# MOYER-HAYWOOD

Judge Wood Overrules Motion to Dismiss the Case Because of Delays.

### **BORAH ARGUES FOR STATE**

Proceedings of Lower Court Would Have Been Null and Void Before Supreme Court Passed on Request for Habeas Corpus.

BOISE, Idaho, March 18.-In the case of Charles H. Moyer, William D. Haywood and George A. Pettibone, Judge Wood, at and George A. Pettibone, Judge Wood, at Caldwell today, overruled the motion made by the defense to dismiss the case. The motion was based on the long delay in the trial. Since the cases were ready for trial two terms of court have passed, one of which was in December, and the defense contended that the accused were entitled to their liberty on the ground that two terms had passed since they were arraigned.

E. F. Richardson, for the defense, made

E. F. Richardson, for the defense made an argument, based on the theory that the statutes of the United States do not act as a bar in such cases pending deter-mination of an appeal in habeas corpus proceedings. He held it only prohibited execution of sentence that might be im-

In reply to an inquiry from Senator Borah that if the men had been convicted and the Supreme Court had thereafter de-cided the appeal in their favor, the vercided the appeal in their tavor, the ver-dict would have been set aside, Mr. Rich-ardson said that was true. Senator Borah took the ground that the statute, as con-strued by the Supreme Court, prohibited the state court from proceeding in any

manner.

In overruling the motion, Judge Wood said he was not called upon to pass upon the question whether the Federal statute raised a bar to proceeding while the habeas corpus proceedings are pending.

The afternoon sussion, after the rendering of the decision of Judge Wood, was taken up with the motion made by the federal last force for a change of years.

defense last Spring for a change of venue.

The fact was called to the attention of the court by John F. Nugent, of counsel for the defense, that they had several hundred affidavits on file in support of the motion. These were made by persons living in the county and all set forth that the public mind was prejudiced against the defendants. Twelve of the affidavits were by men who had collected the

the extracts from papers that circulate in the county, this being in support of the claim that the public mind had been influenced by newspaper publications on the case. The argument of the motion will

## Defendants in Good Spirits.

just before the time for convening. They all appeared well groomed and in fine spirits, Haywood especially seeming to be in a happy spirit. They took seats with their attorneys and their guards sat in chairs near them. Mrs. Pettibone and Mrs. Moyer were in court, sitting together at one side within the reliving

at one side within the railing.

Among the strangers was W. J. Scott Cripple Creek, the first of a number of Socialists appointed in different parts of the country to attend the trials and to report to the organization sending them here. In the course of his argument on the motion to dismiss, Mr. Richardson said, speaking of the statute under which the trial was restreased.

the trial was postponed:

"This provision is to stay, pending decision of appeal, any proceedings against the prisoner. It is to stay execution of sentence. The prisoners could not be imprisoned, could not be executed until the final decision of the sentence. the final decision of the Supreme Court. could not be put in execution. In that respect and in no other does this section stay proceedings

other does this section stay proceedings in the lower court."

Richardson then stated that there has been two full terms of court since last May, and that on December 4th, court convened, held a full term, and adjourned sine die December 29. "This term," he said, "was held after the Supreme Courthad rendered its decision."

## Mr. Borah Replies.

Borah said: "I wish to ask you, Mr. Richardson suppose we had gone on with these trials last May and the Supremo Court should have reversed United States Circuit Court on the habeas corpus declsion, would our proceedings here have been null and void?" Richardson admitted that they would but retorted that that was no reason the

case might not have been tried last May

Mr. Borah then said:
Mr. Richardson is right, any action this court might have taken pending the appeal in the United States Supreme Court would have been null and void, had the Supreme Court reversed the verdict of the lower court. Why, your honor, the Supreme Court was deciding the question as to whether these men were legally held and could be tried.

