

RECORDS SHOW BIG STRIDE FORWARD

INCREASE IN NAVY'S BATTLE EFFICIENCY DURING PAST YEAR BREAKS RECORD.

SHOOTING RECORDS FINE

Results of Target Practice in Manila Bay Indicate Improvement of the Most Marked Sort in Almost Every Line of Operation of the Nation's Marine Fighting Force.

Washington, Feb. 4.—An increase in battle efficiency, the greatest yet made during any one year, is the story told by the scores of battleship fleet practice in Manila bay. This, too, although conditions of practice last fall were more difficult than heretofore. The improvement with heavy guns was over 100 per cent greater than that of last year. These facts are shown by the records of battleship practice in Manila made by Commander Sims, the inspector of target practice, by whom they have been carefully tabulated.

The average percentage of hits made by the guns was over 50 per cent of the shots, and some ships made from 75 to 80 per cent, and in the increase in rapidity of hitting was considerable over 100 per cent.

The ranges at which the battleships fired were from 5,000 to 9,000 yards, according to the power of their guns. These ranges were unmarked and the ships steamed on a course and at a speed of which they were not informed until they opened a sealed envelope just before going on the range.

The department also made public information relative to the comparative battle efficiency of battleships, cruisers and gunboats at the autumn target practice of 1908.

In the stand of fleets the command of Admiral Sperry leads with a mark of 29, with Admiral Swinburn's Pacific fleet next with a mark of 25.

The first squadron of Sperry's fleet leads with a mark of 32, with the first squadron of the Pacific fleet second with a mark of 27.

In the matter of the divisions, the first division of Sperry's fleet leads with a mark of 36, while the first division of the Pacific fleet is second with a mark of 34.

STORM NOW ABATING RAPIDLY

CONDITIONS IN CALIFORNIA SHOW DECIDED TENDENCY TOWARD IMPROVEMENT.

San Francisco, Feb. 4.—The heavy rains which caused a second rise of the rivers flowing through the Sacramento valley, flooding farms and towns and blocking railroad traffic, has ceased and though further showers may be expected, the worst of the storm is over, according to the weather bureau. Railroad communication is being restored as rapidly as possible, and if another freshet does not occur normal conditions soon will prevail.

Travel from this city to Portland, Ore., will be resumed for a train as early as tomorrow on the west side, and it is expected that the break in the east side line between Chico and Tehama will be repaired by tomorrow.

Water Subsidizing. Sacramento, Cal., Feb. 4.—The water has receded in the streets of Tehama and the railroad depot is again on dry ground. The railroad company has no wire north of Red Bluff and not a wheel is turning this morning between Red Bluff and Dunsmuir, but there is a good prospect for a train as far north as Kennett this afternoon.

Trains on the east side run from Sacramento to Vito and double back. Telephone communication has been restored in Trinity county. Very little rain fell there. The storm was confined almost wholly to the east side of the mountains.

No rain fell here this morning and the weather is clearing.

THREE SENTENCED TO PRISON.

Special to The Daily Missoulian. Butte, Feb. 4.—Charles Marshall, Charles Telling and Eugene McCann were all given sentences of one year in the state's prison at Deer Lodge by Judge Donlan this morning.

Marshall is a colored boy and admitted that he helped steal some oats from Frank Hoto's barn on South Alabama street. Telling and McCann confessed they also had a hand in the stealing, and the trio were well pleased to get off with a year's sentence after they had admitted their guilt. Telling and McCann also helped steal two teams. They are graduates of the reform school.

KILLED IN DUEL. Seattle, Feb. 4.—In a pistol duel today between W. S. Dudley and Alexander Smith, special policemen, employed as night watchmen at the freight sheds of the Northern Pacific railroad, Smith was killed and Dudley was shot twice, being badly wounded. The shooting occurred in the freight sheds on Second avenue south.

U. S. FORESTRY DEPARTMENT SCORED

SENATORS MONDELL AND SMITH HEAP DENUNCIATION UPON GOVERNMENT BUREAU.

