THE OPINIONS OF THIS PAPER ARE FRAMED ON THE HYPOTHESIS OF THE CLASS STRUGGLE AND WITH AN EYE SINGLE TO THE INTERESTS OF THE WORKING CLASS. WE CLAIM THE DISTINCTION OF BEING ONE OF THE VERY BEST LABOR PAPERS IN AMERICA.

The working class—may they always be right, but the working class right or wrong.

AMERICAN LABOR UNION JOURNAL

With the American Labor Union Journal the interests of the toilers are the first consideration.

PUBLISHED WEEKLY BY THE AMERICAN LABOR UNION.

VOL. II. | FIFTY CENTS PER YEAR | BUTTE, MONTANA, THURSDAY, MAY 12, 1904. | FIFTY CENTS PER YEAR | No. 32

ST. LOUIS PAPER ATTACKS A. L. U.

A General Answer to Numerous Lying Attacks—Misrepresentation and Falsehood the Weapons of Our Enemies—The Working Class Cannot Be Deceived.

St. Louis Labor, a labor-socialist paper, is suffering from another attack of American labor unionists. Labor is edited by a man whose conception of the basic principles of Socialism is so clear and whose sense of duty is so keen that it led him to become a deputy sheriff or a militiaman or something of that sort during a street car strike, "in order to help the boys out," and who, after joining the ranks of the capitalistic time servers, caught a bad case of "cold feet" and was ignominiously dismissed from his "guardianship of the rights of the people." Since the Denver convention of the American Labor Union this writer has been in agony because, forsooth, the American Labor Union saw fit to say to the working class that their interests could only be conserved by united class conscious political action and invited its membership to study the principles of Socialism. What a crime it was to be sure. Why could not the A. L. U. continue to betray the working class into the hands of the capitalist class as the A. F. of L. had been doing. Why could they not refrain from performing their plain duty to the masses? Why could they not continue in the rut of pure and simpledom as blind leaders of the blind? What business had the American Labor Union to place the eastern "borers from within" in an embarrassing position? Why indeed? Verily the American Labor Union has grievously sinned. It either did not know know or did not care that its declaration would seriously interfere with the business interests of certain eastern comrades. It took no heed of the fact that certain publishers depend on the patronage of pure and simple unions whose members were likely to take offense because the paper was advocating the principles which had been endorsed by the American Labor Union. There was no allowance made for the fact that the political action declaration might shut the door to advancement in the pure and simple unions for some of the "borers." The only point which the delegates appear to have deemed worthy of attention was their duty to the working class.

"Labor" parties on the political field are very wroth at the Socialist party because it will not surrender its views and help to elect "good men" to office. The creeping things which hide beneath a stone in the fields always scuttle for darkness when their covering is removed. They hate the light. The fakir howls in anguish when his covering is torn from him and he is compelled to show his true colors. Strange as it may seem there appear to be men in the Socialist movement who place their material interests above those of the interests of their class. At any rate such appears to be the case. There may, of course, be other reasons for lying attacks which have been made on the A. L. U. by men prominent in the ranks of the eastern comrades, but if so they are difficult to fathom. Ignorance of the facts might be offered as a defense for some statements that have been made, but ignorance does not justify the manufacture of a rank falsehood out of whole cloth.

The editor of St. Louis Labor some months ago, according to reliable information, appeared on the floor of the central body and accused the A. L. U. of having organized dual unions and followed it with the further statement that the A. L. U. was controlled by a few leaders. The Journal immediately branded the statements as a falsehood and requested that he produce proof in support of his statements or admit that he lied. So far as we know he has done neither. A late issue of the Cigarmakers' Journal charged a member of the A. L. U. executive board with having attempted to form a dual union of that craft in Chicago. This lie was also nailed.

Eastern labor union men having shown such a lively interest in dual unions, The Journal concluded it might be wise to give them a chance to study them at close range, and not caring to cite a western example such as the Amalgamated Waiters who organized the scabs of Colorado (See report 1901-2, page 229, prepared by the Commissioner of Labor for Colorado), the attention of The Cigar Makers' Journal and Editor Hoehn of St. Louis Labor was called to the action of Gompers in organizing the scab cigar makers in Lang's and also in Urey's cigar shops at the time Cigar Makers' Union, No. 44, of that city was carrying on an agitation for the international label. In the early history of St. Louis Cigar Makers Union goods were distinguished by a local red label, but along in 1885 it was decided to boom the international label. An active campaign was begun with the result that Mr. Gompers came to the rescue of the scabs in at least two shops, to the certain knowledge of the writer, and gave them an A. F. of L label. William Schottmueller of (now) North Fifth street was fined $500 by the union for running a scab shop. Other manufacturers were brought to time after a hard fight. In support of this charge The Journal referred the would-be assassinators of industrial unionism to the then president of the executive board of the Cigar Makers' Union, David Hombrecht. St. Louis Labor states that David Hombrecht is dead; that no one appears to know anything about it and therefore our charge is untrue. There are other St. Louis cigar makers who know if our statement is true or false and who are not dead. We might mention Phil Hoffer, William Hartry, Cooney Brinckman, Joseph Boekken or John Berghern or any other member of the Cigar Makers' Union who took an interest in the affairs of his union in '84-5.

If the editor of St. Louis Labor desired to inform himself on the matter and he certainly should, since he takes such a violent interest in the issue involved, he would have no trouble in arriving at the truth. It will do Labor no good to deny the truth. Any union man can learn the facts for himself.

NOTES OF THE AMERICAN LABOR UNION

F. W. Cronin, an old-timer in the labor movement in Butte and business agent for the Hotel and Restaurant Employes' Union, No. 2, has been elected secretary of the Silver Bow Trades and Labor Assembly, Butte, to fill vacancy caused by resignation of V. D. Doody.

Spokane Brewers' Union, No. 56, has issued a letter to organized labor, asking it when drinking Spokane beer to see that it bears the union label of the United Brewery Workmen of the United States. The Spokane Brewing and Malting Co. and A. Weiser's Bottling Works, of Spokane, have been declared unfair.

C. M. Hurlburt, of the United Brotherhood of Railway Employes, has been elected as secretary-treasurer of the California State Council, A. L. U. Brother Hurlbut is an earnest and enthusiastic worker, and his aggressiveness will put the new State Council in a prosperous and healthy condition.

The Hand and Machine Sheep Shearers' Union has scored another victory with the Wool Growers' Association in Wyoming. At Rock Springs, where the men had been out scarcely a week, the bosses came to time, and are now employing union shearers and paying the union schedule.

Industrial Union, No. 452, Portland, Oregon, now hold meetings every Monday evening at 8 p. m. in Painters' Hall. The meeting on the third Monday evening is an open one.

At a meeting of the Silver Bow Trades and Labor Assembly, Butte, Sunday evening a communication was received from Kootenai Union of Coeur d'Alene, Idaho, advising the assembly of a strike at that point of the sawmill of a branch of the Largey Lumber Co., whose headquarters are at Butte. On motion, the assembly decided to take the matter up, and have appointed a committee to co-operate with the officers of the American Labor Union and try to effect a settlement with the Largey people.

RIGHT TO BOYCOTT IS SUSTAINED

Gompers Crowd Tries to Injunction A. L. U. Out of Business and Fails—Sturdy Judge Clancy Renders Decision.

Last Saturday morning District Judge Wm. Clancy of Butte rendered a decision of tremendous importance to unionism in this state. The decision sustains the American Labor Union, Silver Bow Trades and Labor Assembly and the Western Federation of Miners who were made defendants in a case entitled Peter Petersen vs. T. B. King, et. al. Peterson is the proprietor of the Lodge Saloon, which was being boycotted by Butte Bartenders' Protective Union No. 127, A. L. U., because it empolyed unfair bartenders. The employes of the Lodge were members of an illegitimate so-called union organized by deserters from No.127, and as an entering wedge for the disruption of the larger and more important unions of Butte.

The Trades and Labor Assembly resented this cowardly stab in the back by the Gompers crowd and determined to maintain the integrity of Butte unionism at any cost. This precipitated the boycott against all saloons not employing members of No. 127, the original, legitimate and bona fide organization of bartenders. Among the places paraded with boycott banners was the Lodge Saloon.

Local representatives of Mr. Gompers then renewed the attack with the most contemptible weapon of the capitalist class—the injunction. A temporary restraining order was issued, which, if it had been made permanent at the final hearing, would have been a most dastardly blow upon the unions of Montana. After this brazen though unsuccessful effort to throttle free speech and to destroy the power of the boycott in Montana, it is quite certain that the A. F. of L. as at present conducted will be treated with slight respect or consideration by the union people of the state, and their emissarries from Colorado and the East, together with local hirelings, with deserved contempt.

Judge Clancy's decision was verbal, but it was to the point and admits of no misunderstanding. Whatever may be said of other judges and public officials as to their subserviency to the enemies of unionism cannot be imputed against Butte's sturdy district judge, as his decision was based absolutely upon the state constitution and judicial precedents, showing no bias or prejudice in favor of either side in the controversy.

It was threatened that the dual bartenders would appeal the case to the Supreme Court, but we learn this idea has been abandoned, doubtless upon the advice of counsel who realize the hopelessness of further contesting the case. For the present at least unionism in Montana is free from attack from these traitors to the working class.

Attorney Parr, for the defendants, fought valiantly and is justly proud of his success. Below is given an analysis of the decision prepared by Mr. Parr:

Judge Clancy of Department Two of the District Court last Saturday morning sustained the motion filed by C. M. Parr on behalf of the defendants in the case of Peterson vs. T. B. King, et al, which is known as the boycott case.

To fully understand the import of the decision which was granted upon authorities cited from California and Missouri one would have to be familiar with the complaint filed in this case. The eleventh paragraph of the complaint, which is asked to be stricken out, reads as follows:

"Plaintiff further alleges that said defendants above-named have also in furtherance of said unlawful conspiracy and combination, caused to be printed or painted upon a banner the following notice, towit:

"NOTICE: Unfair to Organized Labor, 'The Lodge.' By order, S. B. T. and L. A. A. L. U. W. F. of M.

