PROCEEDINGS IN THE MOYER CASE

Defense Asks Change of Venue And That Another Judge Be Called In.

ARE NOT MATTERS OF RECORD

Chief Question Was Right of Court to Try Case in View of Sec. 766, U. S. Revised Statutes.

Boise, Ida., May 29.—Charles H. Moyer, William D. Haywood and George A. Pettibone were taken to Caldwell today to appear at the opening of the district court of Canyon county, when, in the usual order, the time for their trials should be fixed.

Nothing was done, however, beyond submitting to Judge Smith legal points claimed by the prosecution to be a bar to further proceedings at this time. Atty. Richardson, for the defense, stated when court opened he had filed two motions, one asking for a change of venue accompanied by affidavits, and the other asking that some other judge be called in.

These motions were not made a matter of official record and will not be until the other question is disposed of.

PROCEEDINGS STAYED.

The matter that stayed proceedings was a question of the present right of the court to try the case in view of the provisions of section 766, revised statutes of the United States, as construed in a decision of the United States supreme court, in the case of Cramer vs. the United States.

Under that statute it is claimed by the prosecution the state court is prohibited from taking any action in the case, pending the determination of the appeal from the United States circuit court for Idaho in the habeas corpus proceedings started by the defense soon after the accused were brought to Idaho.

Proceedings were first brought in the state supreme court. That case was decided against the defense and it was taken to the supreme court on writ of error. The case in the United States court was likewise decided against them, and a direct appeal to the United States supreme court was taken, where both are pending, being set for hearing on the firt Tuesday in October.

REGARDING APPEALS.

The statute states that any proceeding of a state court in such case pending determination of an appeal of that kind from the district court shall be null and void. The supreme court construes this as raising a bar against further proceedings. Atty. Hawley, for the prosecution, called the attention of Judge Smith to this statute, and the decision thereunder, and he said it rested with the defense to take affirmative action if they wished to have a trial at this time. The condition was fixed by the federal statute and the state here was powerless.

The affirmative action suggested for the defense was that they should dismiss the appeal from the circuit court and rely on the writ of error from the state supreme court, as both cases cover exactly the same points. Affidavits were submitted from the clerk of the state supreme court and the federal circuit court, showing the habeas corpus cases had been taken to the supreme court of the United States; also a telegram from the clerk of the latter court stating these cases were pending there.

VIEWS OF DEFENSE.

Mr. Hawley wished to have the matter submitted without argument. Judge Smith intimated he thought the matter should come up in the form of a motion. He did not desire an argument, as there was nothing before him as a basis of an argument. Mr. Hawley stated they wished merely to call the attention of the court to the existing condition. He thought no motion was required.

Clarence Darrow, who had arrived and been entered as an attorney in the case, said they did not desire an argument, they wished it understood they were on hand and waiting trial and anxious to have a speedy trial. They could not waive anything nor could they dismiss the appeal from the circuit court as they wished to be able to show they had exhausted every possible remedy.

AS PROSECUTION SEES IT.

W. E. Borah for the prosecution said the prosecution was not asking the defense to waive anything. A condition was presented over which the state had no control. Further proceedings would be null and void. When the defense took the appeal from the circuit court of having carried the same point up on writ of error from the state supreme court they knew, he said, the appeal would act as a bar to further proceedings by the state court until the appeal was disposed of.

WHAT COURT THINKS.

Judge Smith reiterated his opinion that the matter had not been brought up properly and spoke very emphatically, saying: "I am frank to say that this court cannot take judicial notice of what is proceeding in the supreme court of the United States, and you came in here and unloaded on this court a lot of affidavits without any motion and I don't see how this court is going to consider the matter at all. I will take the matter under advisement, though, and will pass upon it Thursday at 10 o'clock.

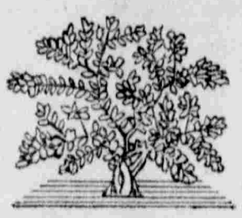
"There is nothing before this court; there is absolutely nothing before this court. I do not take judicial notice of what is now pending in the supreme court of the United States, as I say, and all I know is that these men are here pending trial and under the constitution of the state of Idaho they are entitled to an immediate trial. I will consider the matter, but I will say that I don't see how I can act upon it."