BRAND IT AN "OUTRAGE"

California Man Declares Its Efforts Are to Grind Dollars Out of People of West and That It "Fishes Pennies From the Pockets of the Poor"—Scott Makes a Reply.

Washington, Feb. 4.—The forestry division today in connection with the consideration of the agricultural bill came in for further criticism. Mr. Mondell of Wyoming charged that the forestry bureau was administered with wanton extravagance. His statements were controverted by Scott, who said the Keep commission had found that the forest service employees were paid less than those of other departments.

Bitter denunciation was heaped upon the service by Mr. Smith of California. It was, he said, the greatest outrage that had been perpetrated upon any people.

"The effort of the forest bureau," he declared, "is to grind every dollar it can get out of the people of the west."

"There was, he declared, no kind of an activity carried on in any part of the national forest, that people were not made to yield, 'money, money, money' all the time to the federal government. He charged that the forest service had illegally extorted fees from miners, stockmen, farmers and others. He spoke particularly of a case in which a fee of 10 cents each had been levied on bee hives.

"Unless a halt is called on this grinding of the poor," he said, "a reaction will occur and the forest system will be destroyed."

"If the forest service," he said, "would confine itself to its proper functions, it would rank as one of the great institutions of the government."

Mr. Cook of Colorado expressed his approval of all Mr. Smith had uttered and said that Mr. Pinchot's sole purpose was "to get Secretary Wilson's position in the cabinet."

Mr. Weeks of Massachusetts defended the forest service. He said the difficulty with Mr. Pinchot's critics was that their constituents in the past had been in the habit of going upon forest reservation and removing timber without paying anything for it, and that was true of raising herds on public grazing lands. He denied that anybody had been "milked."

"Custom to Boot." Declaring that he would not be understood as making a harsh statement, Mr. Mann of Illinois, said that for many years it had so become "the custom to loot the public domain that when the government endeavors to come in its own, it looks like a robbery to the people of the west."

Applause and exclamations of "Heart! heart!" followed this utterance. He said when he first came to the house the complaint was that the forest service would not be administered along business lines, but that now the complaint was that there was too much of a businesslike administration.

It was not necessary, Mr. Mann declared, to defend Mr. Pinchot against the assaults that had been made upon him. "His work," he added, "will stand for all time."

Both Messrs. Smith and Mondell deplored that the people of the west were opposed to the forest service itself, but said that their objections were based on the policies of that service.

BANK BILL DESIRED.

Denver, Col., Feb. 4.—The Colorado Bankers' association yesterday determined to have a bank guaranty bill introduced in the legislature which will provide for a guarantee by each bank separately to its own depositors.

AN ORE COMMISSION IS PLANNED

BILL CREATING BODY PRESENTED TO COLORADO STATE LEGISLATURE.

Denver, Feb. 4.—A bill was today introduced in the Colorado legislature providing for the appointment of an ore commission, which shall have powers over smelters similar to those of the interstate commerce commission over railroads. The bill provides for the return of ore to the vendor in case the net price be not mutually agreed upon, and provides that should the ore have been mixed with other ore so that it is impossible to return it, the smelting company shall be liable for twice the value of the ore.

The bill further provides for rebating or any discrimination in the purchase or treatment of ores. The commission is to consist of three members, one of whom shall be the state assayer.



GOVERNOR C. N. HASKELL.



COUNT VON BERNSTORFF.

HUNDREDS INDORSE MR. HASKELL'S BONDS

CITIZENS OF OKLAHOMA LOYALLY RALLY TO AID OF THEIR ACCUSED GOVERNOR.

Muskogee, Okla., Feb. 4.—No method of procedure in the town lot frauds indictment case will be decided upon until after the arrival of Governor Charles N. Haskell here tomorrow. A dispatch from A. Z. English, who is very ill at Los Angeles and slowly recovering from the effects of an operation, states that his physicians have decided that it will be impossible for him to come to Muskogee before April 5. A number of leading citizens of Muskogee have signed his bond, and it will be sent to him for his signature. Attorneys for the indicted men have not yet reached a decision as to whether they will demur to the indictment or not. Governor Haskell will be represented by an array of attorneys when placed on trial, which probably will not take place till May or June, next. Blank sheets of paper have been attached to Haskell's bond and hundreds of citizens signed them today.