'From the time the information was field against these men, every action pertaining to their indictment, the taking of testimony, etc., was, in the eyes of the law, a proceeding against the prisoners. Under this section (78) such propers. Court would have been null and void, had

oners. Under this section (765) such pro-ceedings could not be taken by the lower court, pending the appeal. These men, had the Supreme Court reversed the judg-ment of the lower court and allowed these writs of habeas corpus, should not have been tried for this charge of murder. To have tried them before the Supreme Court had passed upon the matter would have been an injustice to them. I re-iterate that in the meaning of this sec-tion (759) the proceeding in the lower court must have been stayed to their en-But, supposing the contention of the

"But, supposing the contention of the attorney who has just argued for the defense be true; suppose the state could have gone ahead and tried the cases and the court had merely reserved final judgment under the final decision in the Supreme Court of the United States; the fact that the reversal might be ordered in the higher court and that such reversal would make whatever proceeding had been had here null and void, that, I say, and can substantiate by citations, would constitute under the law a goal and sufficient reason for staying the proceedings here last May. Not only would it have been an injustice to try the prisit have been an injustice to try the pris-oners at the time, but it would have been a heavy expense to the state and to the defendants, which, in case of revers-al, would have been entirely uncalled

MAKE SPEED LIMIT TEN MILES

Salem City Council Compromises Its Fight With Railroad.

SALEM, Or., March 18.—(Special.)—After a flerce fight tonight the Council unanimously passed an ordinatice amending the old speed law of the old speed.

pelling the running of trains through the city at six miles an hour, by increasing the speed to ten miles an hour through the thickly populated part of the city. The ordinance originally read 12 miles, but Allerman Walter Low took the floor and denounced the slow-speed law, claiming more accidents occur by slow than fast trains by people jumping on and off cars.

and off cars.

The action of the Council was the result of Alderman Haas' war on the Southern Pacific, which resulted in the trains creeping through the city at less than six miles an hour, and a great howl was made by hundreds of angry passengers on the trains today. The ten-mile speed applies only to points between Mill Creek on the north to the cross street on the south. Mr. Hans agreed to the increase to ten miles in order to satisfy the people and the railroad company. Alderman Bayne stood by Haas in his fight.

DEAD OF THE NORTHWEST

Mrs. Jacob Wiscarver.

McMINNVILLE, Or., March 18 .- (Spe cial)-Mrs. Jacob Wiscarver, who died March 16th, was buried here today from the Christian Church. Mrs. Wiscarver's maiden name was McCormick. She was born near Waynesburg, Pa., October 11, 1823, and was married in March, 1845. She crossed the plains with her husband in the Summer of 1862, arriving at Mc-Minnville October 14th. She was a promi-

BODY SENT TO SALEM FOR IN-



The Late Mrs, Sophronia Gibson

The body of Mrs. Sophronia Gibson, Mount Tabor, Sunday, was shipped to will be at the Spring Valley Cemetery, today. The funeral services will be held under the auspices of the

nent member in the Christian Church Mrs. Wiscarver was the mother of eight children, those living are, John G., of McMinnville: Joseph F., of Holiand, Or., and Joseph Newton, of Healdsburg, Cal.

### Nehemiah Gill.

OREGON CITY, Or., March 18.—(Special)—Nehemiah Gill died at the home of his son, J. S. Gill, in Logan, Saturday and was burried Sunday in Pleasan View Cemetery, the Rev. J. J. Patton, o Viola, officiating Gill came from Kansas ten years ago. He leaves three sons, Thomas Gill, of Colorado, Riley Gill, of Nebraska, and J. S. Gill, of Logan Or.

HogUIAM, Wash., March IS.—(Special.)

—The funeral of the late James P. Suddeth, pioneer of Axford, who died Saturday, took place from this city teday, the remains being taken to Humptulips, where interment was made. James P. Suddeth came to the Humptulips Valley

COTTAGE GROVE, Or., March 18.— marti-(Special.)—James Hartage, aged 60 years, died at his home here last night from con-

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ted States in 1874. Going to Nevada, he secured employment in the Comstock mine, then owned by John W. Mackey. He followed mining thereafter and was a good practical miner, occupying a num-ber of positions as superintendent and foreman. He left a widow, three sons and two daughters.

