

APPEALS BILL PROVOKES DEBATE

MEASURE RELATING TO PROCEDURE IN CRIMINAL CASES ASSAILED BY LONG.

MANY BILLS INTRODUCED

Montana State Senate in Committee of the Whole Acts Favorably Upon Several Measures Reported to It—Act Providing Relief for Family of Deputy Peyton Approved.

Special to The Daily Missoulian.

Helena, Jan. 19.—While both the senate and house sessions were largely devoted to routine business today, there was some interest in the higher branch by reason of a debate between Long and Meyer over the bill introduced by the latter, relating to appeals in criminal trials.

Relating to stock in co-operative associations; submitting to the voters at the next general election a constitutional amendment relating to the tax levy, which will provide sufficient revenues for the conduct of the government; authorizing the employment of a stenographer by the state treasurer at \$1,200 a year; providing relief from the fish and game fund for the family of Deputy Peyton, who was killed while in the performance of his duty; relative to the removal of mortgaged property from the county in which situated, and relating to commission merchants.

One bill was introduced by McCone relating to chattel mortgages. Albright gave notice of a bill authorizing the auditor to issue duplicate warrants in case of loss of the original.

In the house a number of bills was introduced, the total now reaching 103. In addition as many notices of others were given as on any previous day.

In committee of the whole favorable action was taken on Gray's bill making it optional for first-class cities to install voting machines; on the bill relating to the election of directors of irrigation districts; making an appropriation for the expenses of presidential electors; and also making an appropriation for the orphan's home.

Bills Introduced.

Bills were introduced as follows: By Burke—Providing for the visit of sheriffs twice a year to retail liquor dealing establishments.

By Kilgallon—To prevent the assignment of wages.

By Kilgallon—Appropriating \$31,000 to pay delinquency claim of Mitchell and Musgrave.

By Pierson—To pay the expenses of judges who hold court outside of their own district.

By Gray—Providing for the state inspection of grain, for the creation of the office of state grain inspector and making of an appropriation to pay expenses of the same.

By Gray—Amending section 3212, of the revised codes, relating to the change of corporate names.

By Pierson—Amending Section 3118, of the revised codes, relating to the dismissal of appeals to the supreme court.

By Clayberg—Amending section 6656, of the revised codes, providing that attachment may issue.

By Byrnes—Creating legislative reference bureau in the state library.

Fire Drills.

By Maxwell—Providing for fire drills in schools.

By Smith—Amending the revised codes, relating to indecent exposure and exhibition of indecent pictures.

By Smith—Amending section 3335, of the revised codes, relating to rape.

By Safley—Relating to the qualification of teachers.

By Crouch—Empowering city councils to regulate the fares and style of cars of street car companies.

By King—Providing punishment for those who sell pools or make wagers without having secured a license.

By King—Relating to the care of insane persons addicted to the use of drugs.

Notices of bills were given as follows: Appropriations committee—For the payment of notary public fees collected in excess.

Appropriations committee—To pay delinquency claims in connection with requisitions.

Appropriations committee—To pay bounty claims.

Appropriations committee—Appropriating \$2,500 for hison range in Montana.

FEDERAL JURY IS PROBING SCANDAL

INQUISITORIAL BODY AT WASHINGTON BEGINS WORK ON PANAMA CANAL AFFAIR.

MYSTERY YET UNSOLVED

Numerous Newspaper Men and Other Prominent Witnesses, Including President's Brother-in-Law and C. P. Taft Are Examined—Indictment May Be Brought in District of Columbia.

Washington, Jan. 19.—The question whether the federal government, or individuals, or both, instituted the proceedings for libel in connection with the Panama canal purchase, remains a mystery.

The federal grand jury began its investigation today and a number of witnesses were examined. Among these were Douglas Robinson, brother-in-law of President Roosevelt, and Charles P. Taft, brother of the president-elect, both of whom maintained reticence regarding their testimony.

All of the Washington correspondents who were cited to appear gave information establishing their connection with either the New York World or the Indianapolis News, while several newspapermen and a newsboy testified to having sold the papers to the general public.

It is now hinted that the president expects that an indictment will be brought in the District of Columbia, regardless of any action taken in New York or Indianapolis. In that event, the prosecuting officers of the government entertain no fear of their ability to bring the defendants here.

Obstacle Removed.

For many years the decisions in the libel suits against Charles A. Dana, publisher of the New York Sun, which relieved the defendant from the necessity of appearing in Washington to stand trial, stood in the way of action such as has now been brought. But, it is contended, a change in the courts and a change in the law have negated those decisions.