"Plaintiff further alleges that the initials, 'S. B. T. and L. A.' stand for and are intended to be the signature of and to be with the approval of the Silver Bow Trades and Labor Assembly. That the initials 'A. L. U.' is intended to be signature and to be with the approval of the American Labor Union; that the initials, 'W. F. of M.' is intended to be signature of the Western Federation of Miners, but whether or not the said banner was so printed and circulated as herein stated, with the approval of the said Western Federation of Miners, plaintiff is not informed."

The other portions of the said complaint asked to be stricken out all go to the unlawful conspiracy or combination alleged to have been entered into by the defendants for the purpose of injuring the plaintiff in his business by reason of the preparation and publication of the banner.

The contentions of the attorneys for defendants were that under the constitutional provision of the State of Montana which reads as follows: "No law shall be passed impairing the freedom of speech; every person shall be free to speak, write or publish whatever he will on any subject being responsible for all abuuse of that liberty," that a court of equity could not grant more relief than could a legislative body; that is, it could not issue the extraordinary writ of injunction where the legislative body could not give relief: That under the constitutional provision, everyone has the right to write, speak or publish what he will, being responsible in the suit at law for damages for the act complained of.

The cases cited holds that where there were no more coercion or intimidation attempted to be exercised in the display of a publication than there were in this case, then the constitutional right of an individual could not be impaired. The case cited and particularly relief upon by the attorney for defendants is a very noted case in the Supreme Court of the State of Missouri entitled Marx & Haas Jeans Clothing Co. vs. Watson in which the joint executive board of the L. A. 993 Knights of Labor, Local Union 129 United Garment Workers' of America, issued a circular in which it was stated the unfairness of the defendants in attempting to compel the laborers to do more arduous work in the cutting of clothing, etc., and which unions issued a circular setting out the facts, and in which they stated that the plaintiffs were unfair to Organized Labor; supplemental to the said circular the said union appointed a committee of four (4) to wait upon the customers of the plaintiff and attempt by all reasonable and fair means to have the customers withhold patronage from the plaintiff until he conceded to the demands of the labor unions.

And in this case the court held that under the constitutional provision of Missouri which is verbatim with the Constitution of the State of Montana, that a court of equity could not grant the extraordinary relief asked for so long as the legislature could not do the same thing; and it dissolved an injunction issued by the lower court restraining the defendants from issuing the circular or acting through their committees. Holding:

"In Missouri where we are expressly forbidden by the Constitution to assume the power we are asked by the plaintiff to exercise, our answer cannot be doubtful. It is hardly necessary to quote the familiar language of our organic law, which has always declared 'that every person may freely speak, write or print on any subject, being responsible for the abuse of that liberty.' If it be said that the right to speak, write, or print thus secured to everyone cannot be construed to mean a license to wantonly injure another, and that by the jurisdiction claimed it is only suspended until it can be determined judicially whether the exerices of it in the particular case be allowable, our answer is that we have no power to suspend that right for a moment, or for any purpose. The sovereign power has forbidden any instrumentality of the government it has instituted to limit or restrain this right, except by the fear of the penalty, civil or criminal, which may wait on abuse. The general assembly can pass no law abridging the freedom of speech or of the press. It can only punish licentious abuse of that freedom. Courts of justice can only ad-

(Continued on Page Four.)

DRAMATIC SCENES IN COLORADO

Charles H. Moyer, Surrounded With Military, Appears in Court—Impressive Sight in the Supreme Court of Colorado.

Moyer was produced in the Supreme Court on the habeas corpus writ. The matter was argued, and the judgment of that tribunal was taken under advisement. Moyer was remanded to the Telluride jail and left in the afternoon shortly after 5 o'clock in custody of the guard that brought him to Denver.

Arriving at the capitol, Moyer was taken to the adjutant general's office and the troops were brought to a halt in front of the entrance. There Moyer was held until it was announced that the court room was ready for his reception.

No more impressive scene, or one fraught with more far-reaching consequences, was ever witnessed in the Supreme Court of Colorado than was attendant upon the habeas corpus proceedings in the case of Charles H. Moyer yesterday afternoon. Long before noon the corridors of the state house, resounded with the tread of martial feet and the clanks of arms, as the guard which had brought Mr. Moyer up from Telluride reported at military headquarters. About 1 o'clock the capitol building began to fill up with civilians who were anxious to witness the proceedings of the afternoon, and at the hour set for the convening of court every avenue leading to the court room was thronged. When the doors were finally opened the crowd filed through in orderly fashion until every seat in the court room was taken, while men and women stood in rows about the walls or sat on the low steps leading to the judges bench.

The crowd was made up of attorneys, labor officials, state house officials, friends of Mr. Moyer and interested spectators of every calling, with the usual representation of reporters and photographers. An air of solemnity hung over the entire assemblage. The bailiffs hurried hither and thither getting things in order for the entrance of the judges, while the attorneys were busy with various little formalities preliminary to the opening of the trial.

Promptly at 2 o'clock Mr. Moyer entered the court room. He was accompanied only by General Bell and Captain Wells. The trio marched down the court room to a point immediately in front of the bench, where they seated themselves. Mr. Moyer sat between the two officers until the arrival of John W. Murphy, one of his attorneys, who immediately seated himself by his side. E. F. Richardson, Mr. Moyer's leading counsel, sat a few steps behind him, while over to the left sat Attorney General Miller, Assistant Attorney General Hersey and John W. Waldron, who made the argument for the state. In line with Mr. Moyer, but a dozen seats away, sat Mrs. Moyer.

To all outward appearances, at least, no one present in the court room was so unconcerned about the proceedings as Mr. Moyer. The cynosure of all eyes, he seemed scarcely aware of the presence of anyone. He had a copy of the answer filed by the state in his hand, and until court began he read it intently. When he was not looking at this document he kept his face on the floor, occasionally glancing at his wife and receiving from her a cheery smile. His face was extremely pale, but otherwise he seemed to show no effects of his confinement in the military bull pen at Telluride.

It was not until the termination of the proceedings that the undercurrent of pathos which was evident to almost everyone took definite form. Mr. Moyer, in leaving the court room, had to pass his wife. As he reached her side he halted for a brief second, and started to extend his hand and bid her good-bye. Captain Wells was directly behind him, and he at once laid his hand on his shoulder and in a low tone requested Mr. Moyer to move on.

A very dramatic moment was that following the close of Mr. Richardson's impassioned speech. Mr. Waldron arose, and, holding in his hand a copy of the answer which the state filed in the application for the writ of habeas corpus, read therefrom the paragraph setting forth the governor's orders to General Bell, in which the latter is ordered not to release Mr. Moyer under any consideration or to anyone without the consent of the executive. Everyone present knew that this was a warning to the court that if its decision should be in favor of Mr. Moyer its orders might not be obeyed by the executive, and the intense silence of the moment was most striking.

Andrew Waldron opened for the state. He said:

"May it please the court, in the writ of habaes corpus which this honorable court caused to be issued, directed to Sherman Bell and Bulkeley Wells, requiring them to produce the body of one Charles H. Moyer before the court, I desire to inform the court that the respondents have filed their return, showing that the officers of the National Guard of this state, called into active service by the chief executive of this state for the purpose of suppressing, by the military arm of this state, a condition of insurrection and rebellion against the law, the governor and the constitution of this state in the county of San Miguel, have arrested and do now detain this petitioner as a military necessity in the course of and in the matter of aiding in suppressing this state of insurrection, formally declared by the governor of this state by his proclamation. That the detention of this petitioner is rendered necessary because of his prominence and his connection with a band of insurgents who are defying the constitution and the civil authorities of this state, and his release cannot be ordered or permitted except to aid in this unhappy condition of affairs in that county. To this return the governor has appended his official signature under the executive seal of the state of Colorado, advising this honorable court that each and every act committed by the respondents was had and done by his express order and sanction, and he, by his certificate, has become ipse facto respondent in these proceedings.

"The writ which your honor issued required the production of Charles H. Moyer before this court. The executive and respondents have produced the body of Mr. Moyer, not because they recognized the court's power to interfere, but on the contrary, they expressly deny at the outset that this court or any other tribunal in this state has power to interfere while insurrection has not been suppressed. But bearing in mind the respect which the chief of one branch of government should show to another branch, they have produced the body of Mr. Moyer. He is here now in charge of the officials of the National Guard of Colorado.

"On the return which we have made not a matter contained in it is sbject to inquiry. It represents simply a question of constitutional law as to what power for the time being is supreme in this state under the necessary course of suppressing the insurrection in San Miguel county. Is it the supreme Court or the arm of the military whose duty it is to act under just such conditions as are present in San Miguel?

"We have filed a motion to dismiss these proceedings, for the reason that the court cannot order either for a day or for a moment the release of this prisoner while the governor comes before the court and certifies that in his judgment the retention of this prisoner is necessary for the restoration of peace in that disturbed locality.

"I have made this speech for the purpose of advising the court of the position the governor has taken. We understand that there is but one thing for this court to do, and that is to set down for argument at such time as the court may deem proper the discussion of a question which is second to none in importance that has ever been presented to this broad land. They invite it. They desire that this court hear fully and dispassionately all that can be said, and then, being fully advised, it may decide, once for all, where power is lodged in suppressing insurrection in the state whether in the judiciary or the executive department of its government.

(Continued on Page Two.)

American Labor Union Journal

Published Weekly by the American Labor Union.

OFFICERS:
President—Daniel McDonald, Box 1067, Butte, Mont.
Vice-President—David C. Coates, Wallace, Idaho.
Secretary-Treasurer—Clarence Smith, Box 1067, Butte, Montana.

EXECUTIVE BOARD:
Isaac Cowen, 1080 Crawford Road East, Cleveland, Ohio (A. S. of E.
Chas. E. Stone, 3589 Bell street, Denver, Colorado (U. B. of E.)
John W. Dale, Anaconda, Montana.
F. W. Ott, Laramie, Wyoming.
F. W. Walton, Box 202, Wallace, Idaho.
M. E. White, Box 780, Denver, Colorado.
Rees Davis, Helena, Montana.
John Riordan, Phoenix, British Columbia.

Fifty Cents Per Year, in Advance.