WHAT DEFENSE ASKED.

The motion filed by the defense in the Moyer-Haywood case asking that another judge be called in the place of Judge Frank J. Smith to try the case is a very long document. It charges in a general way that Judge Smith has shown bias and has been under influences tending to bias him. Specific allegations are that he acted as chairman of the committee of citizens organized at the time of the murder of former Gov. Steunenberg to search out the murderer and that he was active in bringing about the arrest of Harry Orchard, that, as an appointee of Gov. Gooding, he is willing to aid the latter in an effort to convict these accused men, and in every way carry out the will of the governor, that he has been in consultation with Gov. Gooding, Detective McParland and J. H. Hawley and W. E. Borah, attorneys for the prosecution, that he caused an open venire to be issued for grand jurors instead of directing that the names be drawn from the box.

In this connection it is charged the men called all professed to have no bias and it is asserted a jury drawn from the box would not all have answered in that manner. The charges are that he declined to order the trial to proceed immediately after the indictments had been pleaded to, that he desired to have the men kept in the penitentiary

TREE TEA



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San Francisco, Cal.

term of the court for the trial of the cases to suit the convenience of the prosecution, that he had been influenced by statements by the governor, that he must have been influenced by the local papers, that he is quoted in an interview as expressing the idea that the people of Canyon county were not prejudiced and that no change of venue would be necessary, and further, that he is credited by rumor with an intention of ordering an open venire for trial jurors.

RATE BILL CONFERENCE.

A Number of Undisputed Amendments Agreed to Tentatively.

Washington, May 29.—At a two hours' session of the conferees on the railroad rate bill today, a number of undisputed amendments were agreed to tentatively, all of the disputed points being passed over and considerable time was devoted to a discussion of the so-called "Jim Crow" car provision. This amendment has given the Republican conferees some concern, because of the opposition made by northern negroes against the alleged principle involved in the separation of the races.

Senator Tillman announced that he could not consent to any change in the senate provision.

When the conferees on the rate bill adjourned for the day at the conclusion of the afternoon session every amendment of the bill had been gone over. Twenty-two of the fifty-three amendments have been disposed of either by acceptance or rejection, the indication being that most have been accepted.

The important amendments are still subjects of consideration, and the indications are that a speedy agreement cannot be hoped for. The express company amendment is still disagreed to, the pipe line amendment is also one of those unsettled, likewise the amendment forbidding common carriers ownership in producing properties, the "Jim Crow" car amendment is also in dispute; also the pass amendment and that relative to the size of the commission.

Considerable time was spent today in discussing the amendment requiring five days' notice before the issuance of an injunction to enforce an order of the commission. This amendment will doubtless be modified. Several counter-provisions have been made, one making the time two, another one, and another three days, and still another to leave the time to be determined by the court.

A meeting of the conferees will be held tomorrow, beginning at noon, at which Chairman Knapp of the interstate commerce commission will be heard, at the request of the conferees, on several amendments.

THE MUTUAL LIFE.

Grand Jury Secures Evidence of Grafting for Twenty Years.

New York, May 29.—The Tribune tomorrow will say:

The special grand jury in its investigation of the Mutual Life Insurance company's affairs obtained evidence yesterday that many thousands of dollars were taken annually for 20 years from the treasury by means of fake bills purporting to be for printing and supplies for the company furnished through the firm of George McKibbin & Son, bookbinders of No. 35 Park street. Part of the evidence was furnished by George McKibbin, head of the firm, who was a witness in the afternoon. It was said about the criminal courts building yesterday afternoon that the unearthing of such proofs of fraud would result in indictments against former officials of the Mutual who had guilty knowledge of the frauds. The entire amount of money taken from the Mutual's treasury in such fashion, it is believed, amounted to more than $1,000,000.

TWO MINERS KILLED IN A TONOPAH MINE.

Tonopah, Nev., May 29.—Vester Mortenson and Tony Hoffstedt were killed and C. Mayer injured this morning by an accident in the Tonopah North Extension mine.