Mass Meeting. Sixty leading business men of Muskogee held a mass meeting at midnight last night that lasted until early today to discuss the seven indictments returned here late yesterday by the federal grand jury in the government's town lot investigation. The meeting was presided over by Mayor Martin. Expressions of confidence of the high standing, integrity and honor of the indicted men were made and a committee of seven members was appointed to correct what was termed an erroneous impression as to the legality of land titles existing in Muskogee and eastern Oklahoma.

More details became known today regarding the indictments. The first indictment returned—that against Governor Charles N. Haskell, Clarence W. Turner and Walter R. Eaton, alleged 47 overt acts in alleged conspiracy to defraud the government. The second indictment returned was against William T. Hutchins and Clarence W. Turner and alleged 12 overt acts in conspiracy to defraud the government. The third indictment was against Albert Z. English, Frederick B. Severs and Jesse Hill and alleged 92 overt acts in conspiracy.

Prominent Men. The indicted men, including Governor Charles N. Haskell, are among the most prominent in Oklahoma. Clarence W. Turner is proprietor of a large hardware company, and formerly was a member of the Muskogee city council.

Walter R. Eaton is secretary of a contracting company.

William T. Hutchins is a lawyer. Albert Z. English is manager of a title and trust company and a telephone company. He is now in Los Angeles for his health.

Frederick B. Severs, 74 years of age, taught in the Indian schools, married a half-breed Indian woman, became a Creek citizen and was adopted by Creek Indian council, engaged in the mercantile business in Muskogee and Okmulgee, Okla., was extensively interested in stock raising and was a member of the Muskogee city council. Mr. Severs is father-in-law of A. Z. English.

Continued Confidence. Guthrie, Okla., Feb. 4.—The attitude of the legislature toward Governor Haskell's indictment resolved itself into a strictly party question today, when the house adopted resolutions renouncing "continued confidence" in the chief executive. The republican minority voted solidly against the resolution.

CONDITION IS WORSE. Los Angeles, Feb. 4.—The condition of E. J. ("Lucky") Baldwin, the widely known race horse owner, became worse early tonight, when his heart action became enfeebled again, and grave fears for his recovery are felt by the attendants.



PRESIDENT ROOSEVELT.

VOTES TO EXCLUDE JAPS FROM SCHOOLS

California Assembly Passes Measure Denying Japanese and All Other Asiatic Children the Privilege of Attending White Educational Institutions in the Sunset State—President Roosevelt Takes a Hand in Matter.

Sacramento, Cal., Feb. 4.—With the defeat in the lower house today of two of the anti-Japanese measures, followed by the unexpected passage of a third bill segregating Japanese school children in separate schools along with Chinese, Koreans and other Asiatics, regarded as the most offensive measure of all, President Roosevelt has again taken a hand in the anti-Japanese legislation in the state legislature which for the last week has drawn international attention to California. Hardy had the bill been passed by the assembly before Governor Gillett received the following message from the president:

"Washington, Feb. 4, 1909.—J. N. Gillett, Governor: Your kind letter just received. What is the rumor that the California legislature has passed a bill excluding the Japanese children from the public schools? This is the most offensive bill of all, and in my judgment is clearly unconstitutional, and we should at once have to test it in the courts. Can it be stopped—in the legislature or by veto?"

(Signed) "THEODORE ROOSEVELT." Governor Gillett wired a reply to the president and asked for an answer at once. He refuses to discuss the nature of the message to Washington, but will make all the correspondence by wire public upon the receipt of the president's next message, if possible.

The bill passed today, which was one of the three anti-Japanese measures introduced by Assemblyman Grove L. Johnson, places the Japanese in the same classification with other Asiatics and inserts the word "Japanese" in the present state statutes providing for the segregation in separate schools of "oriental" children. By this action the lower house of the California legislature has taken the step which the board of education of San Francisco intended to take two years ago, but which was abandoned after the board and former Mayor Eugene E. Schmitz were called to Washington and had several conferences with President Roosevelt. The assembly debated all day on the three anti-Japanese bills. The first one taken up, preventing aliens from being members of boards of directors, was beaten easily, the vote standing 54 to 15.

