

THE FIRST OF FEBRUARY



WILL PIERCE HILL NEAR BONNER TELLS JEROME HE MAY GO AHEAD

PUGET SOUND RAILROAD MUST TUNNEL MOUNTAIN TO AVOID HIGH WATER. WORK TO BEGIN AT ONCE

Bore Will Be 700 Feet Long and Located About 200 Feet South of Present Site of Clark Dam Improvements Will Make Railroad's Position Untenable.

Early this week Winston Brothers, the contractors, will begin the drilling of a tunnel for the Chicago, Milwaukee & Puget Sound railroad through the big bluff immediately south of the Clark dam, below Bonner. This announcement was made recently by the Puget Sound officials, who stated that the drilling of the mountain had become imperative in order to permit extensive additions and improvements at the south end of the dam by Senator W. A. Clark.

It will be remembered that during the high water of last June the Puget Sound people lost a considerable amount of their "dump" from the dam westward about a quarter of a mile, and later blasted a grade about 50 feet above the river's high water mark, expecting that this grade would be their permanent location. Unfortunately for the plans, however, the land on which the railroad company had constructed its line belongs to Senator Clark, who now finds it expedient to build the proposed dam improvements which will be most apt to render the position of the Puget Sound untenable at some future time.

South of Present Grade. The proposed tunnel will pierce the mountain at the place known as Bandmann, on the third curve below Bonner, and will be 200 feet south of present open grade. In length it will be 700 feet and is to be built on about the same specifications and plans which have governed the Puget Sound company in the construction of all of its western extension tunnels. The drilling will be through a formation of blue shale and a brown rock, which is considered good for driving.

It is proposed to start the drill from each side of the mountain simultaneously and, according to the figures named by the officials who will have charge of the work, the construction of the bore will consume at least six months' time, under the most favorable conditions.

Orders have been issued by the railroad company to the contractors, to start the work at once with the largest force practical and to rush the tunnel to completion. Every modern appliance will be used in driving this bore and electricity will be supplied from the Clark plant by which to operate the drills and other working equipment.

Flood Damage. During the floods of last June the Puget Sound company lost over 150,000 cubic yards of grade in the vicinity of the Clark dam, and with this damage in mind, and the further fact that Senator Clark's dam improvements may in a measure, effect the railroad dump, the company has deemed it most expedient to construct the tunnel and eliminate the possibility of further damage.

The construction of the bore at Bandmann will in no way delay the laying of steel through to Missoula, as the grade now established will be more than equal to all the demands made upon it. It is said that the Bandmann tunnel will cost in the neighborhood of \$500,000 when completed.

UNITED STATES DISTRICT ATTORNEY STIMSON SENDS EXPLANATORY LETTER.

IS NOT AN INTERFERENCE

New York Prosecutor Is Given Right to Mix in Panama Graft Charge Case—Government Reserves Right to Protect Unnamed Official—Cooperation Is Promised.

New York, Jan. 31.—United States District Attorney Henry L. Stimson made public tonight a letter in reply to one written by District Attorney Jerome on the subject of beginning an action for criminal libel in the state courts against the publishers of the New York World because of published charges regarding the Panama canal purchase.

Mr. Stimson tells Mr. Jerome to go ahead. Mr. Jerome had asked if action in the state courts on behalf of Douglas Robinson, the president's brother-in-law, would be an unwelcome interference with the actions begun under federal jurisdiction.

Mr. Stimson answers this question negatively, but he does not state that the federal inquiries or prosecutions will cease if Mr. Jerome begins an action.

The Letter. It is apparent that while the federal authorities concede to Mr. Jerome the right to appear as the protector of Douglas Robinson's good name, they reserve to themselves the privilege of acting in defense of the reputation of "a gentleman who occupied the position of head of the war department," in any federal jurisdiction where the case applies.

Mr. Stimson's letter says: "My Dear Sir: I have received your letter of January 26. The series of publications in the New York World to which you refer have for some time been under my consideration. These publications, which I concur with you in considering libelous, appear to have been circulated by the newspaper in a number of distinct and independent jurisdictions and to contain charges reflecting upon the personal character of a number of men, of whom some are in public life and some are private citizens. In each of these jurisdictions, under well-known principles of law, each of these publications would constitute a separate offense, and as it happens in this case, each one is characterized by distinct and peculiar features.