Long Delayed Freights Arrive. WALLA WALLA, Wash. March 18.— (Special.)—Many carloads of freight that have been held for months in different parts of this state and others are arriv-ing in Walla Walla, the congested condition of the traffic being relieved. Wholesale men, who have long been unable to supply their customers, announce that the long-delayed goods have come to hand.

# LABOR UNION CRIES QUITS

SEATTLE TRADESMEN ACCEPT BUILDERS' ULTIMATUM.

Strike to Be of Short Duration-Concrete Mixers Get the Only Advance-Laborers Plentiful.

SEATTLE, Wash., March 18 .- (Special.) -Although the lockout of labor on build-ing operations in the city affecting 5000 men went into effect today, pending a settlement of the question of increased for union unskilled labor, the labor leaders say there will be no long suspension; that they are ready to sign a two years' wage scale and will limit their de-mand for increase to concrete mixers and let other common labor go unsatisfied. The lockout was formally announced the lockout was formally annumed when the builders today paid off their employes and told them not to return until further notice. In the interim, the Building Trades Assembly must accept or reject the ultimatum of the Master Builders Association to settle the wage question for a definite period. This, the question for a definite period. This, the workingmen say they are ready to do, and will give their answer after the meeting of the executive committee, repre-senting the 24 unions, Wednesday night, Influx of skilled and unskilled labor during the coming Summer is believed to have brought about this willingness.

# MONEY IS SIMPLY STOLEN

Count of Chicago Federal Funds

for the sale of strong drink open. In 190 the number had increased to 473,503.

The Portland—W. M. Brewer, Victoria. B. C. J. O. Wilby, San Francisco; M. Lobel, New York: M. Steifel. Chicago; W. F. Lehigh. Honoluiu; G. J. Eacock and wife. Oklahoma; D. F. Marchant, Los Angeles; N. N. Schuriz, Los Angeles; J. M. Dougen. Tacoma; C. W. Stock and son. J. B. Ettinger, New York: G. Kramer, J. Greener, Waco, Fex. O. Vanderbilt and wife. Hood: River: W. P. Garnett, Denver: W. G. Blatt. Detroit; W. B. Browne, St. Louis; J. H. Battedo, Toronto; W. Kratras, Bostoner, J. Greener, J. H. Battedo, Toronto; W. Kratras, Bostoner, J. H. Battedo, Toronto; W. W. Kratras, B. H. J. Honter, C. D. Hunter, Ronsland; A. J. Looe, Onelda, N. Y.; J. M. Gamble, J. H. Spoolin, San Francisco; J. O. Warren, Chicago; R. Smith, Spokane; J. Ubliman, W. J. Wanamaker, B. E. Devoy, E. E. Smith, D. Farnum, J. Marx, New York; J. M. Green, San Francisco; A. Haglan, Minneapolis; J. P. Adair, J. T. Wortman, Chicago: T. A. Boylan, M. C. Adler, J. Bernheim, D. A. Davidson, F. W. Lahn, New York; J. M. Green, San Francisco; R. H. Husbands, Seattle: J. T. Humsbury, Grand Rapides, Mrs. S. R. Stern, Spokane, S. Buckner, Miss E. Buckner, San Francisco; R. H. Husbands, Seattle: J. Humenthal and wife, North Yakima, A. T. Klursbury, Grand Rapides, Mrs. S. R. Stern, Spokane, S. Schless, C. H. Lewiston, Mrs. E. Buckner, Mrs. S. R. Stern, Spokane, S. Schless, C. H. Lewiston, Mrs. S. C. Ghebe, N. D. Taylor, Chicago: J. W. Danborn and wife, Saultie: Mrs. C. Waller, Mrs. C. Waller, Mrs. C. Waller, San Willow, Mrs. C. Ghebe, N. D. Taylor, Chicago: G. P. Chapman, Gold Hill; L. Frank, Cheese, F. D. Globe, N. D. Taylor, Chicago: G. P. Chapman, Gold Hill; L. Bernbeim, Spokane; W. R. Jones

