

WILL DECIDE OFFICER'S CASE

FINDINGS IN PARKMAN HEARING WILL PROBABLY BE MADE BY COURT TODAY.

EVIDENCE ALL PRESENTED

Two Witnesses Are Examined, One for the Defense and One in Rebuttal for the Prosecution—Arguments Will Be Made by Each Side This Morning—Result Will Be a Secret.

Whether Lieutenant Wallace E. Parkman is technically guilty of the charges preferred against him or is merely the victim of persecution at the hands of his superior officer, Captain L. C. Duncan, will probably be determined today by the military court martial which is in session at Fort Missoula.

But two witnesses were examined before the court martial yesterday, they being Captain Laurence Halstead, Sixth infantry, at Fort Missoula, and J. E. La Violette, passenger conductor on the Northern Pacific.

The former was a witness for the defendant and the latter was introduced by the prosecution in rebuttal.

For the purpose of expediting matters the defense admitted, in relation to the charge of smuggling a Filipino servant over the Northern Pacific, that the first conductor and others knew the servant of the accused, and that of Major Beacom, were on the train, and that no fare was paid for them because none was demanded.

After some discussion this admission was accepted by the prosecution. Captain Halstead, counsel for the accused, took the stand and testified that a conductor on the troop train made this remark to him while they were together in the smoking room:

"Of course I am not saying that I am above taking a fare from a passenger and putting it in my jeans; but, of course, when I do I never give any receipt."

After Captain Halstead had given further evidence regarding the charges at issue, Conductor La Violette was called and swore that he did not receive any report from the first conductor that the two boys were riding in an ambulance, and that he did not know that the boys were riding on the train. He declared that his run was practically a night run, and that he had not observed any one in the ambulance.

The prosecution had summoned another railroad witness, but as he would not arrive before today and his testimony would only be in substantiation of that already before the court, it was finally decided to dispense with him and the case was rested.

This morning the points of the matter will be argued by the judge advocate, Captain Schindler, for the prosecution, and Captain Halstead, counsel for the accused.

FIVE ARE DROWNED.

Montgomery, Ala., March 10.—Five persons lost their lives here today in the rising waters of the Alabama river following last night's rain, the heaviest in 20 years. Four whites and a negro were drowned. Five and one-half inches of rain fell in four hours. Samuel Dillard, a white boy, playing near the river bank, fell into the stream and lost his life.

DOMESTIC TROUBLE CAUSE OF SHOOTING

Butte, March 10.—In a special to the Miner further details of the killing of Herman Hogle by Edward Smith at Gillette, Wyo., last Monday night apparently give it the stamp of a cold-blooded affair. The shooting followed the separation of Smith from his wife. Smith walked into the home of his wife and found Hagle there with another man and woman, all neighbors. Smith whipped out his revolver and without a word, and ignoring Hogle's cries of "Don't do that, for God's sake," shot him dead as the latter held his hands before his face, as if to shut out the flash of Smith's gun. Maintaining his silence, Smith then surrendered himself to a deputy sheriff, and is now in jail.

Smith was formerly marshal at Gillette, which position he lost a year ago for disorderly conduct. Going to Mooreport he secured a similar position. Hogle was a bartender. Domestic trouble is believed to be behind the tragedy.

"INSURGENTS" IN HOUSE UNEASY

UNCERTAINTY OF CANNON'S POLICY IN APPOINTING COMMITTEES CAUSES CONCERN.

DEMOCRATS SPECULATING

Minority Membership of Lower Branch of Congress is Considerably Perturbed Also Over the Possibility of Being Defeated in the Accomplishment of Its Cherished Plans.

Washington, March 10.—"Insurgents" and democrats were indulging in much speculation at the capitol today as to what would be the policy of Speaker Cannon in selecting the committees of the next house in the event he is successful in the present fight over the organization of the house in the sixty-first congress.

The democrats are apprehensive that the speaker will assume the right to fill the minority as well as the majority places on the committees. Several democrats have appealed to the speaker directly for appointment on certain committees.

When John Sharp Williams was minority leader, Speaker Cannon referred all such appointments to the minority leader. He has taken no such action this time. Minority Leader Clark's friends say he can interpret this course in but one way.

There have been no conferences between the minority leader and the speaker. Cannon may classify the "insurgents" as a minority group. The democrats will make political capital out of the failure to recognize the minority leader. They will argue that this is another illustration of the despotic power of the speaker.

Another possibility worrying the democrats and the insurgents is that Speaker Cannon may classify the "insurgents" as a minority group of the house and make up committees on the basis of carrying out the democratic representation in the committees and might prove embarrassing to the "insurgents."

