

Half a dozen lines of type may be the link between you and something you want.

10 PAGES—LAST EDITION

# DESERET EVENING NEWS.

TRUTH AND LIBERTY.

THURSDAY OCTOBER 18 1906 SALT LAKE CITY UTAH

The next issue of this paper should tell about it—if you have a house to rent or a job to find or a job to offer.

FIFTY-SIXTH YEAR

## POLICE CHIEF GETTING WORRIED

The Thin-Wan Smile of Yesterday Has Faded Into a Look Of Dejection.

CAN'T BREAK VICTIM DOWN.

Most Convincing and Damaging Evidence Produced to Substantiate McWhirter Claims.

Conviction of the "High Jinks" Celebration Dinner at Donaldson's Sister's Establishment.

The second day of the preliminary hearing of Chief-of-Police George A. Sheets on the charge of compounding a felony brought no ray of sunshine into the case for his defense.

Instead there was a telling blow delivered to his case, and it landed right into the camp of his busiest defenders, Mr. McWhirter declared with emphasis, and with the first show of heat he has displayed on the stand, that the Salt Lake Tribune was a plain liar, and that there was absolutely no truth in the statement that he had been arrested by Chief Sheets, and refusing to swear out a complaint.

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in them he caught up the joker and dangled it before the lawyers trying to confuse him. Once the lawyer became decidedly the confused party. He sat easily in the chair, leaning slightly forward, and often playing with a ring on one of his fingers.

Chief Sheets sat across the room from him, behind his lawyers, and looked more dejected than he did yesterday. He must have passed a bad night, for he had a worn and almost haggard appearance. Yesterday he joined in the laughter, but today he remained set in his expression through the entire trial, and never once straightened up in the chair into which he shrunk down when he first arrived.

RALEIGH FOR SURE.

Besides McWhirter, five other witnesses were called. Capt. Burbridge and Detective Raleigh are of the same build and general appearance. Both were brought before McWhirter, and he was asked to identify the one who was with him in the office of Chief Sheets. He picked out Raleigh instantly, and added that Capt. Burbridge had nothing to do with the case, beyond passing him in the hall, and speaking to him.

CONFIRMED DINNER STORY.

Mrs. Mary King of the New England addition, a sister of Jim Donaldson, confirmed the McWhirter story by telling of the dinner party out there to celebrate the robbery, on the evening it occurred. Her two daughters, Marcelle King and Grace King also confirmed the details of this dinner party, identifying the pictures of Donaldson and the two O'Briens as members of the party of six who gathered there.

McWHIRTER AGAIN ON STAND.

Alexander McWhirter was again on the witness stand during the morning session of the George Sheets preliminary examination today in Judge Armstrong's court. The young Scotchman went over cross-examination during most of the morning and he said Atty. C. S. Varian of the defense had several sharp and interesting conversations. McWhirter made some telling assertions today, among which was that he had been told by every lawyer he consulted about the matter that it looked to them as though Chief Sheets was in with the robbers. He said that the lawyers he consulted in California told him that after they had listened to his story. He stated positively this morning that after talking with the attorneys there and his attorney here he was convinced that Sheets was standing in with the robbers and saw a part of the money.

HAD EXPERIENCE ENOUGH.

The court room was as crowded as usual during the session today, and several of the sharp assertions of McWhirter caused considerable laughter among the spectators, and making it necessary for Judge Armstrong to rap on his desk to restore order. Among other things McWhirter said that he did not allow an officer to go with him when suggested by Chief Sheets, because his experiences with the police department of this city had not been to his liking, and therefore he preferred to not have anything more to do with them. During the entire session this morning Chief Sheets lounged in his chair as though he were trying to escape the gaze of the spectators.

TWO SIGNED STATEMENTS.

In answer to questions by Mr. Varian McWhirter said that he made two signed statements in regard to the affair after his return from Los Angeles. One was made to Mr. Bratton, his attorney, three or four days after he came back to the city. The statement was made to the bureau police colonel at the Sanitarium roominghouse. The other statement was made in the presence of the chief and Mr. Pendergrass, a stenographer for the Utah Fuel company, and was afterwards printed in the "News."

"Did you say in your first statement that the chief told you not to say anything about the matter to the reporters as it would hurt him?" asked the attorney for the defense.

"Yes sir, I think I did."

"It could not have been Bell that made the remark about not giving it to the reporters."

"No sir, I did not have got the two men confused, that is Sheets and Bell?"

"Most certainly not, sir."

"When did you get to Los Angeles?"

"I think it was Friday."

"Were you sure, can you state positively?"

"No sir, I am not going to swear to it because you can easily find out when



PRINCIPALS IN THE FAMOUS \$10,000 ROBBERY.

The McWhirters Who Were Outrageously Scandalized, the O'Briens Who Helped do the Buncle Deal, and the Bogus Policeman Who Made the "Mysterious" Telephone Call on Chief Sheets—"No. 75, Please."

RETURNED TO SALT LAKE.

The witness said that he returned to Salt Lake Sunday afternoon and registered that night at the Elk hotel under the name of John Thompson. He stayed there about five days and then went to the county jail.

