIN IN LIVERPOOL.

Liverpool, July 10.—Samuel L. Clemens, who arrived here from London today, was given a banquet this evening by the lord mayor of Liverpool. A large gathering of citizens was present.

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