Mr. Clark conferred today with Representatives Nelson and Gardner of the "insurgents." All claimed afterwards that the fight on the rules is not to be abandoned, and it was decided that the democrats and insurgents have entered into an agreement as to voting for any specific rules.

The democratic caucus likely will be held next Monday before the house convenes and will adopt a resolution in favor of carrying out the pledge of the Denver platform to reduce the power of the speaker.

On the floor of the house the democrats will attempt to lead in the opposition to adopting the rules. They will not allow that honor to go to the "insurgents." The opposition of a large number of democrats to the election of a committee to elect the committees will probably defeat the plan of the insurgents if an opportunity arises to consider that amendment on the floor. Their opposition to have the committee on rules elected by the house and to bar the speaker from the committee will have more support from the democratic side.

As an evidence of their desire not to interfere with the tariff legislation the insurgent leaders today announced that they are willing for the speaker to appoint the committee on ways and means, the other committees to be selected by a committee on rules and committees.

MORE COPPER ON HAND.

New York, March 10.—The February statement of the Copper Producers' association issued today shows that the stock of marketable copper of all kinds on hand at all points in the United States March 1 amounted to 173,284,248 pounds, an increase of 23,000,000 as compared with February 1. The production during February was 104,700,817 pounds and deliveries aggregated 74,546,614 pounds. During the past fortnight sales totaling about 100,000,000 pounds have been reported.

BASIS FOR APPEAL.

Jefferson City, Mo., March 10.—An appeal bond of \$100,000 will be the basis on which a writ of error for an appeal to the supreme court will be granted to the Standard Oil company of Indiana and the Republic Oil company of Ohio, according to action taken by the supreme court of Missouri today.

TROUBLE MAY CONTINUE.

Vienna, March 10.—The lower house of the Austrian parliament, which closed in disorder February 5, after a scene of extraordinary turbulence, arising from the old antagonism between the Czechs and Germans, reopened today with every promise of a continuance of the disorders.

PRISONER COMMITS SUICIDE.

Muscatine, Iowa, March 10.—Urey Jones, on trial for the murder of Mr. and Mrs. Van Winkle, committed suicide in the county jail today by hanging himself with a rope made from his bed clothes. Jones was to have taken the stand today in his own defense.

OLD BODYGUARD DIES.

Washington, March 10.—T. F. Pender, who was one of President Lincoln's bodyguards, and has since been an employe of the White House, died today, aged 86 years.

MOMBASA, WHERE ROOSEVELT WILL LAND



ALREADY PREPARING TO WELCOME HUNTER

MOMBASA IS PREPARING BIG RECEPTION TO FORMER PRESIDENT ROOSEVELT.

Mombasa, British East Africa, March 10.—Mombasa is preparing already to welcome Theodore Roosevelt when he lands here the latter part of next month on his much-heralded African trip. His coming has given a decided impetus to the interest in the hunting season. The governor of the protectorate, Lieutenant Colonel Sir James Hayes Sadler, is getting up a program of welcome and entertainment for Mr. Roosevelt; but despite this, the greeting will be more to the great sportsman than to the former president.

East African sportsmen were highly gratified to learn that Mr. Roosevelt had refused the offer of the authorities to grant him a special hunting license that would have permitted him to kill game to an unlimited extent, instead of confining himself to the two elephants, two rhinoceroses, two hippopotami, etc., of the regular license. Lions and leopards are classed as vermin, and consequently no license to kill them is required.

The white population has heard much of Mr. Roosevelt's personality, and in a joking way frequent references are to the "big stick" are being made. The rains are late this year and a heavy fall is expected. The regular time for the rain is from the end of January to the end of April. The prospects for good hunting are considered excellent. Many of the settlements in the outlying districts, realizing the interest in the prospects of sport because of the coming of Roosevelt, are the movements of game. According to a dispatch received here today, a record group of lions, numbering 32, was seen on the Nari plateau yesterday, about 40 miles north of Port Florence.

Four families of giraffes have been seen at Mankindi, 50 miles inland from here, on the line of the Uganda railroad, and elephants have been seen at Elburgun, 475 miles inland from the railroad and along the Sabinka river, not far to the north of Mombasa.

R. J. Cunningham, the noted English big game hunter, who is to be guide to the Roosevelt party, has been here for some time completing preparations for the trip into the wilderness. He is hiring native porters for the expedition, and takes only experienced men who are known to be courageous and to possess great physical strength. "Safari" kit, in other words, the camp equipment for the work in the open, is arriving from London, and all will be in readiness when Mr. Roosevelt gets here.