Office, 174 Pennsylvania Building, Butte, Mont.
P. O. Box 1067.

Entered at the Butte, Montana, Postoffice as Second-class matter.

Eastern Avertising Representative, Wilmot I. Goodspeed, 171 Washington st., Chicago, Ill.

Address all communications, remittances, etc., to Clarence Smith, Manager, Box 1067, Butte, Montana.

THURSDAY, MAY 12, 1904.

UNFAIR SHOE FACTORIES.

Members of the American Labor Union are requested to take notice that the following shops are unfair to our brothers of St. Louis Boot and Shoe Workers. Union men should avoid their goods when making purchases:

The Wertheimer Swarts Shoe Co.'s Clover Leaf brand shoes.
The La Prelle Shoe Co.'s Heart and Arrow brand shoes.
The John Meire Shoe Co.'s shoes.
The Hamilton Brown Shoe Co.'s shoes.
The Johansen Bro.' shoes.
The Southern Shoe Co.'s shoes.

All these firms have either locked out their employes or coerced them into joining the Boot and Shoe Workers' Union.

These names are furnished by the joint executive board, United Shoe Workers' Union, St. Louis, affiliated with the American Labor Union.

A. J. LAWRENCE, Sec'y.

DRAMATIC SCENES IN COLORADO

(Continued From Page One.)

"I therefore ask that no order be made of any kind except to fix a time and place for argument. Our position is that until this court has heard and considered the grave constitutional questions here involved, until it is prepared to say on official order that this petitioner shall be released, that it take no other action. Martial law exists today under the constitution of this state in San Miguel county, and when that does exist no power on earth except the chief executive, has power to interfere—no power has the right to interfere with a judicial writ until it has decided the grave constitutional question involved in this petition. I therefore ask that this court set a day when this matter can be heard fully and freely."

In his first reply to the argument for the state, Attorney Richardson took up at once the question of bail for Mr. Moyer. He had nine different authorities which he wished to present as evidence to the court of its right to release the petitioner on bail, and he asked permission of the court to submit these citations.

"I think from your remarks," said Chief Justice Gabbert, "that the question you wish to present now is that of bail for Mr. Moyer, pending the trial of this case on its merits?"

"May it please your honor," Mr. Richardson replied, "that is my desire. If Mr. Moyer is granted his release on bond I am willing that whatever time the court shall deem necessary for the proper consideration of this case shall be taken. If Mr. Moyer is denied bail I shall stand on the statute and demand that the case come to trial within five days."

"May it please your honor," said Mr. Richardson, "the sole point at issue in this case is whether the governor has a right to suspend the writ of habeas corpus and retain a citizen of this state without giving a reason therefor. We have already stated our case in the petition filed with this honorable court, and now comes the answer and return to this writ, which does not deny our allegations but simply challenges the right of this court to interfere with the operations of the military. This question is a constitutional one, and is broad and deep, involving one of the gravest matters which has ever been before considered in this state."

Mr. Richardson then plunged into his authorities, and occupied the attention of the court for about fifteen minutes in this manner. In bringing out the points of his citations he made frequent allusions to the action of the military.

"The prisoner is in custody of this court," he contended, "and should remain there until it shall decide whether he should returned the satraps of the governor. There is nothing return to show that this si not a bailable offense. There is no charge against this prisoner except in the expressed belief of the governor of the state and his commandant in the warlike fields of Telluride."

Mr. Richardson's main argument was on the nature of the right of habeas corpus and the right of his client to be admitted to bail under its provisions.

In his reply Mr. Waldron contended that the only question before the court was one of jurisdiction, and that the admission of the petitioner to bail was an assumption of jurisdiction upon the part of the court without giving an opportunity for that question to be argued before it.

"The question of bail is a pure matter of discretion with this court and not necessary to these proceedings. We are questioning your jurisdiction in interfering in this matter, and the granting of bail would be an assumption of jurisdiction without giving us opportunity to present our case. Suppose you assume jurisdiction now by releasing Mr. Moyer on bail and in two weeks decide that you have no jurisdiction, then this man has been at large unlawfully. Unless this court is now prepared to say that you have jurisdiction this prisoner should not be released on bail."

"I deny that this petitioner is in the custody of the court. We have produced this man out of respect to this court and in so doing do not admit its jurisdiction. Are you going to take advantage of the governor's courtesy to this court? Are you going to decide offhand that the governor of this state is a malefactor because any man who holds unlawfully the body of another is a criminal? Are you prepared for this? I cannot believe that one department of this state will act toward another in the way you are asked to do. This man's liberty may be precious to him. It undoubtedly is. But above his liberty is the power of the governor to suppress riot and keep the peace in this state. It is more important than the liberty of this man or of a thousand such, that the court should take time and not assume jurisdiction in this case at this moment."

"If Mr. Moyer is released on bail he can go where he pleases in this state. There is no one to interfere with his movements but his bondsmen, and they would be pretty sure not to. He will be at liberty to continue his acts of lawlessness of which the governor says he has been guilty. He can go back to that country or else camp on its borders and incite and guide his people in their riots. There was once a man by the name of Napoleon Bonaparte who set on fire all Europe when I do not wish to have it thought that he came back from the Isle of Elba. I regard this man as a Napoleon (pointing to Mr. Moyer) but the governor of this state has said that he is a dangerous person and shold not be at large. The governor avoided the semblance of a conflict by doing what he believed he should not do—produce the body of Charles H. Moyer in this court. Will this honorable body take advantage of the courtesy shown it by the executive in this manner? To turn Mr. Moyer loose is an action which will be fraught with mischief to this state. No constitutional rights of this man are attacked by his detention.

"If the court has the power to take the custody of this man out of the hands of the militia for ten minutes you have the power to take him for ten months or ten years. Our claim is that a condition of war, in its legal sense, exists in San Miguel. We may be right or wrong, but until you are satisfied you will at least attach some importance to the opinion which the governor of this state has upon the matter. In the midst of war the law is silent. That is the condition which we now contend exists in San Miguel. If you assume jurisdiction over this prisoner by admitting him to bail it means that you are thereby aiding and abetting the state of war in that county. I therefore submit to your honors not to assume jurisdiction in that matter until you are fully advised of all matters pertaining thereto."

In his closing argument Mr. Richardson touched a high mark of eloquence. His previous address had been confined to the citation of authorities, which, while furnishing rather formidable legal points in favor of the admission of his client to bail, gave little scope for the exercise of his dramatic abilities. Immediately at the close of Mr. Waldron's remarks Mr. Richardson jumped to his feet and started to address the court. Mr. Hersey, however, was recognized, and during his brief statement to the court Mr. Richardson stood, scarcely able to control his impatience to be heard. Then, as soon as he was recognized by the court Mr. Moyer's counsel burst forth:

"This is the first time in my life," he exclaimed, passionately, "that I have heard that the constitution was not for all. If the constitution is not for all the people, all the time, and everywhere, then it is not worth the parchment on which it is written. If Governor Peabody is supreme in the state and can suspend the sacred privilege of habeas corpus at will, going outside of his military district and taking prisoners in, then he can declare any part of the state under martial law and can arrest anyone as a military prisoner. The constitution is supposed to overshadow all, and it cannot be segregated in the interests of one man. Neither the judicial nor the executive branches of a government have the right to suspend habeas corpus. Only the legislature can do this. In the former cases in Cripple Creek, Governor Peabody did go so far as to suspend the operations of the writ of habeas corpus, but in the present instance he did not even take the trouble to do this.

"Governor Peabody is not above the law," Mr. Richardson continued in impassioned eloquence. "Sherman Bell is not above the law. The law was made for all us. This country is governed by laws and not force. This country is governed by laws and not by individuals. It is the law which determines the rights of individuals. I care not whether this man be a Napoleon returned from the Isle of elba or whether he is a poor labor leader of a struggling cause. If we are in danger at his hands, then the state should know it. If however, the liberties of this state depend on the will of James H. Peabody or Sherman Bell, with their bullpen and their guards, then there is nothing to prevent Sherman Bell from putting you and you and you into their bullpen."

In making the above statement Mr. Richardson's voice rose and shook with emotion, as he pointed in turn to the judges on the bench, and to various parts of the audience. Mr. Waldron interrupted him.

"You forget, Mr. Richardson, that there is no jury here," he said.

"Well," was Mr. Richardson's instant reply, "if anybody can talk louder than Mr. Waldron or give more of a jury address than he did just now I do not know it. I want to show that if it is a question of lungs I am superior to Mr. Waldron in that, as I already am in the law."

Here occurred the only levity which in any way relieved the proceedings. The audience laughed outright; the court frowned a little and the bailiff rapped for order.

"It is not true that this court can make no order without assuming jurisdiction," Mr. Richardson continued. "This would be an order of an interlocutory nature, and that the court can do. The challenge to this court is not on the issuance of the writ of habeas corpus but of the suspension of the privilege of the writ. In courts before this, from the time of John Marshall down, without a single exception, there has never been any state that denied power to the court to issue a writ of habeas corpus.

"And so we come to that question of jurisdiction, which it is not proper to discuss at this time. The law requires that on a return of this writ there shall be a hearing within five days unless the prisoner asks for longer time. We are ready to argue this here and now without waiting five days. But to the end that the court may be fully advised and Mr. Waldron extensively heard. I would ask the court to admit Mr. Moyer to bail, after which the matter can be discussed as the court desires."

When Mr. Richardson finished speaking Justice Gabbert said: "We will take this matter of the application for bail under advisement. Mr. Richardson may leave his citation of authorities with the clerk, and pending the determination of the court the prisoner will remain in the custody of the respondents. When the court determines the matter of bail then a date will set for the hearing of the question of jurisdiction."

(Continued on Page Four.)

CONDENSED DIRECTORY OF THE AMERICAN LABOR UNION

AMERICAN LABOR UNION.

GENERAL OFFICERS.

General President—Daniel McDonald, box 1067, Butte, Montana.

General Vice-President—David C Coates, Wallace, Idaho.

General Secretary - Treasurer — Clarence Smith, box 1067, Butte, Montana.

GENERAL EXECUTIVE BOARD.