The government has fortified itself with the decision of District Judge Adams of New York in the case of the United States against Winsatt (151 Federal reporter, page 588). This case was for conspiracy to defraud a street railway company of the District of Columbia out of car tickets, and the court held that "the removal of the accused from a federal district to the District of Columbia cannot be defeated because the acts charged in the indictment are common law offenses, the district of Columbia being a part of the United States, and the commission of a crime therein being an indictable offense against the United States."

Provides Punishment.

The district code expressly provides for punishment for libel, but the government's legal officers maintain that the definition of a libel must be obtained by resorting to the common law. It therefore leaves no room for doubt that the present inquiry is not based upon any statute, but upon the common law, "the interest of public welfare."

A Government Case.

New York, Jan. 19.—The veil of mystery which for the last two days has enveloped the secret examination before the federal grand jury here of newspaper men and others believed to have knowledge regarding the publication of alleged libelous matter concerning the purchase by the United States of the Panama Canal company, would seem to have lifted tonight by the issuance of a subpoena in which, for the first time, the names of both complainant and defendant are made public.

This document, made out against "John Doe," was served upon William J. Dempsey, head of the mailing department of the New York World, and commands his appearance before the federal grand jury to testify "in the matter of the United States against the Press Publishing company," which company publishes the World.

Another development which definitely establishes the proceedings as an action for libel against "the World" was the calling into consultation by United States District Attorney Henry L. Stimson of District Attorney Jerome.

Many Rumors.

Although the only witness examined today was E. M. Engelman, an employee of the news association, who is said to have supplied the data upon which the alleged libelous articles subsequently published by the World were based, the presence outside the grand jury room of two secret service men from Washington with a mass of documents and a number of account books gave rise to all sorts of rumors.

Mr. Engelman is said to have made an investigation last year in Paris of the purchase of the canal property by the United States from the French stockholders and to have submitted his findings to the democratic national committee during the late presidential campaign.

Resolution Referred.

Washington, Jan. 19.—Senator Rayner's resolution calling on the attorney general for information concerning a report that he is proceeding to bring suits charging certain newspapers with libel in connection with the purchase of the Panama Canal company was today laid before the senate and Mr. Rayner spoke further in advocacy of the resolution.

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A NEW "STELLAR" ATTRACTION



A new planet has been discovered recently, beyond the orbit of Neptune.—News Item.

MYSTERY DEEPENS IN HANCOCK MURDER

EFFORTS TO SECURE TANGIBLE CLUES IN SENSATIONAL CASE, ARE FRUITLESS.

Special to The Daily Missoulian.

Helena, Jan. 19.—The Hancock murder mystery grows and becomes more tense, more dramatic, with lightning-like changes, almost every passing hour. Except for the evidence tending to incriminate Richard Holt, Mrs. Hancock's paramour, there is no other clue, unless it be that attached to a tall, slender man, hidden in an overcoat, who, less than 24 hours after Hancock was killed, paid a midnight call upon Mrs. Hancock and then was swallowed up in the darkness.

When the inquest was resumed this evening it was the confident belief of those having inside information that the mystery would be solved before midnight, but instead of that it was shrouded in a still deeper mystery, and adjournment was taken until Friday night.

New Features.

Many new features were injected into the case tonight. Rev. C. E. Miller, who lives near St. John's hospital testified that he and his wife came home Friday evening shortly after 10 o'clock and saw a man, tall slender and wearing a sack coat and a slouch hat, come furtively from the alley leading to the hospital. He looked over his shoulder frequently, and stooped as if to avoid identification and then disappeared.

Mrs. Hancock was called and she testified that less than a week before her husband was killed he said to her: "If ever I kill anyone, kid, or I am killed by someone, it will be over this ore and you will know who done it."

Mrs. Hancock claimed her husband had been carrying a revolver to protect himself from the writer of threatening letters and that several times he had mentioned Samuel Walker as his enemy.

Witness Denies.

S. S. Walker, president of the Mount Helena Miners' union, was then called to the stand. Briefly the county attorney asked if it were not a fact that last August, when Walker and Hancock were working the Whitlatch under a lease and royalty bonus, that they high-graded a rich streak of ore they found divided it, and that Walker founded his gold in an old cabin, sold the gold and blew in the money and then went after Hancock to secure some of his share. The witness denied it. He denied ever having written to Hancock or of having had any more than a disagreement with him.

He was unable to explain where he was after 10 o'clock Friday night and remembered nothing more until he arose the next morning. His wife told him he got home at 1 o'clock.