The railroad car used over the line as far as Port Florence by other distinguished visitors to Uganda, such as the Duke of Mecklenburg, the Duke of Connaught, the Duke of the Abruzzi, Joseph Chamberlain and Winston Spencer Churchill, is being refitted for the use of Mr. Roosevelt. This car is most complete in its details and provides the travelers with every comfort.

HIS SECOND VISIT.

Washington, March 10.—Senator Bailey of Texas came to the White House today for the second time in his life, he said, the first time being many years ago. "I simply called to pay my respects to President Taft. He is a delightful personality." Senator Bailey's visit was very brief.

STEAMERS COLLIDE DURING HEAVY FOG

Boston, March 10.—In a collision in Nantucket sound, about 8 a. m. today, the Eastern Steamship line steamer Horatio Hall was rammed and sunk by the Metropolitan line steamer H. F. Dimock. The Hall kept afloat long enough to flash news of the accident by wireless to shore points and to enable the Dimock to take off all on board, including a few passengers and a crew numbering about 40. The Dimock found that she was likely to sink near ashore. This afternoon lifesavers took off the crew and passengers.

MONTANA JUDICIARY OUT OF REALM POLITICAL

Helena, March 10.—The judiciary of Montana has been completely removed from the realm of politics. Hereafter no political party or political convention naming candidates for office can make nominations for judicial offices. This, in accordance with house bill No. 245, by Frank, which was signed this week by Governor Norris.

The bill is entitled "An act to provide for non-partisan nominations for judicial offices." Section 1 provides that hereafter all nominations for judicial offices shall be made only in the manner provided by section 1313 of the Political Code.

PRIEST SHOT DOWN IN STUDIO

Newark, N. J., March 10.—Three men walked into the studio of Rev. Father Anson, pastor of the Polish church of St. Stanislaus today and opened fire on him. Three bullets from their revolvers hit the priest, killing him instantly.

The three turned to escape and found their way blocked by Mrs. Antonia Sewrytska, the housekeeper. One of the men then shot her, inflicting a probably fatal wound. All three escaped.

Two hundred of Father Anson's parishioners, who were attending service in the adjoining church, heard the shots and rushed out, led by the assistant priests, but not soon enough to capture the assassins.

There has been considerable factional trouble in the congregation, and Father Anson, when he came from Paterson to take charge of the church five months ago, made several changes which caused widespread dissension. Leading parishioners told the police, however, that they did not think the ill feeling had been strong enough to lead to the shooting.

SAYS FATHER SHOT HIS SON

Nashville, Tenn., March 10.—"We contend that Colonel D. B. Cooper fired the shot which wounded his son, and that Senator Carmack, if he fired at all, fired wildly."

Attorney General Garner made this announcement today in the arguments in the trial of the Coopers and Sharpe, charged with murdering E. W. Carmack. General Garner declared it would have been a physical impossibility for Carmack to shoot Robin as the Coopers swear he did. The reasonable solution of the problem, he said, was that Colonel Cooper opened fire on Carmack as Mrs. Eastman believes he did and that a bullet from his pistol struck the telephone post, was deflected and entered Robin's shoulder. He contended that this theory is supported by the course of the bullet, which penetrated the flesh only an inch and a half and failed to strike a bone.

The proceedings were interrupted by the sudden fainting of Mrs. Carmack. The attention of the audience was instantly diverted to the widow of the murdered man.

DECLARE DIVIDEND.

New York, March 10.—The Western Union Telegraph company today declared a quarterly dividend of three-fourths of 1 per cent. This is unchanged from the last previous quarter.

PROBABLY PRESENT TARIFF BILL TUESDAY

Washington, March 10.—The new tariff bill will probably see the light for the first time next Tuesday. The desire of the members of the house committee on ways and means is to have it brought before the house on the first day practicable. The probabilities are that there will be so much to do in the way of organizing the house and getting ready for business that it will be impossible to have it presented on the first day.

The proposition to place a duty on coffee is understood to be a matter concerning which there is much difference of opinion in the committee. During its deliberations the committee placed a duty on coffee, took it off again, and as the bill stands now a tax of 4 cents per pound is provided for.

It is understood the duty on lumber, while at present fixed at 31, is likely to be increased. This is due to the campaign which lumbermen have been making, the result of which has been to give the committee a vast fund of information from which to determine an equitable tax. It is claimed for the Payne tariff bill that it will be correct theoretically, and while it will afford the best basis at hand to evolve the new tariff, it is expected that many changes will be made before it is finally enacted.