John Riordan, box 58, Phoenix, B. C.
Fred W. Walton, box 202, Wallace, Idaho.
F. W. Ott, Laramie, Wyoming.
M. E. White, box 780, Denver, Colorado.
John W. Dale, Anaconda, Montana.
Rees Davis, 1069 Fifth ave, Helena, Montana.
Isaac Cowen, 1080 Crawford Road East Cleveland, Ohio.
Chas. E. Stone, 3529 Bell st., Denver, Colo.

General Headquarters, rooms 172, 173, 174, 175 Pennsylvania Building, Butte, Mont.

American Labor Union Journal, box 1067 Butte, Montana.

GENERAL ORGANIZATIONS.

Western Federation of Miners—General Headquarters, Mining Exchange Building, Denver, Colorado; President, Chas. Moyer; Secretary-Treasurer, Wm. D. Haywood, 625 Mining Exchange Building; Miners' Magazine, 626 Mining Exchange Building.

United Brotherhood of Railway Employes—General Headquarters, Parrot Building, San Francisco, Cal. General President, Geo. Estes; General Auditor, Fred J. Halton, 226 Parrot Building; Railway Employes' Journal, 227 Parrot Building.

American and Canadian Council, Amalgamated Society of Engineers—General Headquarters, 76 Elm street, New York, N. Y. General Secretary, Wm. Delahay, 76 Elm street.

STATE ORGANIZATIONS.

Montana Federation of Labor—President, Alex Fairgrieves, Basin; Secretary, Howard O. Smith, 203 Seventh avenue, Helena; Treasurer, D. F. Staten, Butte.

California State Council, A. L. U.—President, J. A. Smith, Oakland; Secretary-Treasurer, H. G. Ilderton, 210 Parrot Building, San Francisco.

DISTRICT UNIONS.

Cripple Creek District Trades and Labor Assembly—Secretary, R. E. Croskey, box 13, Cripple Creek, Colo.

Fergus County Trades and Labor Council—Secretary, Henry Lynch, Lewistown, Mont.

Helena Trades and Labor Assembly—Secretary, W. W. Hillis, box 483, Helena, Mont.

Park City Trades and Labor Assembly—Secretary, W. A. Raddon, box 897, Park City, Utah.

District Union No. 3—Secretary, M. E. White, box 780, Denver, Colo.

District Union No. 10—Secretary, Geo. P. Morris, 305 Tenth ave, New York, N. Y.

Alamogordo Trades and Labor Assembly—Secretary, L. A. Hodges, Alamogordo, New Mexico.

Chicago Labor Assembly—Secretary, T. S. Mahoney, room 222, 52 S Halsted street, Chicago, Ill.

LOCAL UNIONS.

ARIZONA.

Globe Labor Union No. 306—Secretary, Manuel Escalante, box 192, Globe.

CALIFORNIA.

Bodie Labor Union No. 99—Secretary, T. R. Conway, Bodie.

Sequoia Union No. 274—Secretary, Marion A. Peterson, box 123, Tuolumne.

Crescent City Federal Labor Union No. 315—Secretary, James Brookfield, Crescent City.

Corning Labor Union No. 341—Secretary, S. A. Wheeler, box 135, Corning.

San Francisco Federal Labor Union No. 347—Secretary, Sadie M. Palmer, 225 Parrot Building, San Francisco.

Santa Barbara Federal Labor Union No. 349—Secretary, H. L. Matthews, 320 Anacapa street, Santa Barbara.

Newberg Federal Labor Union No. 379—Secretary, James L. Chatterton, Crescent City.

Smith River Labor Union No. 393—Secretary, Richard Johnson, Smith River.

Sisson Labor Union No. 402—Secretary, J. J. Summers, box 36, Sisson.

Santa Barbara Clerks' Union No. 405—Secretary, Chas. H. McCaleb, 327 Santa Barbara street, Santa Barbara.

Sonora Federal Union No. 429—Secretary, Alfred Terzich, box 435, Sonora.

Pacific Coast Musicians' Union No. 435—Secretary, Geo. Ehrman, Jr., 415 Grove street, San Francisco.

Alameda County Musicians' Union No. 446—Secretary, W. H. Ramsey, 414 Eleventh street, Oakland.

Wood Choppers' Union No. 447—Secretary, William Allen, San Andreas.

Actors' Alliance of America No. 474—Secretary, A. A. Friedlander, Crossley Building, San Francisco.

Colored Laborers' Union No. 484—Secretary, E. H. Johnson, 500 East street, Redding.

Standard Cement Workers' Union No. 489—Secretary, Josie Winkleman, Napa Junction.

CANADA.

White Cooks' & Waiters' Union No. 124—Secretary, Annie Pierce, Phoenix, B. C.

Culinary Employes' Union of West Kootenay No. 141—Secretary, A. B. Sloan, Nelson, B. C.

Phoenix Federal Labor Union No. 155—Secretary, John Riordan, box 58, Phoenix, B. C.

Grand Forks Federal Labor Union No. 231—Secretary, George Nye, Grand Forks, B. C.

Calgary General Laborers' Union No. 305—Secretary, Thos. Hood, box 435, Calgary, Alta, N. W. T.

Steam Engineers' and Electrical Workers' Union No. 342—Secretary, G. W. Beaumont, Nelson, B. C.

Moyie Labor Union No. 365—Secretary, P. F. Johnston, Moyie, B. C.

Marysville Workmen's Union No. 366—Secretary, John Coleman, Marysville, B. C.

Cranbrook Labor Union No. 367—Secretary, J. Miller, box 57, Cranbrook, B. C.

Creston Labor Union No. 368—Secretary, Arthur Okell, Creston, B. C.

Meadow Creek Labor Union No. 370—Secretary, Frank Gagnon, Meadow Creek, B. C.

Mill Workers' Union No. 372—Secretary, H. Harper, Cedar Cove, B. C.

Lakeside Union No. 373—Secretary, Emsley Wetherbil, Jaffray, B. C.

Wood Workers' Union No. 382—Secretary, Geo. Hargreaves, box 255, New Westminster, B. C.

Elk Union No. 383—Secretary, Geo. F. Crew, Elkmouth, B. C.

Revelstoke Federal Union No. 384—Secretary, J. J. Devine, Revelstoke, B. C.

Wood Workers' Union No. 410—Secretary, Robt Eccles, 80 Fourth st, Victoria, B. C.

Hack Drivers' Union No. 415—Secretary, C. Roskamp, 52 Kingston street, Victoria, B. C.

Civic Employes' Union No. 425—Secretary, Ben W. Bakes, care City Hall, Vancouver, B. C.

COLORADO.

Beer Drivers, Stablemen and Firemen's Union No. 60—Secretary, Louis Mayer, 2332 Eighth st, Denver.

Brewers, Maltsters and Coopers' Union No. 76—Secretary, Jos. Hoelzgen, 2347 Eighth st., Denver.

Telluride Federal Labor Union No. 104—Secretary, M. J. Sullivan, box 188, Telluride.

Silverton Federal Labor Union No. 118—Secretary, C. L. Hamilton, Silverton.

Firemen and Engineers' Helpers' Union No. 158—Secretary, M. E. Peterson, 2640 West Thirty-sixth ave, Denver.

Beer Bottlers and Bottle Drivers' Union No. 160—Secretary, Wm. J. Mauff, 935 Clark st, Denver.

Denver Butchers' Protective Union No. 162—Secretary, Sanford Levings, box 584, Denver.

Blacksmiths and Helpers' Union No. 163—Secretary, Wm. Farrell, 3053 West Twenty-sixth ave, Denver.

Grocery Employes' Union No. 167—Secretary, John Markley, box 780, Denver.

Golden Labor Union No. 174—Secretary, J. W. Walker, Golden.

Leadville Musicians' Protective Association No. 185—Secretary, John A. Volkert, 216 East Sixth st, Leadville.

Carriage and Hack Drivers' Union No. 206—Secretary, F. M. Peary, 1550 South Tenth st, Denver.

Denver Mattress and Bedding Makers' Union No. 208—Secretary, Geo. L. Bourman, 1820 Champa st, Denver.

Bartenders' Protective Association No. 215—Secretary, S. Berkowitz, care Fortune Club, Victor.

Cripple Creek Theatrical Stage Employes' Union No. 243—Secretary, F. E. Chilcott, box 518, Cripple Creek.

Boulder Federal Labor Union No. 247—Secretary, C. R. Larson, 623 Concord st, Boulder.

Denver Federal Labor Union No. 252—Secretary, E. A. Wiley, 2616 Dunkeld ave., North Denver.

Durango Building Trades Union No. 255—Secretary, Jos, E. Jackson, Durango.

Mesa County Musicians' Union No. 258—Secretary, D. W. Lowry, Grand Junction.

Cripple Creek District Laundry Workers' Union No. 259—Secretary, W. A. Sode, 328 E Bennett ave., Cripple Creek.

Grand Junction Federal Labor Union No. 267—Secretary, A. E. Pelton, 134 South Fifth st., Grand Junction.

Ouray Federal Labor Union No. 271—Secretary, H. A. McLean, Ouray.

Pueblo Mattress and Bedding Workers' Union No. 284—Secretary, Edgar W. Kohn, 802 West Fourteenth ave., Pueblo.

Brewery Workers' and Drivers' Union No. 299—Secretary, A. Olson, 209 South Mechanic st, Pueblo.

Pueblo Retail Clerks' Union No. 301—Secretary, Hattie A. McCarty, 311 West Eighth st, Pueblo.

Pueblo Meat Cutters and Butcher Workmen's Union No. 306—Secretary, Chas. Strickiett, 909 East Evans ave., Pueblo.

Montrose Federal Union No. 353—Secretary, O. C. Skinner, Montrose.

Confectioners' Association No. 375—Secretary, Lydia Jones, 3219 West Forty-fourth ave, Denver.

Delta Federal Labor Union No. 412—Secretary, W. M. Ash, Delta.

Federal Labor Union No. 418—Secretary, Isaac Kobez, box 212, Aspen.

Sterling Federal Union No. 444—Secretary, J. G. Schwalm, Sterling.

The Amalgamated Power Workers' Union of Denver and Vicinity No. 488—Secretary, R. G. Moser, box 467, Denver.