The next, providing for the segregation in residential districts of all desirable aliens, resulted in a tie vote of 37 to 37, the measure being defeated by being four votes short of a majority. Johnson of Sacramento, its author, changed his vote from aye to no, in order that he might give notice of reconsideration.

Following is the full text of the school bill: "Section 1—Section 1662 of the political code is hereby amended so as to read as follows: "1662.—Every school, unless otherwise provided by law, must be open for the admission of all children between 6 and 21 years of age residing in the district, and the board of school trustees or city board of education have power to admit adults and children not residing in the district whenever good reason exist therefor. Trustees shall have the power to exclude children of filthy or vicious habits or children suffering from contagious or infectious diseases, and also to establish separate schools for Indian children and for children of Mongolian or Japanese or Chinese descent. When such separate schools are established Indian, Chinese, Japanese or Mongolian children must not be admitted into any other school; provided, that in cities and towns in which the kindergarten has been adopted or may hereafter be adopted as a part of the public primary schools, children may be admitted to such kindergarten classes at the age of four years; provided, further, that in cities or school districts in which separate classes have been or may hereafter be established, for the instruction of the deaf, children may be admitted to such classes at the age of three years."

Receives Replies. Washington, Feb. 4.—Senator Nixon today received replies to the telegrams he sent on yesterday to the president

(Continued on Page Five.)

COUNT BERNSTORFF IS TENDERED BANQUET

NEW GERMAN AMBASSADOR TO UNITED STATES IS ENTERTAINED.

New York, Feb. 4.—Count Johann Heinrich von Bernstorff, German ambassador to the United States, received a gracious welcome at the hands of a large gathering tonight at the Manhattan club, where the New York Staats-Zeitung tendered him a dinner. Herman Ridder presided with Count von Bernstorff at his right and Joseph H. Choate, former ambassador to Great Britain, at his left. A cabaret was sent to Emperor William containing greetings.

Herman Ridder introduced Count von Bernstorff and the count arose to a chorus of applause.

The other speakers were Mr. Choate and Nicholas Murray Butler, president of Columbia university. Earlier in the day at an informal reception at the chamber of commerce the count had been made welcome by representatives of the business interests and had delivered an address on the business relations of the two countries.

HOLT AGAIN ARRESTED.

Helena, Feb. 4.—Richard Holt, who was arrested in the Hancock murder case soon after it was committed, was again taken into custody yesterday, but the matter was not given out by the authorities. Holt is being held on a perjury charge. His hearing will be Saturday afternoon. Just what statement he made has not been given out by the authorities. It is believed he is being held on the charge of perjury until a more serious charge is filed.

CATTLE ARE DROWNED.

Marysville, Cal., Feb. 4.—Five hundred cattle were drowned by the flood waters on the Stanford ranch, near Tehama, last night, and 1,500 sheep perished near Colusa. It is estimated that the damage in Colusa county will be in the neighborhood of \$1,000,000. The loss in Butte county is estimated at about \$60,000 and in Glenn, Tehama, Sutter and Yuba counties apparently a quarter of a million.

VANDERBILT RESIGNS.

New York, Feb. 4.—William K. Vanderbilt, president of the Coney Island Jockey club for nearly ten years and its largest stockholder, today resigned the presidency. Schuyler L. Parsons was elected in his place.

RABID DOG ATTACKS CHILDREN

TWO LITTLE GIRLS ARE DANGEROUSLY CHEWED BY MADDENED BRUTE.

San Francisco, Feb. 4.—A dog, supposed to have been suffering from rabies, ran amuck through the yard of the John Sweet grammar school on McAllister street today, created a panic among the pupils at play and seriously if not fatally injured two of the children.

Those whom the savage beast attacked are Ida Fischner, 12 years old, whose right leg was terribly torn and lacerated from the thigh to the knee, and Bessie Bailey, 9 years old, both of whose legs were cut and mangled from knees to ankles.

The injured girls were removed to their homes and their condition, especially that of Ida Fischner, is regarded as critical.