The revision throughout the bill is downward, the revenue and protection feature governing the fixing of all schedules. Representative Fordney of Michigan has stood out for the highest protection, while Representative Crumpacker (Ind.) has favored the lowest duties. Representatives Gaines (W. Va.) and Bonyng (Colo.) have advocated high protection, while the chairman, Mr. Payne (N. Y.) and Mr. Boutell (Ill.), McCall (Mass.) and Longworth (Ohio) have urged lower duties. Other members, Representatives Hill (Conn.), Needham (Cal.), Dalzell (Pa.) and Calderhead (Kan.) have favored protection for the interests of their constituents, but have generally been open to compromise.

It was authoritatively learned tonight that the new tariff bill which will be submitted to the house at the special session by the ways and means committee will contain these recommendations:

Lead and copper, no change; sugar, no change; iron ore, placed on free list; rails and billets, substantially reduced; pig iron, 25 per cent; textiles, graduated tariff on high grade cotton and silk goods an increased tax; on medium grade, no change; on low grade, a reduced tariff.

Speaker Cannon and Representative Vreeland today conferred with the republican members of the ways and means committee regarding the provisions of the bill. Strict secrecy was maintained, but it was understood that the provisions reviving the war revenue tax and the inheritance tax were thoroughly explained to the speaker. Mr. Cannon desires to become thoroughly familiar with the tariff measure in order to speed its passage through the house in accordance with the understanding reached at the White House conference of Monday.

In order to compensate in a measure for the general reduction of duties provided, the sub-committee has incorporated several provisions expected to increase the revenues. These tend to prevent under-valuations and other methods by which the ambiguity of the Dingley law is taken advantage of.

IT IS NOT A CRIME TO ROB ONE'S WIFE

Butte, March 10.—With comparative ease the police located Mike Smith, who is accused of skipping away from his wife after a week of wedded bliss with \$1,800 of her money. He denies the charge, and says that because he was drunk is the only reason he has been away from home so long. Under the Montana statutes, it is said, it is no crime to rob your wife, so a term of vagrancy is about all he can get. No trace of the money has been found.

"NOT GUILTY" MINERS SAVED FROM SLOW DEATH

IS JURY'S VERDICT

ACTION NOT UNEXPECTED

Prosecution Admits Inability to Furnish Proof Necessary Under Anderson's Rulings and Suggests Dismissal—Defense Asks for Instructed Verdict and Receives It.

Chicago, March 10.—"Not guilty." This is the result reached today in the government's famous suit against the Standard Oil company of Indiana. The suit of the government, where the defendant company at one time faced a fine of \$29,240,000 at the hands of Judge Landis on a charge of having accepted rebates from the Chicago & Alton railroad, came to an end abruptly. Judge Anderson, before whom the case was brought after reversal by the United States court of appeals, instructed the jury to find a verdict of not guilty.

Judge Anderson's decision was not altogether unlooked for, he having previously announced that the proof relied upon in the first trial was incompetent, and it was with something of an air of hopelessness that District Attorney Sims and his assistants attempted to show the admissibility of the Illinois classification to prove the existence of a legal rate of 18 cents. This was the vital point in the government's contention.

Assistant District Attorney Wilkerson admitted that the prosecution could not furnish the proof deemed necessary and suggested dismissal. Attorney Miller then moved for an instructed verdict of not guilty. This was ordered.

The decision of Judges Grosscup, Baker and Seaman of the United States court of appeals, reversing Judge Landis, together with the action of the United States supreme court, in refusing to review the decision of the court of appeals, played an important part in disposing of the case.

Whether prosecution on seven other indictments still pending against the company will be frustrated, District Attorney Sims would not express an opinion, stating that the question rested entirely with the attorney general.

A Serious Blow. The federal authorities said tonight Judge Anderson's ruling will invalidate class tariffs and make it impossible to convict a shipper for violations of class tariff regulations.

Judge Peter S. Grosscup, who wrote the opinion of the United States circuit court of appeals, upon which Judge Anderson based his action, said: "The thing for the government to do is to do away with classifications in the regulation of tariff rates and make the railroads file tariffs of more specific rates on each commodity without regard to classification. This might mean a great cost to the railroads, but I know nothing of that. Changing class tariffs, however, means particular changes to meet conditions and means no more of a complete change than is made in different editions of a telephone directory."

AUTOS CAUSE FUROR.

Special to The Daily Missoulian. Wallace, March 10.—The recent arrival of two automobiles in Wallace has caused general excitement and the report that a third is en route induced the members of the city council last night to decide upon the passage of an ordinance regulating the speed of autos in the city limits. Chief of Police Adams has been instructed to write to Spokane for a copy of the city ordinance in force in that city and a similar law will be placed on the statute books of Wallace.