"Did you register at the jail?"

"No, I beg your pardon I went to Ely, Nev., before I went to the jail. I went on the railroad excursion and was in company with Deputy Sheriff Sperry. I registered at a hotel there, but not as John Thompson. I do not remember the name I used there."

"You were there as a man without a name then," suggested the attorney.

"No sir, I had a name."

"He was a man with many names," suggested Senator Brown.

McWhirter said that he returned from Ely on Monday morning and was sent back that afternoon with Deputy Sheriff Sharp to Goldfield, Reno and other Nevada towns and that they looked through all the gambling houses and houses of ill repute for the men who robbed him.

"What day was it that you went to the chief's office to see if there were any further developments in the case?" asked Mr. Varian.

"It was Thursday, the day before I went to Ely. Mr. Bratton sent me there with Mr. Pendergrass, a stenographer."

"What did you go there for at that time to get evidence against Sheets?"

"I went there for two reasons—first to see if there were any further developments in regard to my case and second, to confirm his connection with the case as brought out by my questions."

"You have no interest in this case, have you?"

"None whatever, except that I want to get my money back and want to arrest the men who robbed me."

"Which do you want most, the arrest of the men or your money?"

"I want both."

"You conducted your explorations together with Bratton without the aid of the county attorney, didn't you?"

"Well, I went under his instructions."

"Just answer my question, didn't you retort the attorney?"

"The witness, his reply created considerable laughter among the spectators."

"No sir, I did not answer that question yes or no."

"Yes sir, we did."

SAW TWO OF THE ROBBERS.

In answer to a question McWhirter said that he saw two of the robbers at the Sanitarium on Monday after he had returned from Los Angeles and recognized them as Bell and Davis or Hemingway, the bogus policeman. They were registered there under those names. He suggested to Mr. Bratton that the men should be placed under arrest but he said that it might give the other men a chance to get away if these were arrested.

"He also gave another reason," continued the witness, looking at Mr. Varian, "but you don't want to hear it. The attorneys I consulted in California told me so."

"On the Thursday that you went to the chief's office with Pendergrass did you tell him that the men were at the Sanitarium then?"

"No, because I suspected him at that time."

"You thought that the chief 'got some of your money'?"

"Yes sir," emphatically replied the witness.

"You have said that several times, haven't you?"

"No sir, I have not said so before. This is the first time I have ever said it."

AFRAID OF THE GANG.

"Do you still have fear of being attacked by the robbers or their friends?"

"Yes, sir."

"Tell me what you said when you went to the chief's office with Mr. Pendergrass about the matter."

"I introduced Mr. Pendergrass to the chief and asked the chief if he heard anything more about the case or my money and he said that he had not. He said that he had told him that they had seen the two bogus policemen at the Sanitarium on Monday and the chief was surprised that a man of Bratton's intelligence had not telephoned him about it. I said, 'Chief, there is one thing that struck me as rather strange, and that was the quick return of Bell with the additional \$250 on the night he was taken to the county jail. The chief replied that Bell might have had much more money on his person. I asked him if he did not search Bell before he went out of the station and he replied that he did not. I then told the chief that I would probably go back to Los Angeles in a few days and give him my address so that he could let me know if he found out anything more about the matter."

"He then offered to send a policeman with me to look for the bogus officers and I told him that my experience with the police department of the city was not such that I would like to go with him. This hot shot at the police department created another stir and more laughter, which was suppressed only by the court rapping for order."

WORK A DISGUISE.

The court was interrupted here, after Mr. Varian had asked a question implying that McWhirter had said he left town without desiring the arrest of the gang.

"I felt that the duty of arresting them devolved upon Chief Sheets," said McWhirter.

"Let me be perfectly fair with each other," said Mr. Varian. "You went to the office of Chief Sheets on your return, not intending to make a complaint, but with a witness to obtain evidence against him."

"Yes, I went there to find out what more I could about his connection with the gang."

"You said you were dressed differently when Bell saw you at the Sanitarium, and gave you a glaring look."

"Yes, I was in disguise. I wore a slouch hat, had on a different suit of clothes and had shaved my mustache off. My hat was pulled down over my face."

DEFOUNDED AS A LIE.

"Do you claim that on leaving the city the first time you were urged to go away?"

"Not exactly urged to go, but not the slightest inducement was offered me to go."

"Your conclusion then is that you were wanted to go?"

"Yes, I now know that to be an absolute fact."

"Did you not tell Chief Sheets you did not want the gang arrested?"

"The question brought a show of heat to McWhirter. 'That's a lie!' he answered back hotly."

"Who's a liar?" retorted Varian.

"The Salt Lake Tribune," said the witness, and Varian calmed himself. "It's a direct lie to say I refused to have that man arrested," continued the witness, and then gaining his self-possession, he added that he had some feeling about the reports that have appeared in the Tribune.

