

LEBEAU HANGS ON FRIDAY MORNING

SHERIFF O'CONNELL OF KALISPELL EXTENDS INVITATIONS TO THE EXECUTION.

PRISONER IS CHEERFUL

Condemned Man Inspects Hanging Paraphernalia, Tries on Black Cap, Asks That the Knot Be Waxed So It Will Not Fail to Work, and Orders Duck Stuffed With Chicken.

Special to The Daily Missoulian. Kalspell, March 23.—Sheriff O'Connell has been busy today presenting invitations for the hanging of Lebeau, which is to occur at 7 o'clock a. m. on Friday next.

At his own request Lebeau was shown all of the hanging paraphernalia yesterday. He tried on the black cap, fitted the rope and knot, suggesting to one of the men who was tying the knot that it should be waxed to insure the proper action, indicating at the same time the manner in which the waxing should be made.

For his last breakfast Lebeau has placed his order for a fat duck stuffed with chicken. He is very busy now preparing plans and specifications for an invention that he has under way, and expresses his wish that he might be given "just one more week" to put them in proper shape to leave.

Several stories are current as to Lebeau's admission as to his past life, but beyond the fact that Lebeau is not his right name, though he has taken that name for the past 20 years, and that he has a mother and sister, little can be learned that will bear repeating.

Lebeau was convicted of the murder of the Yokums, father and son, and was sentenced to hang and the penalty for his crime. Through his attorneys the convicted man attempted to secure executive intervention that might result in a commutation of sentence or final freedom, but Governor Norris recently refused to exercise his prerogative in this direction and ordered the sheriff to carry out the sentence of the trial court.

NO ACTION IS TAKEN ON TARIFF

PHILIPPINE ASSEMBLY DECIDES TO WAIT FOR FURTHER DEVELOPMENTS.

Manila, March 23.—Contrary to expectations the Philippine assembly did not take any action today on the Payne tariff bill. The leaders of the party which is opposed to the provisions of the Payne bill affecting the Philippines, have determined to await further developments before taking any action. In lieu of the proposed resolutions in regard to the Payne bill, the assembly prepared a resolution instructing the Philippine delegates at Washington to follow the directions of the resolution of May, 1905, instructing them to labor to secure the admission of sugar and tobacco to American markets without concessions here. This resolution was prepared, but was not presented. It is understood that Speaker Osmena of the assembly, has passed Pablo Ocampo, Filipino delegate to congress, that if the Payne bill is carried, that the form the insular government will be unable to meet its obligations.

UNIDENTIFIED MAN IS DISCOVERED DEAD

Special to The Daily Missoulian. Butte, March 23.—The body of an unknown man is at Richards' undertaking rooms, awaiting identification. The man was found dead at the bottom of the stairs of the lodging house of Mr. and Mrs. Rickards, 224 East Park street, by police officers at 5 o'clock this morning. Mrs. Rickards says that the man came to her place and engaged a room about a month ago, and has his rent paid in advance. She did not ask his name and never heard it. An examination of the man's clothes failed to show a scrap of paper which would disclose his identity. He was about 55 years of age. The coroner has ascertained that the man was about some of the saloons drinking and early this morning, and it is presumed that on going to his lodging house he fell down stairs and died from the effects of the injuries. There are no marks on the body.

WILL BE ARRESTED.

Bordeaux, March 23.—The Venezuelan consul here was today officially advised by Jose De Jesus Paul, the Venezuelan commissioner to Europe, from Berlin, that Castro will be arrested if he attempts to land in Venezuela.

DEATH CLOSES REMARKABLE CAREER

PIONEER GOLD-SEEKER AND INDIAN FIGHTER DIES AT THOMPSON FALLS.

PNEUMONIA PROVES FATAL

James C. Laughlin, Who Was One of Early Seekers After Gold in California and Montana, and Father of First White Child Born in Denver, Crosses the "Great Divide."

Special to The Daily Missoulian. Thompson Falls, March 23.—Death closed a remarkable career when James C. Laughlin, pioneer, gold seeker and Indian fighter, died in this town today from the effects of pneumonia. Mr. Laughlin was one of the early fortune seekers to drive a mail team across the continent in search of gold in California, had sailed around "The Horn" crossed Panama, sought gold in Montana, fought Indians and was among the earliest settlers in Thompson Falls. He was the first white man to drive a load of potatoes into Denver, and his son was the first white child born in that city.