SALOONS THE ISSUE.

St. Paul, March 10.—Village elections were generally held throughout Minnesota yesterday and returns received today indicate that the question of license or no license for saloons was the only issue. Returns from 51 villages show that 24 voted for license and 27 against it. Saloons were voted out of several of the larger towns.

TOO MANY CIGARS.

London, March 10.—Strong cigars, advancing years and throat trouble caused by gout, composed about all there is the matter with King Edward's health, despite the reports that he is seriously ill. No alarm is felt here concerning his condition and no credence is placed in the stories of his illness.

LEUPP DEPARTS.

Washington, March 10.—Commissioner of Indian Affairs Leupp left today on his annual contract letting trip for furnishing supplies of various kinds for Indian schools and reservations.

ENTOMBED MEN ARE RESCUED FROM MINE AFTER BEING BURIED FIFTY HOURS.

HOPE ALMOST ABANDONED

Efforts to Free Workmen Caught in Tunnel Near Salt Lake City Are Repeatedly Blocked by Fresh Cave-ins, but Perseverance is Finally Rewarded by Release of Prisoners.

Salt Lake City, March 10.—After enduring the horrors of an underground prison with death at their elbows for 50 hours George and Jerry Peterson were dragged through an 18-inch hole to freedom and safety at 6 o'clock tonight.

A crowd of 100 people, including the wives and neighbors of the imperiled men, sighed with relief or wept with joy as they were blindfolded, wrapped in blankets, refreshed with hot coffee and bundled into a wagon to be taken home.

On Monday afternoon the roof of the drain tunnel on the St. Patrick property, four miles east of Murray, gave way and a huge mass of earth blocked the passage 160 feet from its mouth. The Petersons were on the wrong side of the cave. Warned by previous experience, they had equipped themselves with a long iron pipe two inches in diameter which they kept ever at hand. They now drove this slender tube through the debris to secure ventilation and undertook to burrow out.

Their digging was worse than useless, for the loosened earth ran down faster than they could move it. At supper time they were rescued by their families and their predicament was soon learned. Ratchmen by the score and a few practical miners formed a relief party which set to work and labored heroically night and day in the dangerous ground. Hope grew high as the barricade was reduced to a few feet, only to vanish as fresh masses of shale tumbled down from the insecure roof.

Weak From Hunger. The prisoners, although supplied with air through the provision pipe, were weak from hunger, chilled by the water which rose to their knees, and terrified by boulders which, falling farther back in the tunnel, threatened them with instant burial under fresh caves.

When this morning, after the rescuers had removed but two or three feet of the obstruction, they were driven back 15 feet by a new earth fall, the Peterson brothers felt the hope go out of their hearts and waited stolidly for death. But, in the meantime, the word of their peril had passed throughout the valley, to the cities and to the mining districts of the state. It brought, among others, M. M. Johnson, the chief engineer of the Newhouse mining staff, in his speedy automobile. Within a half hour the skill that has made Mr. Johnson chief of vast mining enterprises was in the service of the humble and despairing miners who shivered in the darkness of the St. Patrick tunnel.

Mr. Johnson called for timbers—real timbers, not the sticks that had been gathered on the hillside—and galloping teams brought them from the town of Murray, four miles away.

"Put this in there," commanded the new chief.

Timber after timber was set into place as if intended to stand for all time, as dozens of hands responded to the impulse of a single brain. Progress was slow, but there were no more retreats. Daylight finally burst into the tunnel prison through a meagre opening. Fearful of delay the commanding officer told the Petersons to stick their feet out. Muddy boots appeared in the opening and in a moment George Peterson was being brushed and hugged by his friends. Jerry, who was rescued in the same manner, insisted on walking to the wagon, although he did not refuse a friendly arm.

STRINGENT BILL PASSES.

Salt Lake City, March 10.—A liquor bill so stringent that it will almost reconcile the saloon men to prohibition passed the senate unanimously today. It gives to all counties local option and territories of 12,000 population or over separate vote on the abolition of saloons. The question must be submitted when 25 per cent of the voters so petition.

REMAINS OF DALY ARE LAID TO REST

Special to The Daily Missoulian. Anaconda, March 10.—There was no pomp or pageantry about the funeral of the late Senator Patrick J. Daly, as held this morning. Simple and unostentatious as the life he had lived among his fellow citizens were the final honors paid in his memory. The mourners were many and filled the church from the altar rail to the balcony, among them the leading citizens of Anaconda. There were many from Butte and working men from the smelters. The special train bearing the body arrived in Butte at 12:35 o'clock, stopping at the Montana street crossing, where a large number of old personal friends were in waiting to receive it.