

MAKES STRONG PLEA FOR LAW

ATTORNEY FITZHUGH APPEALS TO JURY TO METE OUT JUSTICE TO COOPERS.

Nashville, Tenn., March 8.—After Captain Fitzhugh had completed the opening argument for the state this afternoon in the case against Colonel Duncan B. Cooper, Robin J. Cooper and John D. Sharpe, charged with the murder of former United States Senator E. W. Carmack, Judge Hart ordered the jury withdrawn and said: "I asked the audience to remain until after the jury was dismissed in order that I might do something I never did before. I want to thank you for the splendid order preserved today. In spite of the splendid bursts of eloquence from the speakers there has not been a single demonstration." Captain Fitzhugh spoke more than five hours. He was a close friend of Senator Carmack and he is in the case at the special request of Mrs. Carmack. "There will be many arguments made to you," he said, "to touch your hearts. You will be asked to be generous and sympathetic. They will talk to you of this 'boy'. Why, gentlemen, he is 27 years old, and one of the greatest achievements of men have been accomplished before a man is 30; and they will point to Colonel Cooper as a gentleman of the old school, as the 'last flower of the old southern chivalry'.

PAYMENT OF MONEY IS ORDERED

COURT ORDERS TREASURER TO PAY FOR BUTTE JAIL SITE PROPERTY.

Special to The Daily Missoulian. Butte, March 8.—Another skin in the difficulties which the county commissioners have experienced in their efforts to build a new court house has been unraveled. Judge McClernan rendered a decision this morning which assures Silver Bow county a new court house and jail, and work will be started on the jail building in a short time. The court ordered issued the peremptory writ of mandate asked for, compelling the County Treasurer C. E. Meagher to pay the \$15,000 warrant issued by the board of county commissioners to Laura Clark in payment for the two lots at the corner of Alaska and Quartz streets, which site will be used for the new jail building, and will also contain the heating and lighting plants. Judge McClernan held that the commissioners acted within their legal rights when they purchased the ground for the jail site, and stated that the contention of the treasurer's counsel that the county jail is not a part of the court house itself is untenable.

TAFT WILL ATTEND GRAND ARMY RALLY

Washington, March 8.—That President Taft contemplates a general trip through the south and west this autumn was indicated by him today when he said he would try to attend the annual encampment of the Grand Army of the Republic to be held in Salt Lake City, August 9 to 14. The invitation was extended by Senators Smoot and Sutherland of Utah, who also represented the executive committee of the G. A. R. President Taft said he would like very much to attend the meeting, and it might be quite possible for him to do so in view of his intended trip through the south and west.

WAGES ARE REDUCED.

Phoenixville, Pa., March 8.—A reduction of 10 per cent in the wages of the employees of the Phoenix Iron company went into effect today. About 2,000 men are effected. All of the departments except the draughtsmen and general office force are included in the cut. The Phoenix Iron company is one of the biggest in Pennsylvania.

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CURES LIQUOR HABIT
CURE EFFECTED OR MONEY REFUNDED.
So uniformly successful has ORRINE been in restoring the victims of the "Drink Habit" into sober and useful citizens, and so strong is our confidence in its curative powers that we want to emphasize the fact that ORRINE is sold under this positive guarantee—cure effected or money refunded. Remember the guarantee is in each box.
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MEASURE IS VETOED BY NORRIS

BILL CREATING OFFICE OF STATE CHEMIST MEETS WITH DISAPPROVAL.

Special to The Daily Missoulian. Helena, March 8.—Another bill passed by the last legislature has been vetoed by Governor Norris. It is house bill 227, providing for the creating of the office of state chemist. In vetoing the measure Governor Norris says: "An examination of the general appropriation bill covering the years 1909 and 1910 discloses the fact that no appropriation has been made to pay the salary of the officer and support the office provided for in this bill. 'No reasons sufficiently convincing appear to warrant the creating of the office at this time particularly in view of the fact that the demands upon the general fund are greater than the income will meet. It would be extremely inadvisable to create an office for the support of which, during the next two years, no provision has been made.'