Eight men coming off shift were in a cage ascending the shaft.

Mortenson leaned out and his shoulder struck a timber, forcing Hoffstedt, who was opposite to him, off the cage. Mortenson caught the timber and hung on till the cage passed him, when he dropped to the first level.

His head was cut off and his body badly mangled. Hoffstedt was caught between the cage and shaft and crushed to death, though the engineer stopped the cage as quickly as possible. It was necessary to cut away five sets of timbers to recover his body.

Mayer suffered a dislocated shoulder. It is not known where the men who were killed formerly resided.

PEOPLE WANT CASTRO.

New York, May 30.—Carlos B. Figueredu, consul general of Venezuela in this city, yesterday received the following cablegram from Willemstadt, island of Curacao:

"There is an extraordinary acclamation of people in favor of Castro."

This seems to indicate that General Castro will follow up the promise made May 22 at a national celebration at Victoria, province of Aragua, when he made the following statement:

"When all citizens of the republic think and request as do the noble people of Aragua, I shall gladly return to the federal capital."

SICK HEADACHE

Positively cured by these Little Pills.

They also relieve Distress from Dyspepsia, Indigestion and Too Hearty Eating. A perfect remedy for Dizziness, Nausea, Drowsiness, Bad Taste in the Mouth, Coated Tongue Pain in the Side, TORPID LIVER. They Regulate the Bowels. Purely Vegetable.

Small Pill. Small Dose, Small Price.

KING ALFONSO AND PRINCESS VICTORIA

Preparations for Their Marriage Fast Approaching Completion.

MADRID IS IN GALA ATTIRE.

Princes From Many Countries Arrive And Are Given a Royal Reception.

Madrid, May 29.—The preparations for the marriage of King Alfonso and Princess Victoria (as Princess Ena of Battenburg is designated by the Spanish people) are fast approaching culmination, with the arrival of foreign princes and envoys, the influx of vast throngs and the final adornment of streets and buildings.

Such a spectacle of royal splendor has seldom been seen as when the princes coming to the wedding arrived this afternoon. The train of the Prince of Wales and the Archduke Francis Ferdinand of Austria arrived at 3:30 o'clock, followed by the trains of Prince Albrecht of Prussia, the Grand Duke Vladimir of Russia, Crown Prince Constantine of Greece, Prince Albert Leopold of Belgium, Prince Eugene of Sweden, and many others. Before the station were drawn up the palace guard, with their white uniforms and shimmering helmets, and a brigade of lancers, with steel breasplates.

Awaiting the princes were the royal family, the infantas, the captain-general of Madrid, the ministers and the ambassadors. The ladies were bright in summer silks, while the officials and ministers were resplendent with gold lace and decorations.

Trumpet blasts greeted the Prince of Wales and Archduke Francis Ferdinand. The former wore the uniform of a British general. The Princess of Wales was exquisitely attired in a figured silk gown, and the archduke wore a white uniform of general of hussars, with a silver helmet surmounted by a vivid green plume.

There was another shimmer of uniforms and dresses as the royal representatives of Germany, Russia and Greece arrived with their retinues. Later there was a brilliant pageant as all the princes and princesses, with their retinues, proceeded to Pardo palace, where King Alfonso and Princess Victoria received throughout the remainder of the day. The Pardo palace was the center of the festivities tonight.

Tonight Alfonso and his guests witnessed a performance at the Pardo theater, one quaint feature of which was a tableau of an old Spanish marriage, suggestive of the nuptials which are to take place on Thursday. William M. Collier, the American minister to Spain, was among the guests, but Special Envoy F. W. Whiteridge and the other envoys were not present, as the guests were restricted to princes and resident diplomats.

The streets tonight presented a spectacle of lurid color and intense activity. Railway trains are bringing in thousands of foreigners and provincial Spaniards. All the mai nthoroughfares are packed with dense throngs of people in bright summer attire, many of them wearing the picturesque costumes of Castile and Aragon. The streets along the route of the wedding cortege are ablaze with color from end to end, with floral arches, sunbursts of British and Spanish flags and garlands of roses looped on the balconies.