When Walker left the stand James Hay whispered to the county attorney and a little later Hay, John Taylor and S. C. Boyce took the stand and proved an alibi for Walker, swearing he was in the Exchange saloon, beastly drunk, from 10 to 11 o'clock Friday night.

Walker recently offered a reward of \$50 for the apprehension of Hancock's murderer.

CHOOSE ROOT FOR SENATE.

Albany, N. Y., Jan. 19.—Republican members of the legislature today formally recorded their choice of Ellihu Root for United States senator to succeed Thomas C. Platt. The democrats nominated former Lieutenant Governor Chanler. Tomorrow the legislature in joint session will declare Mr. Root elected for a term of six years.

ST. REGIS-PARADISE MAIN LINE IS OPENED

Without preliminary heralding and minus the blare of trumpets, the St. Regis-Paradise cutoff was opened to traffic when passenger train No. 5 pulled out of the St. Regis yard onto the new main line at about 4 o'clock this morning.

The opening of this line, while marking a new era in the operation of the Northern Pacific's line over the west end of the Rocky Mountain division, was not attended by any official eclat and was conducted only by the officials in charge of the train. It is now understood that the line will be used regularly, beginning with today and all westbound business will be moved that way.

As announced in The Daily Missoulian last Sunday morning, there are three new stations on the cutoff viz: Forsee, Pontus and Sheep Creek.

Eastbound traffic will continue to reach Missoula over the Evaro mountain unless the floods interfere with this arrangement. Early this morning the Jocko river bridge was declared safe for traffic and a large force of men was engaged in filling in all the washed out places between Dixon and Ravalli. No further damage is expected from high water as the flood is reported to be diminishing in volume.

CHAMBERLAIN NAMED SENATOR

OPPOSITION FAILS TO ACCOMPLISH DEFEAT OF POPULAR OREGON DEMOCRAT.

Salem, Ore., Jan. 19.—Inability to bring influential senators into line for a republican senator blocked the attempt to defeat Governor George E. Chamberlain, a democrat, for United States senator in the legislature today. The vote stood 24 in the house and 19 in the senate, a total of 53, or seven more than was necessary to bring about the election of Chamberlain.

The vote in the house was: Chamberlain, democrat, 34; Fulton, republican, 12; Calk, republican, 14. Senate, Chamberlain, democrat, 19; Fulton, republican, 7; Calk, republican, 3; Bean, republican, 1.

VOLCANO IN ERUPTION.

Mexico City, Jan. 19.—The volcano near the city of Colima is in eruption. It is throwing out a great quantity of ashes and stones. No lava is flowing and the people are not alarmed. Several slight earthquake shocks have been reported, but there has been no damage.

DISASTROUS TIE-UP WOULD FOLLOW STRIKE

Winnipeg, Man., Jan. 19.—There is great unrest among the coal miners engaged in the southern Alberta and British Columbia mines, and before the renewal of the two years' agreement on April 1, 5,000 men may go on strike. This would mean a great shortage in the coke supply in the Montana and Washington camps, also Spokane, Helena and Butte smelters, besides tying up the steam coal supply of the Great Northern, Canadian Pacific and Canadian Northern railways. The men demand an increase of pay.

FIRE IS CONSUMING QUAKE-WRECKED MESSINA

UNCONTROLLABLE FLAMES ARE DEVOURING RUINS AND INCINERATING BODIES.

Messina, Jan. 19.—A serious fire broke out here today among the ruins of the earthquake-wrecked city. The remains of the Palazzo palace fell and added to the conflagration. The flames are spreading in spite of the work of the soldiers to control them and the situation is serious. The odor of burning flesh is mingled with the smoke and it is feared that persons still alive are being consumed.

The flames had their center in the Palazzo palace, but they spread over the ruins of the city. The long tongues of fire leaped upward, the sparks falling in a heavy shower for a considerable distance. The heat was very great. The alarm was sounded, while the warships in the harbor blew their fog horns and soldiers were hurried to the scene. No victims of the flames have yet been reported.

The Duke of Genoa made a heroic rescue of a demented woman, who insisted upon forcing her way into a burning pile of ruins to save her husband.

A strong wind helped to spread the flames and the men experienced great difficulty in working the pumps. What remains of the beautiful promenade along the harbor front undoubtedly will be destroyed. It is supposed that the flames have been latent under the wreckage for days and that the high wind of last night fanned them into activity.

CHAMBERLAIN NAMED SENATOR

PARIS, Jan. 19.—A special dispatch from Turin to the Petit Parisien says that the Duke of the Abruzzi has decided to resign from the navy and to renounce all rank and honors in order to marry Miss Katherine Elkins, but that the king has refused to accept the duke's resignation.