IDAHO.

Mullan Labor Union No. 62—Secretary, B. F. Tolbert, Mullan.

Lewiston Labor Union No. 83—Secretary, Wilmington M. Bryson, Lewiston.

Wallace Labor Union No. 150—Secretary, Fred W. Walton, box 202, Wallace.

Koootenai Union No. 228—Secretary, S. S. Nichols, box 237, Coeur d'Alene.

Sand Point Federal Labor Union No. 233—Secretary, Ernest Dwyer, box 206, Sand Point.

Hope Labor Union No. 238—Secretary, A. Peterson, box 122, Hope.

Harrison Federal Labor Union No. 253—Secretary, A. L. Hunting, box 182, Harrison.

Granite Lumberman's Union No. 313—Secretary, John Egan, Granite

Priest River Union No. 316—Secretary, Fred Jones, Priest River.

Princeton Federal Union No. 318—Secretary, A. M. Craig, Princeton.

Idaho Falls Federal Labor Union No. 330—Secretary, H. R. Clark, box 437, Idaho Falls.

Caldwell Federal Labor Union No. 338—Secretary, James Treanor, Caldwell.

Cataldo Federal Labor Union No. 478—Secretary, Jos. E. Eells, Cataldo.

Hattercreek Lumbermen's Union No. 498—Secretary, F. A. Lienhard, Princeton.

ILLINOIS.

United Tailors' Union of America No. 416—Secretary, Thos. Hrych, 208 West Twentieth st, Chicago.

Street Laborers and Excavators' Protective Union No. 423.—Secretary, M. M. Mahoney, 132 South Peoria st, Chicago.

United Street Pavers' of Chicago and Cook County Union No. 434—Secretary, August Dombrouski, 2291 Indiana st., Chicago.

Independent Musicians' Union of Illinois No. 450—Secretary, Geo. W. Frederick, 778 North Winchester ave, Chicago.

Chicago Federal Union No. 454—Secretary, M. C. Simkins, 659 Congress st., Chicago.

Brotherhood Steam Roller Engineers' No. 464—Secretary, Henry Campbell, 1416 South Ridgeway ave, Chicago.

Bohemian Musicians' Union No. 465—Secretary, Frank Y. Triska, 796 West Eighteenth st, Pilsen Sta., Chicago.

Millwrights and Machinery Erectors' Union of Chicago and Vicinity No. 486—Secretary, George Washington, 1227 W Forty-Seventh st., Chicago.

IOWA.

Davenport Labor Union No. 432—Secretary, C. E. Pingel, 524 Esplanade, ave, Davenport.

MASSACHUSETTS.

Grain Counter Workers' Union No. 261—Secretary, Jno. M. Donovan, box 338, Lynn.

Heel Workers' Union No. 263—Secretary, Richard R. Wyman, box 167, Lynn.

Heel Workers' Union of Rowley and Ipswich No. 282—Secretary, Perley L. Mu..en, box 177, Rowley.

Heel Workers' Union No. 401—Secretary, Jos. Canney, 7 Cummings st. Woburn.

Cut Sole Workers' Union No. 445—Secretary, Geo. Packard, 18 Caldwell Prescent, Lynn.

MICHIGAN.

Alpena Labor Union No. 449—Secretary, Chas. L. Johnson, 506 Dowason st., Alpena.

MISSOURI.

Custom Carriage and Wagon Workers' Union No. 29—Louis C. Erdman, 2607 South Broadway, St. Louis.

Dynamite Workers' Union No. 451—Secretary, Dan Isckite, Ashburn.

Hannibal Federal Union No. 455—Secretary, Frank Foster, 222 Division st, Hannibal.

Heel Makers' Union No. 467—Secretary, J. G. Brandt, 1921 Wright street, St. Louis.

Shoe Workers' Mixed Union No. 468—Secretary, ...r ...euller, 813 Chambers st, St. Louis.

Sole Leather Workers' Union No. 469—Secretary, James F. Roth, 6134 Ridge ave, St. Louis.

Lasters' Union No. 470—Secretary, J. E. Koch, 1950 Herbert street, St. Louis.

Inseamers, Rounders and Stitchers' Union No. 471—Secretary, Alex. Lim, 3941 North Twenty-Second st, St. Louis.

Shoe Cutters and Fitters' Union No. 472—Secretary, Jos. Mundlock, 4031 North Twenty-Fifth st, St. Louis.

Boot and Shoe Edge Trimmers and Setters' Union No. 473—Secretary, Archie Lawrence, 1738 O'Fallen st, St. Louis.

Custom Shoe Makers and Repairers' Union No. 475—Secretary, H. H. Jobe, 1208 Park ave, St. Louis.

MONTANA.

Hotel and Restaurant Employes' Union, No. 2—Meets every Wednesday evening 34 North Main Street. Secretary, A. G. Cooper, box 900, Butte.

Cooks and Waiters' Union, No. 3—Meets every second and fourth Monday evenings Dewey Hall. Secretary, Chester Warner, General Delivery, Anaconda.

Laundry Workers' Union, No. 4—Meets every second and fourth Tuesday evenings Pioneer Hall. Secretary, Harry Meyers, box 962, Butte.

Butte Workingmen's Union, No. 5—Meets every Friday evening at 121 North Main street. Secretary, George H. Charlesworth, box 906, Butte.

Bakers' Union, No. 7—Meets first and third Saturday afternoons, 34 North Main Street. Secretary, J. W. Lamberton, 106 North Montana, Butte.

Butte Clerks' Protective Union, No. 12—Meets every Monday evenings K. of P. Hall. Secretray, Harry Lambrecht, box 782, Butte.

Butte Teamsters' Union, No. 15—Meets every Saturday evening, 121 North Main Street. Secretary, Mack Hendricks, box 1114, Butte.

Huson Labor Union, No. 16—Meets every first and third Sunday afternoons at Glande's Hall. Secretary, E. S. Ordway, Huson.

Federal Labor Union, No. 18—Meets every Saturday evening at A. O. U. W. Hall. Secretary, Frank Bolton, box 684, Great Falls.

Butte Barbers' Protective Union, No. 21—Meets every Monday evening at 34 North Main Street. Secretary, G. H. Ellis, box 124, Butte.

Anaconda Butchers' Union, No. 22—Meets every second and fourth Wednesday evenings at Mattie Hall. Secretary, Frank Pahl, box 67, Anaconda.

Anaconda Barbers' Protective Union, No. 23—Meets first and third Friday evenings at Mattie Hall. Secretary, W. J. Hicks, box 92, Anaconda.

Shoemakers' Union, No. 24—Meets first Thursday evening at 207 East Park Avenue. Secretary, Albert Klein, 308 East Park Avenue, Anaconda.

Shoemakers' Union, No. 27—Secretary, John A. Sjoblon, 29 South Main street, Butte.

Anaconda Clerks' Union, No. 35—Meets first and third Friday evenings at A. O. U. W. Hall. Secretary, E. J. Hanson, box 441, Anaconda.

Nine Mile Union, No. 41—Meets second and fourth Sunday afternoons. Secretray, F. F. Proebstel, Stark.

Missoula Federal Labor Union, No. 43—Meets every Tuesday evenings at Union Hall. Secretary, Charles E. Dodge, box 3, Missoula.

Big Blackfoot Lumbermen's Union, No. 47—Meets every second and fourth Saturday evenings at Masonic Hall. Secretary, H. A. Lasher, box 105, Bonner.

Clinton Federal Labor Union, No. 48—Meets second and fourth Saturday evenings at Union Hall. Secretary, L. E. Arwood, Clinton.

Superior Labor Union, No. 49—Meets every second Sunday afternoon. Secretary, James Rogers, Superior.

St. Regis Lumbermen's Union, No. 50—Meets every Sunday afternoon. Secretary, G. H. Edson, St. Regis.

Quartz Labor Union, No. 57—Meets every second Sunday afternoon. Secretary, N. J. McIntyre, Quartz.

Butte Brewers' Union, No. 80—Meets first and third Saturday evenings at 17 West Broadway. Secretary, Christ Trapp, box 1425, Butte.

Lothrop Lumbermen's Union, No. 108—Meets every Wednesday evening at Union Hall. Secretary, Charles Primalle, Lothrop.

Hamilton Federal Labor Union, No. 109—Meets every Saturday evening at Funger's Hall. Secretary, Harry South, Hamilton.

Hotel and Restaurant Employes' Union, No. 126—Meets second and fourth Tuesday evenings at Hibernian Hall. Secretary, Jerry Larson, box 1045, Helena.

Butte Bartenders Protective Union, No. 127—Secretary, James Lynch, Montana Club Saloon, Butte.

Billings Federal Labor Union, No. 133—Meets every Thursday evening at Union Hall. Secretary, E. M. Nelson, Billings.

Bonita Federal Labor Union, No. 135—Meets second and fourth Sunday afternoons at Bonita Hall. Secretary, C. J. Dougherty, Bonita.

Billings Barbers' Protective Union, No. 137—Meets first and third Wednesday evenings at O. K. Barber Shop. Secretary, L. H. Arnold, Billings.

Anaconda Bakers' Union, No. 142—Meets second and fourth Saturday afternoons at 515 Cherry Street. Secretary, Louis Moughtin, 504 East Commercial Avenue, Anaconda.

Tin, Sheet Iron and Cornice Workers' Union, No. 143—Meets second and fourth Tuesday evenings at Carpenters' Hall. Secretary, J. C. Moebus, 811 Front Street, Butte.

Blacksmiths and Helpers' Union, No. 144—Meets third Saturday evening at St. Jean Building. Secretary, J. J. Keig, 504 East Commercial Avenue, Anaconda.

Columbus Federal Labor Union, No. 145—Meets second and fourth Monday evenings at Woodmen's Hall. Secretary, John McLain, Columbus.

Women's Protective Union, No. 148—Meets every Thursday evening at Engineers' Hall. Secretary, Frances Calvin, box 1063, Butte.

Butte Office Employes' Union, No. 149—Meets every Wednesday evening at 34 North Main Street. Secretary, Gertrude Pierce, box 1196, Butte.

Lewistown Labor Union, No. 156—Meets every Wednesday evening at Electric Building. Secretary, J. W. Stoner, box 34, Lewistown.