Many buildings are surrounded with gigantic crowns, which at night sparkle with electric lights. At the plaza angle there is a huge Japanese parasol, edged with electric lamps, under which a military band plays for street dancers. With nightfall the colors in the streets change and sparkle with myriads of lights. Thus the capital has taken on its brightest hues for the marriage of the king.

The weather today was intensely hot, and clouds tonight threaten to dampen the splendor of the festivities.

REPORTED THAT CHAIRMAN SHONTS WILL RESIGN.

Panama, May 29.—It is persistently rumored here and throughout the canal zone that Theodore P. Shonts has resigned the chairmanship of the Panama canal commission.

DO YOU LOVE

Your baby? You wonder why he cries. Buy a bottle of White's Cream Vermifuge and he will never cry. Most babies have worms, and the mothers don't know it. White's Cream Vermifuge rids the child of worms and cleans out its system in a pleasant way. Every mother should keep a bottle of this medicine in the house. With it, fear need never enter her mind. Price 25c. Sold by Z. C. M. I. Drug Dept., 112 and 114 South Main Street. B

Saltair Decoration day, 30 trains, 30.

$19.00—TO BOSTON AND RETURN—19.00.

Plus $1.00 from Chicago, via Nickel Plate Road. May 31st to June 9th, inclusive; also via New York City at excursion rates. Return limit of July 15th by extension of ticket. Folders, rates and all information furnished by applying to Chas. E. Johnson, District Passenger Agent, No. 811 Seventeenth St., Denver, Colo.

Make a success. Buy a

$10.00 Suit for 5.00

At the LEADER CLOTHING CO

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$1 TO $1.50 PER ACRE

Range Land!

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Last Call for Eastern Excursions

The last days upon which you can purchase the half-rate round-trip tickets to eastern points are

JUNE 1, 3 and 16.

They may be had at any railway station in Utah to practically any point in the territory lying between the Missouri Valley, Chicago, St. Louis and Duluth, at one fare plus $2 for the round trip.

Be sure your ticket reads via Denver and the Burlington Route, thus assuring a comfortable journey.

Pleased to give you further information.

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C. B. & Q. Ry.
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Cheap Rates

One Fare Plus Two Dollars For the ROUND TRIP to Chicago, St. Louis, Memphis, Minneapolis, St. Paul, Missouri River and Intermediate Points. : : :

Tickets on sale May 26th, June 1st, 3rd and 16th.

Return limit October 31st. Stopovers allowed.

Through Standard and Tourist sleepers. Best Diners on all trains.

Write or telephone us for further information. Both phones, 245.

Rock Island System

E. DRAKE, Dist. Pass. Agent.
H. L. YOUNGERMAN,
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100 W. 2nd So. St., Salt Lake City.

Through The Mother

The whole family finds out what is best, and the mother knows what is best for the family.

HUSLER'S FLOUR

Sherwood's Market,

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Choice Meats, Fruits, Groceries, Hay, Grain, Straw, Salt.

Orders by 'Phone or Drivers, Receive Careful Attention.

DENVER & RIO GRANDE R.R. SCENIC LINE OF THE WORLD

LOW RATES EAST

May 26th, 28th—June 1st, 3rd, 16th.

Good returning until October 31st. Stopovers allowed both directions.

The Scenic Limited

Will carry only Pullmans, Observation car and Diner and will be the finest in the West. First train leaves Salt lake for Denver and East, 6:30 p. m. June 3rd.

4-Fast Daily Trains-4

Open top observation cars free through Grand Canyon.

Ticket Office, Dooly Block, I. A. BENTON, G. A. P. D.

California Excursion

$32.00 To Los Angeles and Return.

SALT LAKE ROUTE

$45.00 Returning via San Francisco.

On Sale May 26-28 June 1-3-16 Good to Return To October 31st.

ANNUAL OUTING UTAH TEACHERS.

Utah's Most Popular Railroad offers the most attractive trip to all Utah educators and their friends. Vacation days can be passed in such ideal spots as San Bernardino, Riverside, Los Angeles, Catalina, the orange groves or ocean beaches.