A number of officers conversant with the situation, who asked the queen aboard the battleship Regina Elena at Messina to intercede with the king for his consent to the marriage, adds the dispatch, were placed under close arrest by Admiral Mirabello, the minister of marine. Many high naval officers have decided to resign with the duke in token of their sympathy.

TAGGART ON STAND.

New York, Jan. 19.—Thomas Taggart, one time chairman of the national democratic committee, took the stand in his own defense today in an action brought in the supreme court by Rex Carradine, a former press agent for the committee, who charges that Taggart caused him to be "unlawfully imprisoned" on September 22, 1905.

Carradine testified that Mr. Taggart, after introducing him to a bank cashier, had him taken into custody by a detective until he proved that a check which the cashier had cashed for him was good. The jury returned a verdict in favor of Carradine for \$2,500.

VETERAN ACTOR DIES.

New York, Jan. 19.—John A. Ince, the veteran comedian, who had appeared with Edwin Booth, Barrett McCullough, Adelaide Neilson, Clara Morris and Mrs. John Drew, died Monday at his home at Sheephead Bay. Mr. Ince was 68 years old. He was born in England. When a boy he got employment in an English battleship as a "powder monkey" and landed in California when the gold craze was at its height and by carrying tools for the miners made enough money to enable him to attend the Jesuit college at San Francisco.

SENATE VOTES TO DOUBLE SALARY

PRESIDENT'S PAY TO BE INCREASED TO ONE HUNDRED THOUSAND DOLLARS.

OTHER RAISES APPROVED

Vice President's Stipend to Be Advanced to Fifteen Thousand Per Annum and All Members of the Supreme Court Are to Share in the General Expansion of Remuneration.

Washington, Jan. 19.—The salaries of the president, vice president and speaker of the house were again under discussion in the senate today, when the legislative, executive and judicial appropriation bill was taken up.

Amendments were adopted increasing the president's salary to \$100,000, that of the chief justice of the supreme court to \$15,000 and those of associate justices to \$14,500. Senator Warren, in charge of the bill, expressed the hope that the allowance of \$5,000 annually for carriages or other vehicles for the speaker and vice president would be allowed to stand.

Senator Bailey offered an amendment to eliminate the words "other vehicles," so as to prevent the purchase of automobiles. Then he delivered a glowing tribute to the horse. Mr. Warren declared that on his ranch in Wyoming automobiles were used to hunt up and save the horses and sometimes he had sent an automobile 200 miles to save sheep that otherwise would have perished.

Dixon Opposes.

Mr. Dixon opposed the appropriation of government money for carriages. Mr. Hemenway said that if congress were to provide carriages for heads of departments and others in the executive branch of the government, he thought they should be allowed the vice president and speaker.

Mr. Money argued that large expenditures were not necessary to maintain the dignity of office.

Mr. Borah said he would offer an amendment doing away with all official carriages.

Mr. Hale commented on the increase of expenditures on battleships, which he said was so great that the mere interest on the amount expended on one of them was more than all the increases of salaries provided for in this bill.

"We shall," he said, "never reduce the expenses of the government until we take in hand not only the question of salaries, but the enormous expenditures that we are asked to make for the military."

Face a Deficit.

He called attention to the fact that we faced a deficit in the revenue of the government during the next year of \$130,000,000.

By a vote of 40 to 21 the provision of \$5,000 annually for carriages and horses each for the speaker and the vice president was stricken from the bill.

An amendment to reduce the salary allowance of the president from \$100,000 to \$75,000 was defeated by a vote of 37 to 32.

The amendment increasing the salary of the president to \$100,000 was adopted by a vote of 35 to 20. The republican senators who voted against the increase were: Beveridge, Borah, Brown, Burkett, Chappell, Dooliver, La Follette and Piles. No democratic senators voted in favor of the increase.

The amendment was adopted providing for an "under secretary of state" to be paid \$10,000 a year.

The salary of the chief justice of the supreme court of the United States was fixed at \$15,000 instead of \$13,000 as at present, and the salaries of associate justices at \$14,500, instead of \$12,500.

The bill was still under discussion when the senate adjourned.

POLYGAMY PRACTICED.

Denver, Jan. 19.—At a meeting of the legislative committee of the Colorado Federation of Women's Clubs today, Mrs. Adrianna Hungerford, president of the Colorado W. C. T. U., charged that polygamy was being practiced openly in the southern portion of the state. Mrs. Hungerford named the valley between Telluride and Durango as the locality where polygamy was most openly practiced and detailed numerous instances in support of her statement.