Worthy of Attention. "Your letter makes clear the offense against the laws of New York state, constituted by the attack upon the reputation of Mr. Robinson. The circulation of similar charges of personal corruption or disposition or against a gentleman who occupied the position of head of the war department, among the officers and men of the army dependent upon the military reservations in my district, or among the residents of the District of Columbia, where the war department is situated, may well engage the attention of the officials whose duty it is to enforce the law in those localities.

No Interference. "In accordance with your request I have conferred with the attorney general in answer, therefore, to your query as to whether a prosecution on your part as to the alleged libel upon Mr. Robinson would be regarded as an unwelcome interference with a matter upon which the federal courts have jurisdiction and in which action has

(Continued on Page Twelve.)

SPECULATION CAUSED BY DISTRIBUTION OF PLUMS

NEARNESS OF NEW CONGRESS BRINGS TALK OF IDENTITY OF CHAIRMEN.

Washington, Jan. 31.—With the convening of a new congress scarcely more than a month distant, the selection of the standing committees of the next house and particularly the award of chairmanships has become the subject of keen speculation.

The understanding among members is that the rule of seniority will be followed in selecting chairmen, but there may be some exceptions. There are, however, some important committees whose chairmen will not be members of the next house and the selection of their successors is causing no little speculation.

Representative Alexander of Buffalo, N. Y., will be the ranking member of the committee on rivers and harbors after Senator Burton of Ohio takes his seat in the senate.

With the renewed agitation in the middle west for waterway improvement, there has sprung up a keen desire to keep the chairmanship of the rivers and harbors committee in that territory and the western members want Representatives James H. Davidson of Wisconsin, unless Colonel Hepburn of Iowa decides to contest for the chairmanship of the committee on interstate and foreign commerce is left vacant on that account, there will be a big problem to be solved in that committee.

FOUR ENTRIES MADE FOR AERIAL RACE

New York, Jan. 31.—Four entries were received today for the Fulton airship flight contest for a prize of \$10,000 given by the World. The aerial navigators will parallel in the air Robert Fulton's course steaming up the Hudson river in the first steamship. The contest will take place next fall during the Fulton memorial ceremonies. The entries already in are Captain Thomas Scott Baldwin of Hammondsport; A. Leo Stevens of New York; Charles J. Glidden of the Aero club, and Mark O. Anthony.

Boston, Jan. 31.—An entry for the race of dirigible balloons from New York to Albany next autumn was made tonight by the New York-Boston Aerial Navigation company. Charles G. Landon placed the entry in the hands of Augustus Post, secretary of the Aero Club of America.

"GROUND HOG DAY" IS IMPORTANT TO WEATHER

Today it behooves the people of Missoula, of all Montana cities blessed with sunshine most, to get together and pull for leaden skies tomorrow. Tomorrow is "Ground Hog Day" and, if the popular superstition is to be believed, it is absolutely essential to all hopes for an early spring that the little animal fail to see his shadow when he emerges from his hole tomorrow to ascertain what has happened in the world since he retired, after setting his alarm clock for February 2. If the sun is shining, then Mr. G. Hog, frightened at the black outlines of his little self, dashes madly back into his hole and six long, cold and weary weeks ensue before he dares to come out once more and the first appearance of spring is contemporaneous with his appearance. Therefore, it behooves the people of Missoula to pray for cloudy weather on Tuesday.

GENERAL'S DAUGHTER IS SHOT

GEORGE BUSSE, BROTHER OF CHICAGO'S MAYOR, ACCIDENTALLY KILLS WOMAN.

Chicago, Jan. 31.—George Busse, brother of Fred A. Busse, mayor of Chicago, tonight accidentally shot and killed Mrs. Lucius C. Tuckerman, wife of a fruit dealer at Milton, N. Y. The shooting occurred in the Walton apartment building, 395 North Clark street. Mrs. Tuckerman was visiting her father, General A. C. Girard, retired, who occupied an apartment in this building. George Busse, in his apartment across the arway from the Girards, was demonstrating the use of a revolver to Bertha Lambke, his housemaid, so that she could use the weapon in case of burglars. Suddenly the revolver was discharged, and the bullet went through two windows, into the Girard apartment and pierced Mrs. Tuckerman's heart. Mayor Busse was present, and as soon as he learned of the fatal consequence notified the police.