The following bills were signed today: H. B. No. 320, appropriation for payment of legislative employees; H. B. No. 289, to provide for the selection of umpire assessors; substitute for H. B. No. 295, providing penalty for the desertion of sheep by herdsmen; H. B. No. 359, relating to creation of surplus funds by banks; H. B. No. 332, relating to the entry, settlement and forfeiture of lands reclaimed under the Carey land act; H. B. No. 289, relating to the payment of deposits in two names; H. B. No. 257, regulating the public service of jacks and stallions; H. B. No. 372, placing highways and bridges in counties of the first class under the supervision of county surveyors and abolishing the office of road supervisor; H. B. No. 291, making foreign corporations and joint stock companies corporations of this state for purposes of jurisdiction; H. B. No. 243, providing for the creation of a migratory stock fund; H. B. No. 286, to prevent and punish fraud in the sale of blasting powder; H. B. No. 52, defining the word "estrays" and providing for the disposition of estrays; S. B. No. 55, relating to the sale of realty for delinquent taxes; House substitute for S. B. No. 17, relating to the disqualification of judges; S. B. No. 109, relating to distribution of funds received from the national forest service; S. B. No. 95, providing for inquests over bodies of convicts at state prison; S. B. No. 120, relating to county deputies; S. B. No. 2, relating to funds of state educational institutions.

QUARANTINE TO BE RAISED.

Newport, R. I., March 8.—The quarantine which has been maintained over more than 2,000 men at the naval training station here for the last month on account of the prevalence of scarlet fever will be removed on Friday next, providing no more cases be announced. Out of a total of 10 cases three proved fatal.

HARRIMAN SEEKING A BEGGAR

IS KEEPING THE WIRES HOT TRYING TO FIND MAN TO WHOM HE GAVE A DIME.

Tucson, Ariz., March 8.—A beggar to whom E. H. Harriman gave a dime while in this city on Thursday last is being sought by railroad detectives under instructions from the railroad magnate, who is in Sinaloa, Mexico, and has kept the wires hot in an effort to obtain some trace of the man. The trainmen have been instructed to be on the lookout for the man, whose description has been telegraphed to all points along the line. What has occasioned Mr. Harriman's sudden interest in the man is not known here. While Mr. Harriman and a party of friends were talking on the depot platform the beggar approached him and told a story about having been crippled while in the service of the Southern Pacific. It is presumed that the magnate's interest was aroused and that on second thought he decided to assist the man if he could be found.

POSTOFFICE BOXES ARE ROBBED BY BOY

Montrose, Col., March 8.—Robert Oxford, 18 years old, broke into a number of lock boxes of the Montrose postoffice today and secured \$108 in cash and drafts and a considerable amount of jewelry. The boy opened the boxes, which are of the common lock pattern, by listening to the click of the tumblers. He secured the larger portion of his plunder from the boxes of the county treasurer of Montrose county and the Reynolds Jewelry company. He was arrested shortly after the theft was discovered. Accompanied by the police he returned to the postoffice and opened a number of other boxes to illustrate his methods.

IDENTIFY PEARL NECKLACE.

Omaha, Neb., March 8.—Otto C. Helms, the New York millionaire, accompanied by Mrs. Helms, arrived here today and positively identified the pearl necklace recovered by the Omaha police from the Greek, John D. Savis. They had not decided whether or not to prosecute Savis.

WILL DEFER ACTION.

Honolulu, March 8.—The territorial senate voted today to defer final action on the anti-alien bill for 10 days. The measure prohibits aliens from fishing in Hawaiian waters and is aimed especially at the Japanese.

HAMILTON MASONS PLAN TEMPLE

COMMITTEE IS APPOINTED TO DRAFT RESOLUTIONS—NEWS OF APPLE TOWN.

Special Correspondence. Hamilton, March 8.—The Masons of Hamilton are to build a temple within the coming year, plans having been perfected at a meeting held Saturday night. At that time a committee composed of W. P. Baker, O. C. Cooper and William Stied was appointed to draft a resolution calling for the construction of a building to be devoted to the interests and uses of the Masonic bodies of this city. This resolution will be presented at a special meeting to be called soon. The temple will be located between the city hall and the office of the Ravalli Republican, and will cost \$20,000, for which bonds are to be issued.

Distinguished Visitors.

Hamilton is entertaining tonight the following distinguished visitors: Former Governor Van Sant of St. Paul and F. L. Carr, J. H. Mitchell, Charles Carothers, W. O. Dwyer, R. H. Cushman, S. D. Dibble and S. C. Yrdehusen, all of Minneapolis. These gentlemen came to the valley with O. W. Kerr, who recently purchased a large tract of land. Patrick Hogan was arrested today for stealing a pair of shoes from the Valley Clothing company, and will have his preliminary hearing tomorrow. He broke into the store through the rear door. Dr. Fritz Buchen had a narrow escape from serious injury today, when a livery team he was driving bolted, running into the show window of the Flugsbad Jewelry company. The window was badly wrecked.

CARLOAD OF MAIL BURNS.