FIRE CAUSES PANIC.

New York, Jan. 19.—Fire today burned out the upper floors of a four-story factory building at 327 Broadway, near Twelfth Street. There was a panic rush for the street among the 60 women employed by a maker of raincoats on the floors affected by the fire. No one was injured. Loss, \$25,000.

MAKES A PROTEST.

Boise, Idaho, Jan. 19.—After a long debate today the Idaho house of representatives adopted a memorial to congress protesting against a proposed reduction in the tariff on wool, lead or timber.

CUMMINS ELECTED.

Des Moines, Iowa, Jan. 19.—Albert J. Cummins was today elected to a six-year term in the United States senate. The two houses in joint session Wednesday will make formal announcement of the election.

ANTI-JAPANESE LEGISLATION BLOCKED

GILLETTE SAYS CALIFORNIA WILL NOT ENACT THE PROPOSED RABID MEASURES.

AUTHORIZES A STATEMENT

Announcement is Made That Leaders of Assembly Have Reached Agreement Not to Pass Bills Now Pending Before Legislature of Summit State—Heated Contest is Expected.

Sacramento, Cal., Jan. 19.—According to a statement made tonight by Governor Gillette, there will be no legislation against the Japanese at this session of the legislature. The governor authorized the following statement:

"After conversing with the leading members of both branches of the legislature tonight, I am convinced that no legislation directed against the Japanese will be enacted. I am satisfied that the people of California and particularly the members of our legislature appreciate the efforts being made by the federal government and the representatives of Japan to stop emigration to this country of Japanese laborers, skilled and unskilled."

"There can be no doubt that the Japanese government is acting absolutely in good faith in its endeavor to prevent its people emigrating to our country, and in my judgment it would be a serious mistake while they are so doing to enact any laws directed against the Japanese people."

"This question is one in which the federal government is particularly interested and its wishes should be carefully considered and will, I am sure, by the people of the state."

An Understanding.

A general understanding was reached tonight by leaders in the assembly regarding the action to be taken tomorrow on the new bill preventing aliens holding lands and the Johnson bill denying them the right to be directors in corporations. They have been made a special order of business and a fierce fight is predicted by their friends. Their opponents will hold, as does Governor Gillette, Lieutenant Governor Porter and Speaker Stanton, that the anti-Japanese land bill would keep foreign capitalists from Europe as well as Asia from investing in California land, thereby working great harm from the financial standpoint.

This argument also is applied by the governor and the speaker to the directors' bill, they declaring that many rich European corporations now doing business in the state through resident directors, who are not citizens, would be seriously inconvenienced and undoubtedly would withdraw great sums of money from investment here.

Will Not Give Up.

On the other hand, the friends of the anti-Japanese measures assert that they are demanded by the people of the whole state, and that they will not give up without a struggle. Assemblyman Johnson announced on the floor of the house today that he would "contest the right of the president or anybody else to delay legislation." He is the author of the measure preventing the Japanese being members of corporations.

Assemblyman Drew, author of the latter bill, is not so belligerent. He said today that he would do all in his power to secure the passage of his bill and believed that if it were put to a vote at once in either house it would pass quickly. However, he said, the governor had the veto power and the fate of the bill would be "up to the executive."

Would Check Action.

Washington, Jan. 19.—Senator Flint, commenting upon the report published in Sacramento that President Roosevelt had taken a hand in the effort to stop anti-Japanese legislation before the California legislature stated that the president's position, as outlined in the Sacramento dispatches, is absolutely correct. He said the president is determined that this legislation shall not be enacted until after the California senators frequently have to them the injustice of their attitude toward the Japanese.

The president is proceeding on the theory that Japan has stopped the emigration of coolies to this country and is doing everything possible to remove the causes of friction between the two countries, says Mr. Flint. The California senators frequently have conferred with the president and are aiding him in holding up the legislation pending a full explanation of the federal government's position in the matter.

That President Roosevelt feels sufficiently concerned about the proposed Japanese legislation in California to write an important letter to Governor Gillette of that state is admitted at the White House today. The letter was mailed three or four days ago and will be received by the governor in a day or so.

Being Settled.

The president strongly feels that the objection to Japanese immigration to this country is fast being settled by the agreement in existence between the United States and Japan under the terms of which President Roosevelt permits out 1,000 more have left America in the last six months than have come in.

The president is convinced that Japan is sincere in her intentions to greatly reduce the number of her citizens in the United States by prohibiting immigration.