According to the statements made to the police, George Busse was about to leave for Cincinnati on a business trip. He did not care to leave his mother and the maid at home alone without some means of protection. He therefore purchased a revolver and was instructing the maid how to use it when the trigger was pulled accidentally. Mrs. Tuckerman was in a bedroom dressing. When struck by the bullet she staggered into a hallway. General Girard and Mrs. Tuckerman's 5-year-old son Alfred rushed from an adjoining room.

"Oh, father, I have been shot and I'm dying," said Mrs. Tuckerman, and expired. A moment later there was a pounding at the door of the Girard apartment, and Mayor Busse and his brother came in.

Mayor Busse's wife and mother followed. The mayor summoned a physician and notified the police by telephone, but the woman died before the physician arrived. No arrests were made. General Girard expressing himself as satisfied that the shooting was purely accidental.

WARMING UP. Washington, Jan. 31.—The cold wave continues to hold that part of the country east of the Mississippi within its grasp although low temperatures prevailed, freezing being as far south as Florida. Fair weather conditions having prevailed generally, warmer conditions are reported west of the Mississippi.

In the central valleys and the upper lake region and the gulf states temperatures will rise, while over the western half of the country they will change but little.

SOLONS TO CONSIDER JAP AND TURF BILLS

TWO IMPORTANT MEASURES ARE TO COME BEFORE CALIFORNIA LEGISLATURE.

Sacramento, Cal., Jan. 31.—Definite action will be taken during the present week, it is expected, on two important subjects of contention in the California legislature—racing and gambling and the restriction of Japanese. In the senate the law against turf gambling, which is modeled after the Hughes law in New York and has already passed the assembly, will be made a special order of business for Tuesday. Senator George S. Walker, one of the sponsors for the measure, asserts that not more than five senators will vote against it.

A. M. Drew's anti-alien land bill, as amended by him to conform to the wishes of President Roosevelt, will be favorably reported by the committee on judiciary and action may be taken on it Tuesday, for which time it probably will be made a special order of business. This bill is almost an exact duplicate of the Oklahoma law. It does not specify that aliens must become citizens of the United States in order to retain land or to purchase land. It was because of the fact that Mongolians are the only aliens barred from citizenship that the president objected to Mr. Drew's first bill as being discriminatory against Japanese and Chinese, it permitting all other aliens to hold land by the process of taking out citizenship papers.

The bills introduced by Grove L. Johnson early in the session to prohibit aliens from being members of boards of directors and segregating Japanese in the public schools and segregating all undesirable aliens in the residential districts will be taken up as a special order of business on Wednesday. The feature of the bill that is expected to develop in the consideration of these measures will be the determined stand for the bills taken by a majority of the members of the San Francisco delegation and those members in whose districts are large numbers of Japanese.

IMMIGRATION OFFICIAL ISSUES INVITATIONS

Washington, Jan. 31.—Daniel J. Keefe, commissioner general of immigration, has sent invitations to more than a score of prominent leaders asking them to participate in the proposed "council of labor," to be held on February 10, at the department of commerce and labor to discuss questions vital to the wage earners of the country.

The conference will consider the misleading labor information that causes much of the immigration and the heads of all important labor organizations will participate. Among those invited besides Samuel Gompers, president of the American Federation of Labor, is Andrew Furuseth of San Francisco, president of the Seamen's International union.

ACTOR SHOTS ACTOR.

Louisville, Ky., Jan. 31.—Cameron Clemens, playing in vaudeville here, was seriously shot today in his dressing room by Willis Brown, a member of his company. Brown, who was arrested, declared Clemens was the cause of him losing his position with a vaudeville company to which both belonged.

NEGROES IN PROTEST.

Springfield, Ill., Jan. 31.—The Springfield Law and Order league, an organization of negroes, today adopted resolutions condemning the Lincoln Centennial association for excluding negroes from the celebration to be held here in memory of the 100th birthday of Abraham Lincoln.

BLOODY FIGHT TEDDY TELLS PULLED OFF 'EM WHAT'S WHAT AT TAFT

FRANK HART DEFEATS JACK DIXON OF WALLACE IN FURIOUS RING BATTLE.