An attack of grip was the indirect cause of the pioneer's death. About 10 days ago he suffered an attack of the malady and was confined to his home, about two and one-half miles from this town. When he was convalescing he went outside and got his feet wet, as a result of which he developed the more serious symptoms of pneumonia. Last Saturday the sufferer was brought to a local hospital and his condition became gradually worse until death relieved him about 4 o'clock this morning. The deceased's son, Denver, with his father at the time of his death and one of his daughters, Mrs. Daggett of Missoula, arrived here Sunday and remained all day Monday. Not anticipating any serious consequences she left Monday night for her home.

Remarkable Career. James Cost Laughlin was in his 82d year, having been born in Circleville, Ohio, July 2, 1827. When he was about 10 years of age his parents moved to Pulaski, Ill., where he grew to manhood. Along with a party of young men Mr. Laughlin helped to organize a "bull train" and joined the rush to California at the time of the gold discovery in 1850. He worked there about two years, accumulating \$7,000 or \$8,000, and during that interval made three trips between California and New York, twice around the Horn and once crossing the isthmus of Panama.

One journey around the Horn he made in a sailing ship and was 87 days out of sight of land. The route via the isthmus of Panama was much favored by the hundreds who flocked to California in the years immediately following the discovery of gold and it was to the isthmus that Mr. Laughlin next went. There he built a hotel and had there about a year and was just getting nicely started in his new venture when he was stricken with yellow fever, known in those days as "Panama fever." Upon the advice of a physician he left there, going to New York and leaving the hotel in charge of a friend. Arriving in New York in the winter time the fever quickly left him, but he had scarcely recovered when he was informed that during his absence his hotel at Panama was burned, leaving him practically penniless.

During his residence in California he served 36 days as a volunteer in the Rogue River war or Rogue River Indian uprising.

Files on Homestead. After losing his hotel he left New York and went to Chicago, where he filed on a homestead near the city and which is now part of the great metropolis. It was here that he met his future wife, Miss Josephine Shoup, to whom he was married in 1858.

When gold was discovered in Colorado near Pike's peak he sold his land near Chicago and joined the stampede, landing in Denver in 1859. He started ranching and hauled the first load of potatoes that there is any record of being taken into Denver by a white man. His first child, a son was born on February 26, 1860, at Denver, and was named after the city, he being the first white child born in Denver.

Then came the news of the gold discovery at Alder gulch and on May 1, 1864, Mr. Laughlin, with his family, struck out by mule team. Arriving at Alder gulch he conducted a boarding house until the summer of 1865, when he moved to Pipestone and started a stage station, the first stage station to be established between Alder gulch and Last Chance gulch, now Helena. He remained at Pipestone five years.

In the spring of 1870 the gold discovery at Cedar creek, near the present town of Iron Mountain, was responsible for his next move and there he placer-mined and conducted a butcher shop and hotel until the "disking" played out.

In 1872 he moved his family to Paradise valley and was living there when the Nez Perce Indian war broke out. The Indians were troublesome and there being no school for his children to attend, he left the Paradise valley, going to Lolo and settling on a homestead which is believed to be the same tract of land that is now the property of Dr. Mills of Missoula. Here he stayed for five years.

Buicks First House. At the time of the Coeur d'Alene (Continued on Page Four.)

WAVES PARTING FAREWELL TO ENTHUSIASTIC THROUGH AS HE SAILS FOR AFRICA

Ex-President Roosevelt Departs on Big Liner for Jungles of Dark Continent, Where He Will Hunt Big Game and Seek Rare Specimens for the National Museum of Relics.

New York, March 23.—Waving a parting farewell with his black stonch hat, as he stood on the captain's bridge of the steamship Hamburg, ex-President Theodore Roosevelt saluted away today for his long-planned African hunt. He left amid cheers of thousands of persons that swarmed the Hamburg-American line pier, amid the whistles of countless river craft and the thunderous reverberations of the president's salute of 21 guns from Forts Hamilton and Wadsworth.