View Cemetery, the Rev. J. J. Fation, of Voils, officiating. Gill came from Kanss ten years ago. He leaves three sons, Thomas Gill, of Colorado, Riley Gill, of Nebraska, and J. S. Gill, of Logan Or.

Funeral James P. Suddeth.

HOQUIAM, Wash., Merch 18.—Special.)—The funeral of the late James P. Suddeth, pioneer of Axford, who died Saturday, took place from this city today, the remains being taken to Humptulips, Without the discovery of anything the shortage other than that the remains being taken to Humptulips Valley 29 years ago, and since then had engaged in farming and cattle-raisins. Deceased was 29 years of age and had been ill but a short time.

WashINGTON, March 18.—President Roosevelt has approved the sentence of dismissal in the case of First Leeutenant Roosevelt has approved the sentence of dismissal in the case of First Leeutenant Roosevelt has approved the sentence of dismissal in the case of First Leeutenant Roosevelt has approved the sentence of dismissal in the case of First Leeutenant Roosevelt has approved the sentence of dismissal in the case of First Leeutenant Roosevelt has approved the sentence of dismissal in the case of First Leeutenant Roosevelt has approved the sentence of dismissal in the case of First Leeutenant Roosevelt has approved the sentence of dismissal in the case of First Leeutenant Roosevelt has approved the sentence of dismissal in the case of First Leeutenant Roosevelt has approved the sentence of dismissal in the case of First Leeutenant Roosevelt has approved the sentence of dismissal in the case of First Leeutenant Roosevelt has approved the sentence of dismissal in the case of First Leeutenant Roosevelt has approved the sentence of dismissal in the case of First Leeutenant Roosevelt has approved the sentence of dismissal in the case of First Leeutenant Roosevelt has approved the sentence of dismissal in the case of First Leeutenant Roosevelt has approved the sentence of dismissal in the case of First Leeutenant Roosevelt has approved the sentence of dismissal in the ca

for the sale of strong drink open. In 196 the number had increased to 473,593.

AT THE HOTELS



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VALUES

IN OUR

EXCHANGE

wife, Eufaula; M. E. Malory and wife, Oregon City; H. McKenzie, U. S. A.; S. H. Cobb, Fossil; G. Liskey and family; P. S. Murray and wife, Dunden; L. Seliera, C. M. Perkins and wife, Baker City; J. M. Bozen, city: T. M. Waleh, Monvoe; A. F. Dunnoyer, Kelso; G. M. Kinckman, F. Marble, Mount Pleasent; H. Pittelkan, J. C. Ingram, Carlien; G. L. Ward, Echo; E. E. Park, Independence; H. R. Hall, city; Mrs. M. B. Baker, Centralia; E. D. Burlingame, Spokane; S. Davis, Cak Point; D. W. Cummina, Newberg, R. A. Duncan, city; L. E. Sinclair, Oregon City: O. Anderson, Stella; J. W. Eliteon, Mitchell; R. Crouthera, Astoria; J. D. Kramer, Falls City; A. M. Tripler, San Francisco; P. W. Lawrence and wife, Pullman; C. T. Butcher, Collins Hot Springer G. B. Mason, F. L. Bowas, White Salmon; C. L. Bradley, Ventura; H. F. Jones, Seattle. Springs: G. B. Bashing.
Salmon: C. L. Bradley, Ventura; B. F.
Jones, Scattle.