Deer Creek Labor Union, No. 161—Meets every Tuesday. Secretary, Allan McClain, De Borgia.

Helena Barbers' Union, No. 170—Meets first and third Tuesday evenings at Helena Hotel Barber Shop. Secretary, C. C. Morton, 112 Grand Street, Helena.

Beer Drivers and Bottlers' Union, No. 171—Meets second and fourth Wednesday evenings at 17 West Broadway. Secretary, Herman Myers, box 1258, Butte.

Kalispell Federal Labor Union, No. 175—Meets every Thursday evening at Elks' Hall. Secretary, L. A. D. Stanton, Kalispell.

Teamsters and Drivers' Union, No. 177—Meets every Friday evening at Turner Hall. Secretary, H. I. Deal, box 1319, Helena.

Great Falls Barbers' Protective Union, No. 179—Meets first and third Monday evenings at 120 Central Avenue. Secretary, C. L. Worth, 13 Second Street South, Great Falls.

Butte Hackmen's Protective Union, No. 185—Meets second and fourth Monday evenings at 17 West Broadway. Secretary, John Barry, box 122, Butte.

Teamsters and Stablemen's Union, No. 190—Meets second and fourth Tuesday evenings at Union Hall. Secretary, T. A. Sweeney, box 383, Anaconda.

Women's Protective Union, No. 192—Meets first Thursday evening at Dewey Hall. Secretary, Amy Nesbitt, 321 East Third Street, Anaconda.

Bitter Root Lumbermen's Union, No. 198—Meets every Wednesday evening. Secretary, Wm. J. Fowler, Victor.

Helena Federal Labor Union, No. 199—Meets every Monday evening at Atlas Block. Secretary, Carl J. Mackey, box 1026, Helena.

Hotel and Restaurant Employes' Union, No. 204—Meets second and fourth Friday evenings at B. of L. F. Hall. Secretary, J. H. Downey, box 57, Missoula.

White Fish Lumbermen's Union, No. 205—Meets second and fourth Saturday evenings at I. O. O. F. Hall. Secretary, Duncan McBain, Columbia Falls.

Hack and Cab Drivers' Union, No. 218—Secretary, Eugene Wenzler, box 1124, Helena.

Helena Bartenders' Protective Union, No. 221—Meets second Tuesday afternoon at A. O. H. Hall. Secretary, A. B. Donnelly, 200 South Main Street, Helena.

Missoula Stationary Engineers' Union, No. 223—Meets first and third Wednesday evenings at Firemen's Hall. Secretary, S. W. Brandt, Missoula.

Billings Laundry Workers' Union, No. 225—Meets first and third Friday evenings at 101 North 26th Street. Secretary, P. A. Kibb, Billings.

Helena Laundry Workers' Union, No. 229—Meets first and third Tuesday evenings at Union Laundry. Secretary, George E. Hoskinson, 116 Broadway, Helena.

Missoula Barbers' Protective Union, No. 239—Meets first and third Tuesday evenings at Florence Barber Shop. Secretary, George Bremer, Western Montana Bank Building, Missoula.

Hand and Machine Sheep Shearers' Union No. 275—Meets annually at headquarters. Secretary-Treasurer, R. C. Smith, box 1067, Butte.

Victor Lumbermen's Union, No. 279—Meets first and third Sunday afternoons at A. O. U. W. Hall. Secretary, H. R. Prento, Victor.

Hotel and Restaurant Employes' Union, No. 285—Meets Wednesday evenings at A. O. U. W. Hall. Secretary, Ed D. Griffith, box 167, Great Falls.

Great Falls Stablemen's Union, No. 286—Meets first and third Monday evenings at Room 19, Phelps Block. Secretary, George Kinner, Great Falls.

Blodgett Creek Union, No. 287—Meets every Saturday evening at Union Hall. Secretary, Joseph B. Blodgett, Hamilton.

Farmers' Union, No. 298—Meets first and third Saturday afternoons. Secretary, Oscar A. Toombes, Missoula.

Marysville Federal Labor Union, No. 312—Meets every Friday evening at Mountaineer Hall. Secretary, W. A. Schlater, Marysville.

Alta Placer Miners' Union, No. 312—Secretary, J. E. Wilson, Alta.

Telephone Operators' Union, No. 317—Meets first Monday evening at Room 136 Pennsylvania Building. Secretary, Alma Tremewan, 102 Sutter Street, Butte.

Stevensville Farmers' Union No. 336—Meets first and third Saturday afternoon at Bitter Root Hall. Secretary, W. B. Faulds, Stevensville.

Butte Elevator and Bell Boys' Union, No. 340—Meets every Wednesday evening at Room 136 Pennsylvania Building. Secretary, Daniel A. MacMillan, 611 West Silver Street, Butte.

Great Falls Butchers' Union, No. 340—Secretary, Paul Auerbach, box 112, Great Falls.

Anaconda Workingmen's Union, No. 345—Meets every Tuesday evening at Carpenters' Hall. Secretary, J. H. Schwend, 512 Washington Street, Anaconda.

Butte Messenger and Pin Boys' Union, No. 350—Meets every Thursday evening at Room 136 Pennsylvania Building. Secretary, Roy Michaud, South Butte Postoffice.

Frenchtown Farmers' Union, No. 351—Secretary, L. C. Tuott, Frenchtown.

United Wood Workers' of America, No. 354—Meets first and third Monday evenings at Union Hall. Secretary, J. C. Shevalier, Missoula.

Burr Creek Union, No. 356—Secretary, Arnold Clifton, Victor.

Anaconda Street Car Employes' Union, No. 360—Meets second and fourth Thursday evenings. Secretary, A. J. Shankin, 723 W. 6th Street, Anaconda.

Helena Butchers' Union, No. 371—Meets first and third Tuesday evenings at Atlas Block. Secretary, Charles Hageman, Jr., box 1170, Helena.

Deer Lodge County School Teachers' Union, No. 380—Secretary, I. N. Eaton, 507 Oaks Street, Anaconda.

Woodside Farmers' Union, No. 386—Meets first and third Saturday evenings at Fair Play School House. Secretary, C. J. Moore, Woodside.

Billings Blacksmiths' Union, No. 392—Meets first and third Wednesday evenings at 15 North 27th Street. Secretary, W. J. Stoddard, 102 South 27th Street, Billings.

Mechanics' Union, No. 397—Meets second Monday evening. Secretary, G. W. Harper, Columbus.

Great Falls Expressmen's Union, No. 409—Meets last Tuesday evening at Phelps Hall. Secretary, H. E. Thode, 910 Central Avenue, Great Falls.

Bozeman Trades and Labor Union, No. 419—Meets every Thursday evening at I. O. O. F. Hall. Secretary, Wm. Pepworth, box 632, Bozeman.

Great Falls Laundry Workers' Union, No. 421—Meets first and third Wednesday evenings at Griffith's Hall. Secretary, W. H. Meadows, 809 6th Avenue, South, Great Falls.

Potomac Farmers' Union, No. 443—Meets second and fourth Saturday evenings at Rinquette Hall. Secretary, Pat Hayes, Potomac.

Porters and Bootblacks' Union, No. 476—Secretary, J. Wilds, 416 South Main Street, Butte.

Butte Newspaper Carriers' Union, No. 480—Meets second and fourth Thursday evenings at Old Masonic Hall. Secretary, Sydney Hoar, 824 N. Montana Street, Butte.

Darby Lumbermen's Union, No. 481—Secretary, J. D. Tanner, Darby.

Rock Creek Farmers' Union, No. 483—Meets last Saturday evening at School House in Valley District. Secretary, G. W. Dawson, Red Lodge.

Havre Team Owners' Union, No. 490—Secretary, A. G. Staton, Havre.

Tony and Linley Farmers' Union, No. 491—Secretary, J. W. Hutton, Pony.

Red Lodge Creek Farmers' Union, No. 492—Secretary, E. W. Draper, Red Lodge.

East Rosebud Farmers' Union, No. 494—Secretary, P. C. Dean, Morris.

Fishtail Farmers' Union, No. 495—Secretary, D. F. Cushing, Fishtail.

Poverty Flat Farmers' Union, No. 496—Secretary, E. J. Grewell, Joliet.

Clarke's Fork Farmers' Union, No. 499—Secretary, B. F. Womsley, Bridger.

NEBRASKA.

Hod Carriers and Building Laborers' Union, No. 437—Meets every Tuesday evening at Labor Temple. Secretary, P. Gallagher, 310 N. 27th Avenue, Omaha.

Omaha Federal Union, No. 479—Meets second and fourth Friday evenings at Metropolitan Hall. Secretary, F. H. Alexander, 627 South 17th Avenue, Omaha.

NEW JERSEY.

Musicians' Cooperative Union, No. 273—Meets second and fourth Friday mornings at 375 Central Avenue, Jersey City. Secretary, Louis Schaefer, 314 Union Street, Union, New Jersey.

Musicians' Union of Passaic County, No. 431—Meets second Sunday morning at 286 Straight Street. Secretary, S. J. Mustol, box 1433, Paterson.

NEW MEXICO.

Raton Federal Labor Union, No. 426—Meets Sunday afternoons at Redmen's Hall. Secretary, J. B. Rause, Raton.

Alamogordo Federal Union, No. 441—Secretary, J. T. Waddell, Alamogordo.

NEVADA.

Tonopah Labor Union, No. 224—Meets every Monday evening at Miners' Union Hall. Secretary, J. W. Douglass, box 423, Tonopah.

Lyon and Ormsby County Labor Union, No. 323—Meets every Saturday evening. Secretary, Andrew Todd, Empire.

Storey County Labor Union, No. 329—Meets every Wednesday evening at Miners' Union Hall. Secretary, J. C. Dewarr, Virginia City.

Ormsby County Mechanics' Union, No. 361—Secretary, F. A. Cushing, Carson City.

Carson City Labor Union, No. 362—Meets second and fourth Saturday evenings. Secretary, W. Kayser, box 435, Carson City.

NEW YORK.

Stationary Firemen's Union of Greater New York, No. 290—Meets first and third Tuesday evenings. Secretary, John J. Gallagher, 1502 Second Avenue, New York.