Beside Mr. Roosevelt stood a young lad seemingly dejected as he gazed wistfully at the cheering multitude on the pier below. It was Kermit Roosevelt, son of Mr. Roosevelt, who accompanied his father as official photographer of the expedition. Father and son, both clad in brilliant buff-lined army coats, remained on the bridge on the trip down the bay and acknowledged with sweeps of their hats the salutes of the vessels. The demonstration was unofficial, but many high in the staff of the nation were present. The crowd in its enthusiasm howled over the lines of policemen on the pier, surrounded the former president while he was being presented with a bronze tablet by the Italian-American Chamber of Commerce, and before he was again safely backed on the sheltering gangplank knocked his hat from his head and called him to drop a vacuum bottle which had been presented by some admiring Pittsburgh friends. Fortunately Mr. Roosevelt was not hurt in the rush and he seemed to enjoy his experiences with the crowd.

Taft's Gift. One incident of the departure which touched Mr. Roosevelt probably more than any other was the presentation of a message and gift from President Taft by Chief Architect Butt, who was chief military aide to Mr. Roosevelt, and who at present occupies that position under President Taft.

Grasping his former aide by the hand with a "By George, it is good to see you again, Archie," Mr. Roosevelt drew the president's messenger aside to talk to him. Captain Butt then delivered President Taft's message and a small package containing a rule of gold with pencil attached. It is a collapsible rule 12 inches long when drawn out of the end of the pencil. On it is inscribed "To Theodore Roosevelt from William Howard Taft. Good-bye and good luck. Best wishes for a safe return."

When Mr. Roosevelt opened the package and discovered the gift from his successor, he held it up and exclaimed: "Well, now isn't that just too kind? It certainly was thoughtful and kind of President Taft to send this to me, and I appreciate it greatly."

"Parting Thanks." Before sailing Mr. Roosevelt sent the following message to President Taft: "Parting thanks, love and sincerity."

Mr. Roosevelt and Kermit received continuous ovations from the time they landed at the East river terminal of the Long Island railroad until the final departure of the steamer Hamburg for Gibraltar, its first port of call.

Mr. Roosevelt took the keenest interest in his first trip through the Hudson tube in a special train and took a position in the front car so that he might inspect the underground bore. He shook the motorman's hand after the trip, saying, "I want to shake hands with the man behind the gun."

Departure Delayed. The departure of the Hamburg was delayed until 11:06 o'clock by order of Captain Burmeister, so that Major General Wood of the department of the east and his staff might board the steamer.

Ex-Judge E. H. Gary, Senator Ellihu Root, former Secretary of the Interior James R. Garfield, Robert Bacon, former assistant secretary of state; Senator Lodge of Massachusetts; Sen. McBeck, editor of the Churchman; General Bingham, commissioner of New York police; and M. J. Casrand, the French ambassador, and his wife were noted among the more prominent visitors on board the vessel to wish Mr. Roosevelt farewell.

From the forward gangplank of the steamer, where he had escaped unscathed from the enveloping throngs, Mr. Roosevelt, addressing the Pittsburgh delegation and representatives of various organizations that came to this city to see him off, made his last speech. He said: "I want to thank the representatives from Pittsburgh who have come all this distance to see me off. I am indeed grateful and touched by their thoughtfulness and kindness in coming such a long way. I want to thank also my fellow citizens who came to see me off. To you and all Americans I say, God bless you."

The steamship Hamburg presented a pretty marine picture as she steamed down the river in the sunlight. With Mr. Roosevelt and Kermit on the Smithsonian hunting expedition are Major E. A. Mearns of the medical corps, U. S. A., and J. Lorin Allen and Edmund Heller, naturalists of note, who will collect specimens for the Smithsonian institution.

SOLDIERS ARE KILLED. Tabriz, March 23.—An outpost of 40 troopers was surprised today by nationalists, who killed 34 of the soldiers and captured the other six.



THEODORE ROOSEVELT.

IMPORTANT OPINION RENDERED

SUPREME COURT DECIDES CASE INVOLVING NEW PRINCIPLE OF LAW.