Boston, Mass., March 8.—A carload of westbound mail on the Fitchburg division of the Boston & Maine railroad was destroyed by fire today within an hour before the leaving time of the train for Albany. It is estimated 8,000 packages of letters and 150 packages of newspapers were burned.

SWEEPING CHANGES ADVOCATED

NEW YORK CHARTER COMMISSION WOULD REVOLUTIONIZE CITY GOVERNMENT.

New York, March 8.—The report of the New York charter commission, made public tonight, proposes among other things, "that no person shall be eligible for the office of mayor unless he shall have been a resident of the city for at least 10 years preceding his election, and that the salary be increased to \$25,000 a year." The revision committee provides for a uniformed superintendent of police, appointed from the ranks of the force. It is proposed to abolish the board of aldermen and in its place create a council of 33 members, to serve without pay. The council will have large ordinance-making powers, but will have no control over the administrative business of the city or of the franchisees. Much may be accomplished, the commission thinks, towards simplifying the complex financial system of the city and doing away with extravagant and unnecessary expenditure by making the board of estimates and apportionment the great business executive of the city with complete control of financial affairs.

DONAHUE'S PLAYERS HAVE GOOD HOUSE

Donahue's Players pleased a good audience at the new Harnois last night with their presentation of "For Hearth and Home." Quite a novelty was introduced at the starting of the show. The curtain was rung up on a bare stage and at a signal from the house stage manager the stage hands came out and set the scenery in full view of the audience. Donahue and Oretto caused a riot of laughter with their "Big Foot Bill" act, and the audience seemed to enjoy it more than on the opening night. "Tonight is the last night of the company's engagement here for this season, at which time they will present the four-act comedy-drama, "Lena Rivers." This play is dramatized from the book of the same name, and no doubt a large audience will be in attendance to give the company a rousing farewell.

SIGNS CONTRACT.

Chicago, March 8.—Chick Fraser of the pitching staff of the Chicago National team, whose desire for a higher salary has kept him in Chicago instead of with his teammates in Arkansas, signed his 1909 contract today. Whether the required salary raise was preliminary thereto is not stated. The main body of the team left for West Baden, Ind., for preliminary training work tonight.

RESUME ACTIVITY.

Boston, Mass., March 8.—The factories of the W. L. Douglas Shoe company resumed their customary activity today with the return of the 425 stitchees who had been on strike since March 1, causing the enforced idleness of about 1,650 operatives.

A Burnt Child

Dreads the fire. The dread is wholesome, but not the burn that can be healed and instantly relieved by applying Ballard's Snow Liniment. Be prepared for accidents by keeping a bottle always in the house. Best for sprains, bruises, cuts, scalds, rheumatism, neuralgia, bunions—any and all aches and pains. Price 25c, 50c and \$1.00. Sold by George Freishelmer.

YOU'RE going to buy clothes this spring; they're going to be of a style and color and pattern that suits you, not somebody else. And you're going to buy them where you think you get the best and biggest value for your money. That's what you're going to do; you see how well we know you and your plans.



Premier CLOTHES

for spring are the highest exponent of the good clothes idea ever presented any place. They show an advance over the same clothes of seasons past that is simply remarkable, and this applies not only to the quality of the fabrics, nor the tailoring, nor the fit, but to all of them. No ready-to-wear clothes sold in America can approach them, so particular are we in their construction that not a wrong stitch can get into them. They are hand-tailored as such as the finest custom-made clothes, are as stylish in cut and finish and the domestic and foreign wools that enter into them are every bit as good. There are but two differences, and they're in favor of *Premier*. 1.—They're ready to wear, no fussing around and time lost in fitting. 2.—The price, \$25, \$27.50, \$30 and \$35 for clothes a tailor would ask, perhaps, double.

This store, the people in it, are for service; your service; not what we want, but what you want. Yesterday we opened our

Spring Clothes Show

It continues right along throughout the season. It's the greatest display of Men's Fine Clothing ever known in Missoula—we had aimed at just this thing. The store is filled with new spring goods of the best quality we can find. The prices are fair to both of us; your profit is as important as ours, and as big as ours. We try to make sure of it by saying, at any time if you are not satisfied with what you get here, get your money back. Despite an occasional snow flurry, spring is here. Wouldn't you have stepped a little higher in last Sunday's sunshine if you'd had a new spring suit on? Days like Sunday was will occur often from now on, so be ready for them with new raiment—there's every advantage in buying your spring clothes early.



HART, SCHAFFNER & MARX CLOTHES

We make a special feature of Hart, Schaffner & Marx clothes because of their high reputation and because they sustain their reputation. They are one of the very few makers who maintain a strictly all-wool standard of fabrics. In this line we offer a great variety of weaves, colors and patterns. Prices, \$22.50, \$25, \$27.50 and \$30.