Electrical Engineers' Union, No. 308—Meets first and third Monday evenings at 420 Hudson Street. Secretary, Patrick Mullin, 61 W. 11th Street, New York.

German Engineers' Union, No. 334—Meets second and fourth Tuesday evenings at 2118 Second Avenue. Secretary, Otto Seegert, 121 W. 105th Street, New York.

Ticonderoga Federal Union, No. 453—Secretary, Wm. Thomas, Ticonderoga.

Garment Cutters' Association, No. 466—Meets every Wednesday evening at 98 Forsythe Street. Secretary, Charles W. Lifschitz, 1528 Brook Avenue, New York.

NORTH CAROLINA.

Charlotte Labor Union, No. 430—Secretary, W. H. Hall, Charlotte.

OHIO.

Cincinnati Union of Steam Engineers, No. 276—Secretary, August Oster, 1065 Wade Street, Cincinnati.

OKLAHOMA TERRITORY.

Oklahoma Federal Labor Union, No. 442—Meets every Friday evening at Flood's Hall. Secretary, G. M. Zimmer, Oklahoma City.

Wanette Labor Union, No. 497—Secretary, W. W. Reid, Wanette.

OREGON.

Grants Pass Federal Labor Union, No. 326—Secretary, M. W. Robbins, Grants Pass.

Eugene Federal Labor Union, No. 381—Meets Monday evening. Secretary, W. Secretary, A. S. Kaufman, Eugene.

Columbia Federal Labor Union, No. 440—Secretary, Charles C. C. Rosenberg, box 29, Astoria.

Workingmen's Industrial Union, No. 452—Meets third Monday evening. Secretary, W. Noffke, 353 16th Street, South Portland.

PENNSYLVANIA.

German Waiters' Union, No. 493—Secretary, Charles Beckman, care R. Kolle, 240 New Street, Philadelphia.

SOUTH DAKOTA.

Lead Barbers' Union, No. 193—Meets second Thursday. Secretary, Carl Titze, Lead.

Sturgis Labor Union, No. 147—Meets first and third Tuesdays. Secretary, Elmore Welsh, Sturgis.

Deadwood Federal Labor Union, No. 283—Meets every Wednesday evening at Society Hall. SEcretary, A. M. Balderson, box 795, Deadwood.

TEXAS.

Garment Workers' Union of El Paso, No. 427—Meets Odd Fellows' Hall or Masonic Temple. Secretary, Clarence Ruff, box 245, El Paso.

Spindle Top Oil and Gas Workers' Union, No. 477—Secretary, E. E. Cundy, Guffey.

UTAH.

Park City Retail Clerks' Union, No. 353—Meets every Friday evening at Clerks' Hall. Secretary, Miss Agnes Harrington, box 311 Park City.

Carpenters' Union, No. 360—Meets first and third Wednesday evenings at Miners' Union Hall. Secretary, W. M. Campbell, box 722, Park City.

Barbers' Protective Union, No. 376—Meets first Wednesday evening at Aubrey & McLaughlin's Barber Shop. Secretary, F. D. Aubrey, box 134, Park City.

Bartenders' Protective Union, No. 377—Meets first Thursday evening. Secretary, Peter Clark, box 298, Park City.

Park City Teamsters' Union, No. 378—Meets first and third Saturday evenings at Masonic Hall. Secretary, Isaiah Sutherland, box 266, Park City.

Park City Federal Union, No. 385—Meets every Thursday evening in basement Park City Water Co. Secretary, Frank Gillespie, box 696, Park City.

Bingham Federal Union, No. 428—Secretary, Dan Fitzgerald, Bingham Canyon.

American Labor Union of Musicians, No. 487—Secretary, R. C. Lundy, Ogden.

WASHINGTON.

Spokane Brewers' Union, No. 56—Meets first and third Saturday evenings at Central Labor Hall. Secretary, G. F. Ischi, box 804, Spokane.

Eureka Labor Union, No. 98—Meets second and fourth Wednesday evenings at Montana Hall. Secretary, Thomas F. Barrett, Republic.

Teamsters and Team Owners' Union, No. 101—Secretary, Wm. V. Arnold, 2017 14th Street, Spokane.

Spokane Federal Labor Union, No. 222—Meets every Thursday evening at Central Labor Hall. Secretary, Elmer E. Horton, Central Labor Hall, Spokane.

Hack, Bus and Transfer Drivers' Union, No. 245—Meets first and third Sunday evenings at Central Labor Hall. Secretary, John S. Mahoney, care Club Cafe, Spokane.

Retail Clerks' Union, No. 274—Meets every Thursday evening at Fraternal Brotherhood Hall. Secretary, John F. Brill, box 1001, Spokane.

Milan Federal Union, No. 311—Meets every Sunday forenoon at Coughlon's Hall. Secretary, Gus L. B. Smith, box 145, Milan.

United Steam Fitters, Helpers, Plumbers, Laborers and Shopmen's Union, No. 321—Meets second and last Friday evenings at Central Labor Hall. Secretary, F. E. Murray, W. 3514 2nd. Avenue, Spokane.

Freeman Federal Labor Union, No. 325—Secretary, Lloyd Frasure, box 66, Freeman.

Spokane Stablemen's Union, No. 331—Meets at Cooks Hall, Howard Street. Secretary, J. Banks, care Star Stables, First Avenue, Spokane.

Newport Lumbermen's Union, No. 332—Secretary, D. Darby, Newport.

Clarkston Workingmen's Union, No. 350—Secretary, L. S. Lahm, Clarkston.

Blacksmiths and Helpers' Union, No. 417—Meets second Friday evening at G. A. R. Hall. Secretary, Otto Nejely, South Tacoma.

Palouse Federal Labor Union, No. 422—Meets every Thursday evening at Redmen's Hall. Secretary, L. S. Carroll, Palouse.

Steam and Electric Hoisting and Pile Driver Engineers' Union, No. 485—Secretary, Arthur Friends, University Station, Seattle.

WEST VIRGINIA.

Fairview Federal Union, No. 448—Meets every Monday evening at I. O. O. F. Hall. Secretary, L. J. Myers, Amos.

Oil and Gas Workers' Union, No. 457—Located at Bula, W. Va.—Secretary, Lee R. Ammons, Amos.

Oil and Gas Workers' Union, No. 458—Secretary, A. M. Crawford, Adaline.

Oil and Gas Workers' Union, No. 459—Located at Falsom, W. Va.—Secretary, Lee R. Ammons, Amos.

Oil and Gas Workers' Union, No. 460—Meets first and third Wednesday evenings at Odd Fellows' Hall. Secretary, C. L. Chisler, Amos.

Oil and Gas Workers' Union, No. 461—Located at St. Joseph, W. Va.—Secretary, Lee R. Ammons, Amos.

Oil and Gas Workers' Union, No. 462—Secretary, F. L. Hasting, Mannington.

WYOMING.

Laramie Federal Labor Union, No. 181—Meets every Tuesday evening at 115 Second Street. Secretary, Louis Marquardt, Laramie.

RIGHT TO BOYCOTT IS SUSTAINED

(Continued From Page One.)

minister the laws of the state, and, of course, can do nothing by way of judicial sentence which the general assembly has no power to sanction. The matter is too plain for detailed illustration."

And in the argument of the case before the courts, the attorney for defendant held that under Section 10 of Article 3 of the Constitution of Montana there was no distinction, and that said action authorized no difference to be made by the courts or legislatures between a proceeding set on foot to enjoin the publication of a libel, and one to enjoin the publication of any other sort or nature, however injurious it may be, or to prohibit the use of free speech, free writing or free puublication on any subject whatever,: because, wherever the authority of injunction begins, there the right of free speech, free writing, or free publication ends. No halfway house stands on the highway between absolute prevention and absolute freedom.

The further contention of the attorney for defendants was htat it did not change the complexion of this case by reason of the complaint alleging that the defendants and each of them is without means, and has no property over and above the exemption allowed by law; wherefrom the plaintiff might secure satisfaction for the damages resulting to him from the acts complained of. The constitution is no respector of persons. The impecunious man "who hath not where to lay his head" has as good right to free speech, free writing and free publication as the wealthiest man in the community. The right to enjoin in the former's case is precisely the same as in the latter's—no greater and no less. In short the exercise of the right of free speech, free writing or free publication is as free from outside interference or restriction as if no civil recovery could be had or punishment inflicted because of its unwarranted exercise.

And the action of the court being taken as indicating the extent of the decision, the full import thereof would mean that the Silver Bow Trades and Labor Assembly Unions or any other union have the right to display banners and to use all reasonable and fair means to bring other people within their ranks so long as there are no threats or intimidation used against the person or property of the man who they are asking to do justice to labor.

WORLD'S FAIR RATES VIA DENVER & RIO GRANDE.

Butte to St. Louis and return..$47.50
Butte to Chicago and return... 52.50
Butte to St. Louis, returning via Chicago, or vice versa..... 53.75

Tickets on sale every Tuesday, May to October, inclusive, and June 9, 10 and 11; final limit three months. Stopovers allowed in both directions.

See Salt Lake City, Denver and the famous scenery of Colorado.

Denver & Rio Grande City Ticket Office, 51 East Broadway, Butte.

G. W. FITZGERALD,
General Agent.

DRAMATIC SCENES IN COLORADO

(Continued from Page Two.)

Mr. Waldron asked that the bailiff be requested to keep the audience quiet while Mr. Moyer was taken from the court room. The spectators all remained seated as Mr. Moyer was marched out in the custody of General Bell and Captain Wells, and the court was then adjourned, subject to call.

The answer, a portion of which follows, was presented to the court:

"The military authorities became fully satisfied that the petitioner, Charles H. Moyer, if discharged from arrest would continue to be an active participant in keeping alive the condition of insurrection set forth in the executive order, and is a prominent leader of the bands of lawless men engaged in the crimes mentioned in said proclamation and orders in the county of San Miguel; and that in order to accomplish the suppression of the state of rebellion it is, in the judgment of the said governor and the undersigned, absolutely necessary for some time to come to restrain the body of Charles H. Moyer by the National Guard of the state.