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H. J. Schumacher and wife, Butte: F. Mulicin and wife Donore; M. J. Sheffield, Seat-tie; L. B. Yoder and wife, Klamath Falls;
R. F. Jarnson, Albany; J. M. Hanshrough,
Roseburg: E. A. Vaugan, E. Hadley, F. A.
Cook, cirj; W. J. Hills, Seattle: J. P. Wassley, Walla Walls; C. Jacobson, The Dalles;
G. A. Blies, Newberg: F. Davamport, Hood
River: R. G. Ward, Qakland; R. V. Tlerney,
Mrs. C. B. Roose, Moscow, Grace Feighan,
Sacramento; C. W. Estabrook, St. Fault, J.
H. Coe, Seattle; M. A. Miller, C. Schmidt,
Lebanon; J. W. Hudson, Salem, Mrs. R. S.
Moore, Klamath Falls; T. A. Hasian and
wife, Detroit; C. A. Billings and wife,
Olympia: H. S. Wilson and wife, Ketchikan;
G. H. Briggs, Dilley: G. May and wife, The
Dalles: Eva McGilversy, Artestin, S. D.;
G. A. Van Andre, Hood River; G. A. Hall,
Pendleton; H. R. Hall, Elmire, N. Y. G.
W. Wright, Albany; W. H. Snell, Berkeley;
Estella Page, Everett; Mrs. M. G. Howard,
Drewaey; S. S. Strain, Kelso; H. O. Mirveny and wife, 41008 J. K. Hawkins, MeMinnville, Mrs. Drollinger, Miss Comors,
Idaho; Mrs. O. M. Fox, Astoria; W. G.
Sayyles, Hood River; Mrs. J. Crate, The
Dalles; J. Q. A. Bowlby, Astoria;
The St. Charles—I. F. Young, Hillsbore;
E. E. Bennett, Cirv.; J. A. Johnson and

# BALTIMORE

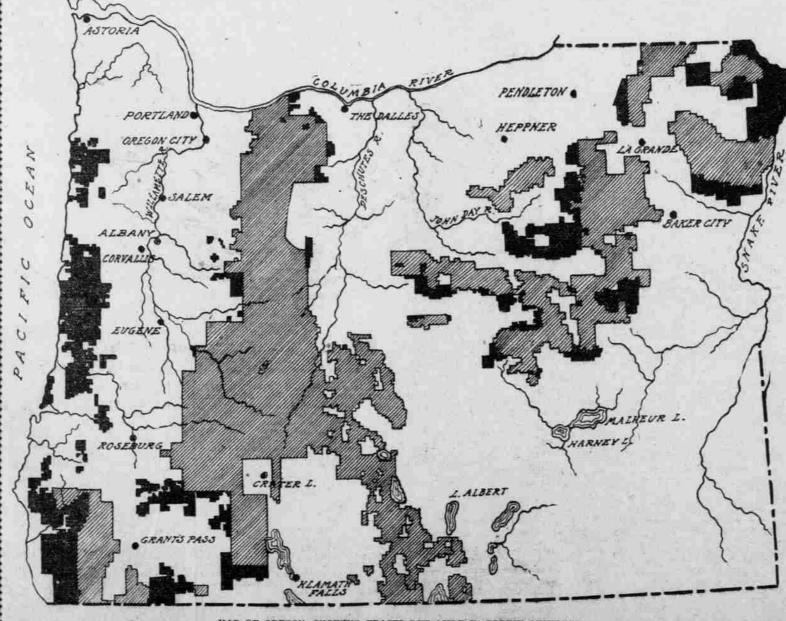
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MAP OF OREGON, SHOWING TRACTS SET ASIDE IN POREST RESERVES.

The recent order of President Rosseveit setting aside 4.051,000 additional acres in Oregon as forest reserves makes a total acreage in forest reserves in this state of 16.551,728 acres, or about one-fourth of the whole area of Oregon, which is 52,820,000 acres. The shaded portions of the map show forest reserves set aside prior to March 2, while the black portions indicate the lands included in the recent order of March 2.