Owing to the great demand for Pullman reservations it is important that you secure space early.

Wire, 'phone or write.

169 So. Main St. J. H. BURTNER,
'Phones, 1906. Dist. Pass. Agt.

ONLY $31.50

Homseekers Tickets

CHICAGO AND OTHER POINTS TO SALT LAKE CITY AND RETURN

Eastbound From Utah Common Points To Chicago and Return $44.50

Low rates to all other points East. Tickets on Sale May 26th 28th, and June 1st, 3rd, and 16th, return Limit October 31st. For full particular, call on C. A. WALKER, General Agent,

38 West Second So. St.,
Salt Lake City, Utah.
Telephones 672.

THE NORTH WESTERN LINE

REDUCED RATES EAST!

FOR SCHOOL TEACHERS AND THE GENERAL PUBLIC VIA

Santa Fe

From UTAH, IDAHO, AND OTHER POINTS to MISSOURI RIVER, ST. LOUIS, MEMPHIS, CHICAGO, ST. PAUL and Intermediate Points.

DATES OF SALE—May 26th and 28th, June 1st, 3rd and 16th. Return Limit, Oct. 31st. Stop-overs Allowed.

For further information apply to C. F. WARREN, GENL. AGENT, 411 Dooly Block, Salt Lake City.

THE LAGOON ROAD

Salt Lake & Ogden Railway.
SIMON BAMBERGER,
President and General Manager.

Time Table in Effect Nov. 26, 1905.
LEAVE SALT LAKE.
6, 8:30, 11 a. m., 2, 4:30, 6:30 p. m.
LEAVE LAGOON.
7, 9:30, 12m., 3, 5:30, 7:30 p. m.

SALT LAKE ROUTE

Utah's Most Popular Railroad.

CURRENT TIME TABLE

DEPART DAILY:

No. 7—Los Angeles Limited .... 4:45 p.m.
No. 1—Los Angeles Express .... 12:01 a.m.
No. 51—For Stockton and Tintic. 7:45 a.m.
No. 63—For Nephi and Sanpete Valley .... 8:00 a.m.
No. 53—For Garfield .... 11:30 a.m.
No. 65—For Nephi .... 4:45 p.m.
No. 61—For Nephi and Lynn .... 8:30 p.m.

ARRIVE DAILY:

No. 8—Los Angeles Limited .... 5:35 p.m.
No. 2—Los Angeles Express .... 6:30 a.m.
No. 62—From Lynn & Nephi .... 9:50 a.m.
No. 54—From Garfield .... 1:20 p.m.
No. 66—From Nephi & Sanpete Valley .... 1:20 p.m.
No. 64—From Nephi .... 5:45 p.m.
No. 52—From Tintic & Stockton. 6:00 p.m.

Finest Dining Car Service in the West. Only direct line to Los Angeles. Stage connections for Nevada Mining Camps. City Ticket Office, 169 S. Main Street. 'Phone 1986. J. H. BURTNER, Dist. Pass. Agt.

OREGON SHORT LINE RAILROAD

Time Table

IN EFFECT April 1st, 1906.

ARRIVE.

No. 4—From Ogden, Chicago, Omaha, St. Louis, Kansas City and Denver .... 5:15 a.m.
No. 3—From Ogden, Portland Butte and San Francisco .... 8:30 a.m.
No. 6—From Ogden and Intermediate Points .... 9:30 a.m.
No 12—From Ogden, Cache Valley, Park City and Intermediate Points .... 11:45 a.m.
No. 18—From Chicago, Omaha, Ogden and Intermediate Points .... 4:25 p.m.
No. 2—From Ogden, Chicago, St. Louis, Kansas City, Omaha, Denver and San Francisco .... 6:15 p.m.
No. 10—From Ogden, Cache Valley, Butte, Portland, and San Francisco .... 7:35 p.m.

DEPART.