Helena, March 23.—The supreme court today rendered an opinion of far-reaching importance in personal injury suits—in fact, the most important of its character ever emanating from the Montana bench. The title of the suit is that of "Winn" vs. Dillon and others against the Great Northern Railway company, and involves the right of heirs to institute damage proceedings where the person involved suffered instant death. It originated in Flathead county. In the lower court the plaintiff was awarded damages, but this finding is reversed and the case remanded with instructions to dismiss on the broad ground that if the injured party died before bringing the action, the cause of action literally died with him. Although this common law rule has been modified, the opinion states such a statute does not create a new cause of action, but only carries forward the right which the injured party had before his death.

The suit was prosecuted under the provisions of the fellow servant law. Dillon having been employed in a clerical capacity by the carrier. The opinion holds that this act does not intend to create a new cause of action, and that the suit was instituted to recover damages which resulted to Dillon's estate as a consequence of his death, and that the question is: Does the agreed statement of facts concerning his death show a cause of action in favor of Dillon which survived his death?

The statement shows that death was instantaneous and that he did not survive for a second of time after the accident. Continuing, the opinion says: "If a cause of action arose in favor of the injured employee prior to his death, the right of action which he thus had survives and may be prosecuted by his heirs or personal representatives. Hence the question: 'Did he die prior to his death?'"

Death having been instantaneous, the opinion held that no cause existed with or survived Dillon, and declares that all survival statutes in which category the fellow servant act of 1905 is placed, so-called, presuppose that deceased had at one time a right of action for damages.

Hence the opinion that there was not any survival of a right of action, and the dismissal thereof.

BIG SMELTER MERGER REPORTED UNDER WAY

Special to The Daily Missoulian. Butte, March 23.—There is a report current in Butte that the Pittsburg and Montana company, which owns the smelter east of the city, is to be merged into the East Butte. The rumor has been going the rounds of mining circles for some days and reached here in a somewhat more definite form in the following telegram from Boston, received by Paine, Webber & Co.:

"It is rumored here that W. A. Paine of Boston has an option on 100,000 shares of common stock of Pittsburg and Montana Copper company at \$2.50 a share. It is known that H. V. West, chief, formerly of the Anaconda, has made a report on the property. The Pittsburg and Montana was originally incorporated with a capital of \$11,000,000. It is understood that the company will be merged into East Butte."

SANITARY OFFICER HAS NARROW ESCAPE

Special to The Daily Missoulian. Butte, March 23.—Sampson Kitto, city sanitary officer, had a narrow escape from being instantly killed by George W. Storey shortly before 1 o'clock this afternoon. The gun in the hands of Storey was a bulldog 44-caliber, loaded, but fortunately when Storey, within six feet of Kitto, pulled the trigger, the gun failed to explode, and before the second attempt could be made Kitto had grasped the man. A third party came to the rescue and secured the weapon. Storey was taken into custody and brought to the city jail, a charge of first degree assault being placed opposite his name.

ATTEMPTS SUICIDE BUT FAILS

HUSBAND SHOTS HIMSELF IN PUNISHMENT OF WIFE, WHO IS SEEKING FOR DIVORCE.

Special to The Daily Missoulian. Butte, March 23.—Because he could not effect a reconciliation with his wife, who is suing for a divorce, the action being begun yesterday, Henry Frye attempted to commit suicide this afternoon at the Northern Pacific lunch counter in this city. He succeeded in blowing a big hole through his lungs with a 38-caliber revolver, but he will probably recover. His method was spectacular. He is a cook and she is a waitress. They were married in Butte and have a boy 2 years old. Recently their marital relations have been far from pleasant and one of her allegations in her complaint for divorce is that he beat her because he thought she used his razor to trim her curls. Another is that he kicked her and the baby out of bed because the baby cried.

This afternoon about 4 o'clock Frye came to the lunch counter and asked for an interview. The wife, who is petite and about as big as a doll, said, "Harry, I have no time to talk to you now; I am busy." Then she turned to her work.

"All right," he answered, "here is the end of everything." and he turned his back to his wife, pocketing and pulling the trigger. He had pressed it close to his heart, but the gun jumped and the wound, while serious, is not necessarily fatal. He has a brother near Cleveland, Ohio, and he has been notified of the trouble.