The dog was pursued by a crowd of men and boys and finally was shot by a policeman.

DEATH KNELL OF RACING SOUNDED

SENATE SEALS FATE OF POOL-SELLING AND BETTING IN CALIFORNIA.

WALKER MEASURE PASSES

Bill Prohibiting Gambling in Any Form on Horse Races Within State Is Approved by Both Houses of Legislature and Only Needs Signature of Governor to Become a Law.

Sacramento, Feb. 4.—Racing in the state of California received a vital blow when the senate today by a vote of 33 to 7 passed the Walker-Otis anti-race track gambling bill, which prohibits pool selling, bookmaking or gambling on horse races. The bill having already passed the assembly, it will now go to the governor for his signature, after which it will become a law. Governor Gillett has signified his intention to sign the measure if passed by both houses, but it is believed that he will not take this action until 30 days have elapsed. As the bill permits pool dealers and bookmakers 60 days' time in which to close up their affairs, the present season of racing at the Emeryville and Santa Anita courses will not be disturbed.

The Walker-Otis anti-gambling bill is referred to as "the Hughes law of California" in this section, inasmuch as it follows closely the text of the Hughes bill which was passed by the last legislature in the state of New York. Violation of the measure is made a felony, the punishment for which is imprisonment in the state penitentiary and a heavy fine.

Galleries Packed. The senate galleries were packed this afternoon when Senator Walker, sponsor for the bill, presented the measure for consideration. He explained that it would not prevent horse racing and would not injure the business of the state one iota. It was agreed by the proponents of the bill that there should be no debate on the part of those favorable to its passage.

Senator Wolfe, as was expected, made the principal speech in a last effort to turn the tide in favor of the race track owners and supporters.

"I am against this bill because it is unfair," he shouted. "You don't stop the handbooks by this measure, and if you pass it, it becomes a law, you will stop racing in California. But they will continue to race in Canada, Mexico and every other state where gambling on speed contests is permitted."

A Great Sight. "I'll venture to say that many of the senators who will vote against this bill today go to the races every chance they get. At the running of the Burns handicap at Emeryville over 15,000 people witnessed the contest. They did not all bet. They loved to be there—it made their blood run free—to see that noble contest."

Wolfe closed with an eloquent plea to his fellow senators, to vote against the bill's passage on the ground that it would kill the breeding industry of the state and result in a loss of millions of dollars annually.

After several speeches had been made in a similar vein, the bill was presented for action. It was passed by a vote of 33 to 7. Those who declared against the passage of the bill were Senators Hartman, Weed, Wolfe, Finn, Hare, Leavitt and Reilly.

As to when he would sign the bill Governor Gillett was non-committal tonight. Under the law he must sign or veto it within 10 days after it is sent to him. He said that he might affix his signature after considering the measure for five minutes or he might take longer. He has not made up his mind. If the governor wishes he may permit the present seasons at Emeryville and Arcadia to run their regular courses.

BUYING ART TREASURES.

New York, Feb. 4.—Americans are buying nine-tenths of the best examples of the work of old masters of Europe, according to Eugene Fischhoff, a well-known art dealer of Paris, who arrived here yesterday.

"Within the last twenty years," he said, "Americans have been so active in this line that European amateur collectors and museums have been stirred by the Yankee energy and are protecting themselves. There is at present a great demand for pictures of the early French and English schools, but there is nothing in the market to satisfy it."

WOULD ABROGATE TREATY.

Salem, Ore., Feb. 4.—In a memorial to congress introduced in the senate today by Senator A. A. Bailey of Multnomah county congress is urged not to abrogate the present Chinese exclusion laws in favor of general laws, as has, it is said, been suggested. The resolution also asks that the present exclusion law be broadened so as to include Japanese and Hindus.

KILLS WOMAN, THEN HIMSELF.

New York, Feb. 4.—In the little village of Formindale, Long Island, a few miles from Oyster Bay, Frederick Buckholt, 40 years old, tonight shot and killed Mrs. Elizabeth Rust, slightly wounded her two children as they stood clinging to her skirts and then hanged himself in the attic of the home.