"That animated solely by desire to properly discharge the duties and authority in him vested, the undersigned caused the arrest of said Moyer in San Miguel county on the 29th of March, 1904, and does not detain him upon grounds of duty and authority conferred and enjoined upon the undersigned.

"That it is the intention of the undersigned to release the person of Moyer from military arrest as soon as the same can be safely done, and then to surrender him to the civil authorities to be dealt with in the ordinary course of justice. The exigencies of the military situation in San Miguel county imperatively require the further detention of the person of the prisoner to prevent him from lending aid and instruction to lawless persons in further prosecution of the acts constituting a state of rebellion, and that the ends of public justice, and the restoration of public tranquillity require that the reasonable further detention of Moyer shall in no wise be interfered with by the writ of habeas corpus or other judicial writ whatsoever.

"That the uninterrupted exercise of the military in San Miguel county, unimpeded for the time being by any judicial interference, for the accomplishment of the suppression of the rebellion, is indispensable.

"That the governor of Colorado has issued orders to the undersigned not to surrender the military custody during the existence and continuing condition of affairs in San Miguel county, either upon writ of habeas corpus or otherwise, until so commanded by him.

"That the respondent, Bulkeley Wells, is a subordinate officer, whose acts in the premises with reference to Moyer have been by virtue of the express commands of the undersigned.

"Wherefore the undersigned respondent respectfully prays that this honorable court shall take no further cognizance in the matter of said writ of habeas corpus save and except to quash and hold the same for naught.

(Signed) SHERMAN BELL.

Attorney E. F. Richardson, in behalf of Mr. Moyer, presented the answer to the return of Sherman Bell and Bulkeley Wells, which in part follows:

"First—That the return upon its face fails to state facts constituting any answer to the writ of habeas corpus.

"Second—That the return is wholly insufficient in law to constitute any justification whatsoever, either for the arrest, imprisonment, detention or further detention of the petitioner.

"Third—That upon the face of the return the petitioner is entitled to his discharge.

"Fourth—That neither the governor of the state nor the respondents are under any circumstances appearing upon the face of the papers in this proceeding, either authorized to arrest or continue to detain the body of the petitioner.

Fifth—That there exists no power in the governor or in Bell or Wells to suspend the privilege of the writ of habeas corpus.

Sixth—That for the reason that no authority is shown which authorizes the detention of the prisoner, he is entitled to the privilege of the writ and his discharge.

"Seventh—The petitioner denies that on the 23rd of March, 1904, or any other time there has been a state of insurrection, either against the government or constitution or laws of Colorado, in San Miguel county. On the contrary, the petitioner avers that the county was in a state of peace. That shortly before an organization called the Citizens' Alliance of Telluride was brought into existence by certain mine owners, mine operators, merchants, bankers, liquor dealers and gamblers, for the purpose of controlling the miners of that county, in violation of law, and in the supposed interests of the said organizers, and to that end they organized themselves into a mob, shortly before said date, and had deported about seventy men theretofore miners in that county.

"That these miners announced their intention of returning peaceably to their homes in the county, and that to that end they would resist any further interference with their persons, and would resist any attempts at their deportation, but that their mission in returning was one of peace, and no force whatever would be used by them except in defense of their persons from attack by the said mob. Thereupon certain members of the mob, whose names are signed to the alleged petition to the governor, made the representations set forth in the return, which were a part of the plan of action agreed upon by the Citizens' Alliance, for the purpose of controlling the labor situation; that all the proceedings were part of a conspiracy of the members of the Alliance.

"Eighth—That as to what the said respondent Bell may belive, either in good faith or otherwise, this petitioner is not informed, but he avers that he is not responsible therefor, and has not, nor would he continue to be an active participant in fomenting any condition of rebellion. On the contrary, he has at all times been a law-abiding citizen and conducted himself at all times and in all places in strict conformity to the laws of the land, and has advised, in his capacity as president of the Western Federaton of Miners that no act of lawlessness occur upon the part of any member of the Federation to the end that no reflection might be cast upon that organization as other than a law-abiding, peaceable, conservative and order-loving organization, for the purpose of bettering the social and financial conditions of its various members. The petitioner avers that his incarceration is in violation of the law of the land, of the constitution of the United States and of the state of Colorado.

"Ninth—He denies that his detention is essential to public justice or to the restoration of public tranquility, or to the suppression of any state of insurrection, but denies that such state exists, but whether it does or not, he avers is wholly immaterial, since the governor, nor the respondents, have any power whatsoever over the writ or the suspension of its privileges.

"Tenth—This petitioner denies that the uninterrupted exercise of the military force of the state in San Miguel county is at all necessary, denies that they should be unimpeded by any judicial interference. On the contrary, the petitioner avers that the military force under the command of the governor and of the respondents is acting in violation of the constitution and statutes of the state, is declaring that it is superior to the civil authorities, and is authorzed to act in contravention of that power, and that said power is in subordination to it. That it is violating the rights of your petitioner under the constitution of the United States and the constitution of the state of Colorado.

"Wherefore, having fully answered and replied to the said answer and return, your petitioner prays here and now moves the court upon the face of said answer and return, that he be discharged from the custody of the respondents."

At 12:30 p. m. April 26, the supreme court handed down its decision to deny Charles H. Moyer's application for bail pending the consideration of the merits of the case instituted on his petition.

"Merely the matter of bail was considered by the court, said Chief Justice Gabbert, as he came down the corridor on his way to luncheon. All other questions in the case will be considered after counsel present them on May 5."

Here is the decision in full:

In the matter of the petition of Charles H. Moyer for the writ of habeas corpus.

Upon the return day of the writ, and pursuant to its commands, the respondents named in the writ produced the body of the petitioner. Upon the same day Sherman M. Bell, as brigadier general and adjutant general of the state, made return to the writ, and therewith filed objections to the further exercise of jurisdiction by the court. From the return it appears that on the 23d day of March, 1904, the governor of the state, by his proclamaton, proclaimed and declared the county of San Miguel to be in a state of insurrection and rebellion.

That immediately after the issuance of the proclamation the governor commanded the respondent to forthwith proceed to the county of San Miguel with such portion of the National guard of the state as might be deemed essential, and to use such means as might be deemed necessary for the restoration of peace in said county, and for the effectual suppression of the insurrection and rebellion; that, pursuant to the command of the governor, he proceeded to the county of San Miguel with a portion of the National guard of the state; that after his arrival at the county seat of San Miguel county he became satisfied and convinced that the said Moyer was a prominent leader of bands of lawless men engaged in acts of insurrection and rebellion, and that so believing he caused the arrest and detenton of said Moyer; that in his judgment, in order to prevent the said Moyer from lending aid, comfort and direction to the lawless persons now engaged in rebellion in said county, and in order to restore public tranquility, it is absolutely necessary to detain said Moyer and restrain him of his liberty. That as the officer in command of the National guard, now on duty, he detains the said Moyer, and that he has been commanded by the governor of the state not to surrender or release the said Mayer during the existing condition of affairs in said county, either upon writ of habeas corpus or otherwise, until further orders.

Governor Confirms Facts.

Attached to the return is a certificate of the governor, in which he states that the facts contaned in the return are true, and that the arrest and detention of said Moyer were effected under his direction as governor and commander-in-chief of the National guard of the state, and that in his judgment the continued retention of the person of said Moyer is a necessary and essential step in the restoration of public peace and order and the suppression of the existng state of insurrection and rebellion in said county.

When the return was presented the attorney for the petitioner requested that the date for the hearing upon the merits be fixed by the court within five days from the return of the writ, in accordance with section 2108, Mills' Annotated Statutes; and stated that unless the cause should be set within days the petitoner desired to be admitted to bail. The application for bail is resisted by the governor upon the ground that as, in his judgment, the detention of the petitioner is a military necessity, the court is without authority in the premises.

Our authority to issue the writ is derived from the constitution, and not rom the statute; and when this court in the exercise of its original jurisdiction issues the writ, the practice is governed, not by the statute, but by the rules of the court. By the adjudicated cases it is held that upon the return of the writ the original custody terminates and that the prisoner is then in the custody of the court, and that pending the hearing the court may in its discretion admit him to bail or remand him to the officer who had him in charge, or make such order in the case as shall be deemed proper.

Mr. Justice Swayne, speaking for the supreme court of the United States, in the case Barth vs. Clise, reported in 12Wallace at page 400, said: "By the common law, upon the return of a writ of habeas corpus and the production of the body of the party suing it out, the authority under which the orignal commitment took place is superceded. After that time, and until the case is finally disposed of, the safe keeping of the prisoner is entirely under the control and direction of the court to which the return is made. The prisoner is detained, not under the original commitment, but under the authority of the writ of habeas corpus. Pending the hearing he may be bailed de die in diem, or be remanded to the jail whence he came, or be committed to any other suitable place of confinement under the control of the court. He may be brought before the court from time to time by its order until it is determined whether he shall be discharged or absolutely remanded."

The rules announced in the cases cited are probably not applicable to cases like the present, where the executive head of the government, at the time of the return, questions the jurisdiction of the court and states that he holds the petitioner by virtue of his authority under the constitution as the commander-in-chief of the National guard. And we are required at this time to assume further jurisdiction or to hold the question of jurisdiction in abeyance by remanding the petitioner to the custody of the respondents. We have undoubted authority to issue the writ in the first instance, but whether our jurisdiction continues depends upon circumstances. In the case at bar the respondent declares that he detains the petitioner as a military necessity, and that he has been commanded by the governor to not surrender the petitioner, either upon writ of habeas or corpus or otherwise. The question, then, as presented by the return, is: Can the governor, under the constitution, and under the condition shown to exist, declare martial law and as incident thereto suspend the writ of habeas corpus? If the constitution authorizes the governor so to do, then we have no further jurisdiction. If the power to declare martial law and to suspend the privileges of the writ of habeas corpus is confined by the constitution to the legislature, the governor is without authority to detain the petitioner, and we have jurisdction to discharge him.

Federal Lnion, No. 311, Milan, Wash., has elected Frank E. Brooks president, and Gus L. E. Smith, financial secretary. They have changed the date of meeting to 10 a. m. Sundays.