No. 5—For Ogden, Omaha, Chicago, Denver, Kansas City and St. Louis .... 7:10 a.m.
No. 7—For Ogden, Portland, Butte, San Francisco and Intermediate Points .... 10:30 a.m.
No. 1—For Ogden, Omaha, Chicago, Denver, Kansas City, St. Louis and San Francisco .... 1:30 p.m.
No. 11—For Ogden, Cache Valley, Park City and Intermediate Points .... 4:05 p.m.
No. 17—For Ogden, Omaha, Chicago and Intermediate Points .... 5:35 p.m.
No. 3—For Ogden, Denver, Kansas City, Omaha, St. Louis and Chicago .... 6:05 p.m.
No. 9—For Ogden, Cache Valley, Butte, Helena, Portland, San Francisco and Intermediate Points .... 11:45 p.m.

D. E. BURLEY, G. P. A.
D. S. SPENCER, A. G. P. A.
City Ticket Office, 201 Main Street.
Telephone 250.

Note:—Train numbers shown above are Oregon Short Line train numbers and do not apply to the Southern Pacific west of Ogden or the Union Pacific east thereof.

The DENVER & RIO GRANDE RAILROAD

CURRENT TIME TABLE.
In Effect Dec. 10th, 1905.

LEAVE SALT LAKE CITY:

No. 10—For Heber, Provo and Marysvale .... 8:00 a.m.
No. 102—For Park City .... 8:15 a.m.
No. 6—For Denver and East .... 8:30 a.m.
No. 11—For Ogden and Local Points .... 10:25 a.m.
No. 5—For Ogden and West .... 10:25 a.m.
No. 1—For Ogden and West .... 1:45 p.m.
No. 2—For Denver and East .... 3:00 p.m.
No. 8—For Provo and Eureka. 5:00 p.m.
No. 112—For Bingham .... 8:10 a.m.
No. 114—For Bingham .... 3:00 p.m.
No. 13—For Ogden and Local Points .... 6:05 p.m.
No. 4—For Denver and East .... 8:00 p.m.
No. 3—For Ogden and West .... 11:10 p.m.

ARRIVE SALT LAKE CITY.

No. 6—From Ogden and the West .... 3:40 a.m.
No. 12—From Ogden and Local Points .... 9:50 a.m.
No. 7—From Eureka and Provo 10:00 a.m.
No. 5—From Denver and East .... 10:25 a.m.
No. 1—From Denver and East .... 1:05 p.m.
No. 14—From Ogden .... 2:25 p.m.
No. 2—From Ogden and the West .... 3:40 p.m.
No. 101—From Park City .... 8:15 p.m.
No. 9—From Heber, Provo and Marysvale .... 6:00 p.m.
No. 113—From Bingham .... 10:50 a.m.
No. 115—From Bingham .... 5:40 p.m.
No. 4—From Ogden and the West .... 7:55 p.m.
No. 3—From Denver and East .... 11:00 p.m.

All trains except Nos. 1 to 6 inclusive stop at intermediate points.

Ticket Office, Dooly Block. 'Phone 205.
I. A. BENTON,
Gen. Agt. Pass. Dept.

EXCURSIONS EAST VIA

OREGON SHORT LINE RAILROAD

UNION PACIFIC OVERLAND ROUTE

May 26th, and 28th, and June 1st, 3rd and 16th, 1906.

Denver, Colorado Springs and Pueblo	$20.00
Omaha and Kansas City	32.00
St. Louis	39.50
St. Paul and Minneapolis	41.90
Chicago	44.50
Memphis	45.50

Proportionately low rates to many other points.

Tickets god for return to October 31st.

SEE AGENTS.—City Ticket Office, 201 Main Street.

COLORADO-UTAH

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SHORT LINE.

TO ST. LOUIS.

Through car Salt Lake City to St. Louis and Kansas City. Only one change to New York, Buffalo and principal points east—low rates for summer travel.

Especial attention to ladies and children.

Tourist sleepers through to Chicago, Boston and other points without change.

TWO TRAINS DAILY.

Inquire at ticket office, 108 Dooly Block, Salt Lake City. Any information cheerfully given.

H. C. TOWNSEND,
G. P. & T. A. Missouri Pacific Ry., St. Louis, Mo.