CAPPS' AND OTHER GOOD MAKES

In moderate priced suits, and even cheap suits, we show a large range of styles, fabrics and colors. Some of these suits are Capps' 100 per cent pure wool clothing, which has an established name for good, durable, neat and dressy apparel at a reasonable price, while others are from various makers who seem to have a knack of getting good fabrics and making them up in good styles and still keeping inside the limits set by a demand for clothes at a minimum of cost. In these two classes will be found suits at \$20, \$18.50, \$16.50, \$15 and \$12.50.

Topcoats Topcoats are shown in a variety of new and smart models and play an important part in this season's exhibition. Topcoats have been restored to favor and will this season be worn more than ever. In English whipcords, covert, Vicunas and novelty worsteds. Prices, \$22.50, \$25, \$27.50 and \$30.	Spring Overcoats Spring Overcoats—The dressy garments, in just the right weight for between-seasons' wear. Made in new models, cut 42 inches long, in grays, fancy worsteds, light and dark Oxfords and in plain and fancy weave blacks, silk lined and silk faced to edge. Prices, \$22.50, \$25, \$30 and \$35.	Raincoats Raincoats nowadays must do something more than keep one dry. They must give the air of style and refinement. Ours do. The new spring models include garments made with the new military collars as well as the plain collar styles. In a large range of fancy patterns, also in plain black. \$22.50 to \$30.
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Missoula Mercantile Co.

MILITARY COURTMARTIAL IS UNIQUE ORGANIZATION

The proceedings of a military court-martial such as convened at Fort Missoula yesterday, are unique in many features. While this court corresponds to the civil trial tribunal, and its method of procedure is patterned much on the order of that of the civil court, it differs from the latter in some essential points that mark it as a decidedly novel organization. The court which is now sitting at the local post is composed of 15 members. The trial body itself has 13 members, the other two officers being the judge advocate, who handles evidence on behalf of the government; and counsel, who looks after the interests of the accused. The present court is presided over by one colonel, who occupies a seat at the head of a long table, and acts in the capacity of judge. But a unique feature of his position is that while he is virtually judge he does not possess the authority to exercise all the functions of one in that position in a civil court. He is both judge and one of the jury and when points of law are raised he does not, like the presiding officer of a civil tribunal, decide it himself, but submits the question at issue to the other 12 members of the court, who decide it by ballot. When such a point is raised the president orders the courtroom cleared and the court proper goes into executive session. Neither the defendant nor his counsel, or even the judge advocate is permitted to remain in the room while the matter is being settled. When a decision has been reached the court is again declared open and the result of the consultation is announced by the presiding officer. As a result of this modus operandi the courtroom is frequently cleared—especially in this case when a cross-examination is being conducted and the judge advocate and counsel vie with each other in raising points of objection. In the makeup of the court, when in session, strict attention is paid to rank. Next to the presiding officer, one on either side of the table, set two lieutenant colonels, then two majors, then four captains and finally four first lieutenants. The members of the

ELECTRIC POWER IS POPULAR

The growth of the use of the electric motor in Missoula has been remarkable, due to cheap rates, efficient service and the great adaptability of electricity as a motive power. The following is a statement of the increase in the use of electric motors during the past three years. The list does not include any motor of less than one horse-power.

- March 1, 1906—256 H. P.
- March 1, 1907—313 H. P.
- March 1, 1908—408 H. P.
- March 1, 1909—803 H. P.

Let us figure with you on your power proposition.

MISSOULA LIGHT & WATER CO.

CONTRACTS AWARDED. San Francisco, March 8.—Contracts for two of the submarine boats recently authorized by congress have been awarded to the Union Iron works of this city, according to a telegram received. The local shipbuilding concern put in bids through the Electric Boat company, which controls the patents under which the submarines are built. The boats are to be completed within 23 months and will cost between \$350,000 and \$400,000.	KILLED BY EXPLOSION. Wilmington, Del., March 8.—One man was killed and several others slightly injured early today by an explosion which destroyed the two mills in the Hagley yard of the Dupont Powder company near here. The accident was caused by an explosion of an experimental barrel. The country was shaken for miles around.
HAS CHANCE TO RECOVER. Cadiz, March 8.—The physicians in attendance upon Admiral Cervera are now of the opinion that the admiral has a chance of recovery.	JAP CRUISERS COMING. San Francisco, March 8.—The Japanese cruisers Aso and Soya are on their way to the Pacific coast and are expected to arrive here April 25. From San Francisco, it is understood, they are to proceed to Seattle and possibly other coast points.