FACES TRIAL COURT ON MURDER CHARGE

Special to The Daily Missoulian. Virginia City, Mont., March 23.—The preliminary hearing of Mrs. Mary Metzger, accused of killing her husband, began this afternoon. Justice W. H. Coffey being called in from Sheridan to conduct the hearing. County Attorney J. A. Knight is assisted by W. A. Clark and M. M. Duncan, who have been brought into the case by Charles, William and Albert Metzger, brothers of the dead man. The witnesses examined were Miss Ida Kafferly, sister of the accused woman, and Miss Sarah Smith, the maid employed on the ranch. The testimony was the same as adduced at the inquest and told of abuses by the dead man.

SENATOR DIXON REACHES HOME

GIVES INTERESTING INFORMATION REGARDING MATTERS OF LOCAL INTEREST.

MISSOULA SUNSHINE FINE

Says Opening of Flathead Reservation Will Take Place, in All Probability, in the Latter Part of Next July or the First Part of August—Everybody Interested in Montana.

Senator Dixon reached home yesterday from Washington for a visit of three or four days, stepping from the train into bright spring sunshine, much to his surprise, for he had left Washington just shaking off the grasp of winter and had ridden through knee-deep snow in Minnesota and Dakota. The conditions in the Yellowstone park had prepared him in a measure for what he found at home, but the warmth of the sunshine was a surprise to him, and he marveled at it all day.

"I am glad to get home," said Mr. Dixon to a Missoulian man in the afternoon. "Conditions in Washington were opportune and I came to Missoula for a few days to attend to some personal business and to look after some matters in connection with the opening of the reservation. The senate will not be able to do anything until the house gets through with the tariff bill, which will be in about a month if the program is carried through. I shall be here three or four days, and will get back before I am needed, as the organization of the senate has been completed and there remains nothing but the consideration of the tariff bill."

"The recent session of congress, while it developed little legislation of general importance aside from the appropriation bills, yet passed two laws which are of tremendous importance to Montana, especially to eastern Montana. The first of these was the enlarged homestead bill, which enables an entryman to take up 320 acres if the land is not susceptible to irrigation.

"I believe this law will attract thousands of settlers to eastern Montana during the coming year. The list of lands designated for entry under this act will be filed in the land offices in eastern Montana in a few weeks.

"The second new law of importance is the act which permits settlers upon lands which have been found to contain coal, and upon which final proof has been withheld, to acquire surface rights immediately. This law disposes of three-fourths of the land cases in Montana which have been held up on the report of special agents. It will release a vast acreage to which the locators have been entitled but which, under the law, could not be patented to them.

Important Measure. "So far as western Montana is concerned the best thing which developed during the session was the perfecting of the arrangements by which the lands of the Flathead reservation are to be irrigated. The surveys have been completed and the engineers are now assembling their construction forces to start the work. Within 60 days construction will be under way on three of the units of the whole great system, which will irrigate all of the land from the foot of the lake to the south boundary of the reserve, adding more than 100,000 acres to the arable lands of the reservation.

"I saw the commissioner of the Indian office just before I started for home relative to the definite date of the opening of the reservation. Mr. Leupp informed me all that remains to be done is to complete the adjustment of allotments which have been disturbed by the location of reservoir sites and the reservation of the land for the bison preserve. While there is not at present a possibility of fixing definitely the date of opening the reservation, Mr. Leupp informed me that he has ordered a sufficient increase in the allotment force to complete the work without delay. The opening will, in all probability, take place the latter part of July or the first of August.

Show Place. "The bison reserve is another matter of great importance; this great reserve will one day be one of the show places of the country; there are now 52 head of bison ready to be turned into the new national park as soon as the new fencing is completed, which will be in July. The government has appropriated \$43,000 for the purchase of this land from the Indians and for its fencing. The American Bison society has raised more than \$10,000 for the purchase of bison to place in this reserve, and this sum, together with donations of animals from Austin Corbin, Mrs. Charles Conrad and J. J. Hill, will give the society the 52 head that I have mentioned.

"The day I left Washington I called upon the quartermaster general of the army and was informed that the advertisements for bids for the construction of quarters for a battalion at the new Fort Missoula will be published soon. You have already had a description of this construction plan and you know that the new buildings with their gray concrete walls and their red tiled roofs will present a pretty picture, and that the arrangement of the post will be as perfect as English military skill and military experience can make it. I think the advertisement will be placed opposite his name.