WINS ON BLOW TO HEART

Railroad Camp Witnesses One of the Fiercest Encounters Ever Held in Western Montana—Winner Gave Away 20 Pounds and Held Bulky Opponent at Mercy for Two Rounds.

Special to The Daily Missoulian. Taft, Jan. 31.—In the fourth round of the bloodiest prize fight ever seen in western Montana, Frank Hart of Taft sent Jack Dixon of Wallace to slumber, sound if not sweet, at 1 o'clock this morning, the particular sadistic used being as to Hart's ability with his fists and the few friends that he had at the ringside found plenty of takers for all the money they could put up. If they had been well healed they could have "busted" Taft's sporting population wide open.

Betting Is Heavy. The event was pulled off under the auspices of the Taft Athletic club and was well attended. The purse was \$250 and there was a large amount of speculation, as there has been considerable question here as to Hart's ability with his fists and the few friends that he had at the ringside found plenty of takers for all the money they could put up. If they had been well healed they could have "busted" Taft's sporting population wide open.

Dixon had all the advantage of weight and reach. He is about four inches taller than Hart and weighed 190 pounds against the 170 units of avoirdupois that his opponent registered. In the opening round, this advantage counted little in his favor but the lighter man rallied in the second and after the men once got warmed up to their work, Hart had things all his own way.

Cat and Mouse Work. In the second round a well-placed jab in the left side made the big fellow groggy and Hart could have put him out then and there if he had chosen. He appeared to want to punish Dixon as much as he could before delivering the final coup de grace and he played with the bulky chap for two rounds and a half.

From the outset it was a fight. The men mixed fast and hard and for two rounds there were not many clinches. In the third, Dixon did a good deal of hugging to save himself but he got the worst of it in the breakaways, as Hart was there every time with a kidney poke that was at all times effective. Then Dixon resorted to footwork but at that Hart, too, was his equal.

At Hart's Mercy. When the men faced each other for the fourth round, it was evident that Hart could do the business whenever he wanted to. He hammered the big fellow all around the ring and had him against the ropes most of the time. When the final stroke was given, the men were in the middle of the ring. Dixon was clearly dazed and was endeavoring to ward off the rain of blows that was pouring upon him. His arms raised to give Hart the opening he had been waiting for and there was a quick thud as the mitt struck the side of the Coeur d'Alene man; he tottered and, as he wobbled, Hart's left went to the chin for the job that meant oblivion. Down went 190 pounds of bone and sinew to the canvas.

Hart stood over his man, ready to follow up his advantage, but that last uppercut had done the business thoroughly and there was no movement in the bulky frame stretched on the floor, as the referee slowly checked off the final seconds. At the count of 10 Dixon's seconds rushed through the ropes and began the work of resuscitation. It was a long time before the big fellow came to enough to inquire how many others had been killed in the landslide.

The Fight by Rounds. Round 1—Both men sparring cautiously.

(Continued on Page Twelve.)

PRESIDENT CAREFULLY EXPLAINS IDEAS ON ANTI-JAPANESE LEGISLATION.

SENDS GOVERNOR LETTER

Roosevelt Takes Up All Phases of Subject in Detail and Quotes From Memorandum and Correspondence—Urges That Native Sons Consider Other Portions of the Country.

Sacramento, Jan. 31.—Governor Gillett made public tonight the text of a letter received from President Roosevelt with regard to anti-Japanese legislation now pending in the California legislature. President Roosevelt quotes from a letter from former Secretary of State Root to Governor Gillett and from a memorandum, pointing out that Mr. Root saw no objection to a law which treated all aliens alike, but that to avoid conflict with the constitution such statute should contain an expressed provision excepting from its operations any right secured by treaty between the United States and foreign nations. Mr. Roosevelt says this view has his cordial indorsement.