Going on, the witness was examined on the question of identifying the men, and not was the kind of an insinuating question was asked. "You did not know the description of the men, on the night you first reported to the police, but McWhirter answered promptly that he did know their descriptions, that he had just seen them, and they were vividly before his mind. An effort was made to show that McWhirter had strengthened his descriptions by photographs afterwards, but he struck by his statement, "I did know their description, sir."

A STRONG SUSPICION.

"When you came back the second time, were you convinced that Chief Sheets was one of the gang?"

"I had a strong suspicion that that was the fact, and wanted further facts to prove it."

"You took a witness along with you, and you found such facts, did you not?"

"Yes, I did and they were the facts that Chief Sheets had done anything to arrest the men, but they had been at large in Salt Lake a week, that in fact there was no further development."

Here an interesting moment in the testimony occurred.

"UNCLE JIM" PHONED.

"Did they do any telephoning?" asked Atty. Willard Hanson.

"Yes, Uncle Jim called up a number."

"I object," said Atty. Varian, rising to his feet, with a show of eloquence and denouncing the entire gang as men who were robbers and grafters of the lowest order. "I object," he concluded, "to the actions of such men being used as evidence against the chief of police. It is unfair to Chief Sheets."

Atty. Brown stood by the question, saying it was important to show who were the accomplices of the gang, and if Donaldson called up the chief's office, this was important.

Upon allowing the witness to answer the question, she replied, "He called up No. 2, but he didn't get any answer."

Judge Armstrong had previously ordered twice to clear the hall, if there was any more laughter, but in this case he joined with the spectators in laughing.

MAY DAVIS NEXT.

At the conclusion of the examination the case was continued until this afternoon. This afternoon it is understood that May Davis, who is known to the O'Briens, will go on the stand for the prosecution.

AFTERNOON SESSION.

Miss May Davis, the sweetheart of Larry O'Brien, was the witness called for the prosecution this afternoon. In answer to the first question from Asst. County Attorney Hanson she gave her name and said she was acquainted with Larry and John O'Brien.

She was shown a "photo of each one by the prosecuting attorney, and identified them. Continuing, she said that she had known the O'Briens since last July, and had lived with them in this city. She said they first lived at 126 South West Temple, and were there until Sept. 18, the day of the robbery, when they removed to 188 West South Temple, where the O'Brien boys remained until Sept. 24. Between Sept. 19 and 24 the O'Brien brothers were seen and out of their house the same as before.

She was asked if she was acquainted with Chief Sheets and replied that she was not personally acquainted with him, but knew him by sight. She then asked if he had ever called on him and answered that she had. She said that on the Saturday after the O'Brien boys left the city she and Mrs. O'Brien had a talk with Mr. O'Brien, and he told her that he had called on the chief. She remained in the office about three minutes and then came out and they drove away.

PICKED RALEIGH OUT.

Atty. Varian here asked to have two witnesses brought into the room for identification, without naming them. Raleigh and Burbridge came in and the witness picked Raleigh at once as the man who was with Sheets while the transaction in money affairs occurred.

Atty. Varian started to question the witness about Burbridge, but was reminded by the court that he had merely asked for the witnesses that they might be identified. The questioning proceeded far enough to bring out the fact that Burbridge had nothing to do with the case, and he merely passed McWhirter in the hall, asking him what he could do for him, but not stopping to hear the story.

McWhirter then explained in reply to questions that he had registered at the Elk's rooming house under an assumed name to escape detection by the gang, when he returned to prosecute the case, and that he had also used an assumed name at Ely for the same reason.

BARS AND DOLLAR NOTES.

A query was brought up by Attorney Brown as to the "bars" where McWhirter and his bunko policeman called, and McWhirter explained that they went to the Cullen bar to see the clerk about his grips, and to the Chesapeake bar to get a drink. The other witness identified pictures of the two O'Briens as others of the party, but did not know their names, as she was not introduced.

On cross examination she said she was not at home when the first party arrived, as she had been to the market, and found the four there when she returned at 6:30 o'clock. Six of them sat down to dinner, but one got up and left to take the rig back. Again, she identified pictures of the two O'Briens as others of the party, but did not know their names, as she was not introduced.

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## SMELTING TRUST AND ORE PRODUCERS

State Senator E. M. De La Vergne Of Colorado Talks of Their Mutual Relations.

WOULD REMEDY SOMEWRONGS

In Present System of Sampling Claims Employees Paid to Cut Down Values.

F. S. Guiterman, General Manager of The A. S. & R. Company Replies To Charges Made.

Denver, Oct. 18.—The American mining congress today listened to a paper by State Senator E. M. De La Vergne of Colorado Springs on the subject "Mutual Relations and Grievances of the Smelting Trust and Ore Producers."

He said that the value of the product was often a difficult matter to determine, but he believed that the producer usually received a fair proportion of the savings. He noticed, however, that the good will of the producer is not considered as in the past, and in support of his position he read the conditions imposed by the American Smelting & Refining company, which, he claimed, were unfair and arbitrary.

Mr. De La Vergne suggested as one remedy that ore should be automatically sampled. At present the value of the commodity is entirely determined by the buyer. He claimed that under the present system of sampling the employees are paid to cut down the valuation of ore.