STORM-TOSSED AERONAUTS FOUND

MEMBERS OF PARTY THAT ASCENDED IN "AMERICA" APPEAR AT MOUNTAIN CAMP.

TIRED, SORE AND HUNGRY

Men Who Were Caught by Wind in Big Gas Bag and Carried Over Top of Mountain a Mile High and Finally Dropped in Midst of Snow-Capped Peaks Are Safe and Sound.

Los Angeles, March 23.—Lost to the world for 72 hours, first carried by force winds to a great height above the Sierra Madre peaks in a monster balloon, then brought to earth in the mountain fastnesses of the high Sierras in a blinding blizzard, and at last making their way out to home and friends unassisted, was the experience of the six men who ascended in the big balloon "America" from the Tournament park in Pasadena last Saturday afternoon. They arrived at the foot of a mountain trail, where friends awaited them, at 5:30 o'clock this evening.

Little the worse for this harrowing experience, the men stopped at the end of the long trail just long enough to be greeted by those who had conducted the long search for them and then hurried on to Pasadena.

When the "America" went up from the park it was in charge of Captain Augusto E. Mueller, an experienced aeronaut, and had as passengers the following persons: L. C. Gilliam, a prominent mining man, formerly of Walla Walla, now a guest at the Hotel Maryland; Pasadena; Richard Halstead, president of the C. C. Halstead company fish and poultry market, Pasadena; Sidney Gray, pigeon fancier, Pasadena; Harold Parker, photographer, Pasadena; Edward E. Dodschtz, chauffeur, Pasadena.

It was to have been a pleasure trip, and the passengers went lightly clad and few provisions were taken. The balloon was in the air only 1 hour and 40 minutes. During this time it soared to an altitude of 13,000 feet. Captain Mueller never lost his bearings, and was able to direct his course to a destination he had selected. He missed his reckoning by a few miles, but landed in safety on the north slope of Strawberry Hill.

Over Mount Lowe. The balloon was carried by the strong north wind over the mile-high summit of Mount Lowe, and swept on across the intervening peaks and canyons to the lofty summit of Mount Gabriel, where, by the reckless casting away of ballast, the balloon cleared and soared away toward Strawberry peak, on the west range. Crossing this at a low altitude the bag encountered a strong current of cold air, which brought it rapidly to earth. A successful landing was effected on the north side of Strawberry peak in what is known as Little Tejon canyon at about 5 o'clock Saturday afternoon, less than two hours after their ascent at Pasadena. The distance covered was less than 15 miles in a direct line, but by any possible foot route many times that distance.

The voyagers, uncertain of their bearings and with darkness rapidly approaching, wandered aimlessly about the mountains until 1:30 the following afternoon (Sunday), when they unexpectedly came to Colby's ranch, an isolated habitation, far from any road and without communication with the outside world. In the meantime a terrific wind and snowstorm had broken over the mountains, which for many hours raged a veritable blizzard. During this time the men suffered from the cold, but the meager supply of provisions which they carried with them was sufficient to guarantee against hunger until their arrival at the ranch.

Start Homeward. At Colby's the party remained until the middle of Monday afternoon, when the storm ceased. They immediately took up the snow-choked trails after their ascent to Strawberry Pasadena. All of the remainder of the time the party traveled as best it could until today, when it suddenly came upon Switzer's camp, nestled in the side of the mountain, still nearly 10 miles from Pasadena by direct route. A party of rescuers on horseback was at Switzer's, having just returned after 20 hours of search for the missing men. For a few minutes there was a happy reunion of friends, and then the news was flashed to Pasadena.

Not in years has an event created such a stir here as this thrilling episode of the balloonists. For three days searching parties have scoured the country in all directions, while relatives and friends waited almost without hope for the news of a tragedy.

FRATERNAL BROTHERS MEET. Los Angeles, March 23.—The Order of Fraternal Brothers met in national convention here today and was called to order by Supreme President A. J. Fosyah. Forty-one delegates were present representing a membership of more than 40,000 in 15 states. The state managers held a separate convention and selected J. A. O'Malley as president.

The two bodies will consider numerous amendments to the constitution.

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