Roosevelt's Letter. The following is a copy of President Roosevelt's letter to Governor Gillett, received today, regarding the anti-Japanese legislation now pending in the California legislature: "The White House, Washington, D. C., January 26.—My Dear Governor: Prior to receiving your letter and accompanying copies of bills you had sent identical telegrams to the secretary of state and myself, and to this, the secretary of state answered as follows: "What Root Said. "January 25, 1909. Hon. J. N. Gillett, Governor of California, Sacramento, Cal.: I can see no objection to the passage of a law which treats all aliens alike in acquiring and transferring real property. To avoid conflict with the constitution of the United States, however, such statute should contain an expressed provision excepting from its operation any rights secured by treaty between the United States and foreign nations. See decisions of the supreme court of the United States in the cases of Chirac versus Chirac, 2 Wheaton 259; Hughes versus Edwards, 9 Wheaton 485; Hausenstein versus Lynham, 100 United States reports 433; Geoffrey versus Riggs, 133 United States reports 252, and a long list of similar decisions by the supreme court. (Signed) "ELIHU ROOT. "I have now received your letter and the copies of the bills. The secretary of state has submitted to me the following memorandum which has my hearty approval: "Memorandum for the president on bills in the California legislature relating, or supposed to relate, to Japanese: "I have been able only to make a very cursory examination of these bills, and can only give you first impressions. It is quite possible that on closer examination other sentiments may present themselves. "As to Property. "The treaties between the United States and a considerable number of foreign nations have provisions for reciprocal rights of aliens as to holding real and personal property. It is perfectly well settled that the making of such reciprocal provisions is within the treaty-making power, and instead of aliens having in the state of California such rights as are accorded to them by these treaties except as they may be affected by the provisions of the act or of the constitution of California, the precise reverse is necessarily true. The proper statement would be that their rights are prescribed and limited in the act except as they are conferred and declared by the treaty. This general statement is true of all aliens, the citizens or subjects of nations which have such treaties as I have described with the United States.

Permitted to Trade. "In the particular case of Japan, the second article of the treaty of November 22, 1854, provides that the citizens of the United States shall be permitted to trade with the Japanese in the ports of Japan. "The provincial government of Governor Smith pronounced to be entirely satisfactory. "The annual report on the revenues of the islands shows a decline of about 1,000,000 pesos, (about \$500,000) for 1908 under the figures of 1907.

(Continued on Page Twelve.)

'PEOPLE-COVERED GIBRALTAR WELCOMES AMERICAN SHIPS

Gibraltar, Jan. 31.—The first division of the United States Atlantic fleet, composed of the Connecticut, Vermont, Kansas and Minnesota, under command of Rear Admiral Sperry, arrived here this morning from Ville-Franche. From the moment the glistening white hulls of the American ships were mere specks upon the blue waters of the Mediterranean every point of vantage on the rock of Gibraltar was occupied by people.

The two British battleships Albemarle and Albion and the four ships of the second cruiser squadron just returned from South American waters; the Russian battleships Tzarevitch and Slava and the protected cruisers Bogatyy and Oleg; the French gunboat Cassine and the Dutch gunboat Heineald, lying inside the breakwater with sides manned, flags dipping and bands playing, greeted the Americans as each in turn entered and was berthed. The American battleships responded with flags and music, the band on board the Connecticut playing the national anthem of each country represented. As they passed the Jackies aboard the Russian warships uncovered and stood with bared heads, while the American bands rendered "God Save the King."

Vice Admiral Goodrich, the admiral in command of the naval establishments at Gibraltar, also Admiral Sperry's superior in rank, did not wait for the latter's visit, but immediately boarded the Connecticut to extend his greetings, at the same time insisting that the ships of the divisions due here tomorrow, as far as possible, anchor in the basin instead of on the Algeciras side as previously arranged. The senior officers of the foreign ships followed suit and later in the day Rear Admiral Sperry returned the

GOVERNOR GENERAL EXHORTS FILIPINOS TO REMAIN LOYAL

Manila, Feb. 1.—The Philippine assembly opened today with simple ceremonies, President Osmena presiding. The first business to come before the body was the annual message to the assembly of Governor General James F. Smith, which read in part as follows: "My last word to the Filipinos is that until the great majority and not a small minority of the citizens are prepared to make intelligent use of the franchise; until democratic usages and customs have permeated throughout the population and become a part of the daily life of the people; until the power of unconscionable agitators and demagogues is broken; until education has created a just public sentiment which specific arguments and false doctrine cannot destroy; until a citizen has not only the power to judge but also the courage to act for himself, the best future of the islands lies with the land which has given the Filipinos freedom of speech, liberty of the press, freedom of worship; the right of the accused to meet witnesses against him face to face, the exercise of the franchise, free schools, autonomy in municipal and provincial affairs, the right to participate in making laws through the assembly and many other rights, liberties and privileges not enjoyed by peoples which had independence and national existence for hundreds of years."