

CARE OF BOY STANDS FIRM CAUSE OF TROUBLE IN RAILWAY MATTER

MR. AND MRS. JAMES P. LEE ARE ARRESTED ON TRAIN HERE FOR KIDNAPING.

ARE GRANTED FREEDOM CONTINUES IT IN FORCE

After Telling Story to Officials of the Sheriff's Office, Accused Man and Woman Are Permitted to Go to Hotel—Indications Are That Hysterics Started Apparent Sensation.

James P. Lee was surprised when Under Sheriff Miller arrested him on a Northern Pacific train here yesterday and told him that he was charged with kidnaping the 6-year-old child of Mr. and Mrs. Peabody of Marysville. To say that Mr. Lee was surprised is only half expressing the situation, for he and his wife, who was also on the train and subjected to arrest, thought that they were taking the child to their new home in St. Regis with the full consent of its parents.

Helena, May 6.—Sensational, indeed, was the kidnaping of young Charles Peabody at the Union depot here today by the members of the family of James Lee, when, by sheer force of strength, the 6-year-old child was taken from its mother and another woman and hustled aboard a Northern Pacific train, just departing for the west. A warrant has been issued and placed in the hands of the sheriff, who expects to apprehend the Lees and the child upon arrival of the train in Missoula.

The affair was evidently planned with great care and was carried out in a brutal fashion. Lee for a number of years has been a section foreman for the Northern Pacific at Marysville, a mining camp near here, while Charles Peabody is one of its most prominent merchants. Six years ago a child was born to the Peabody family and the mother being in an enforced condition, secured the services of Mrs. Lee in the care of the child. After some little time, Mrs. Peabody recovered, made settlement with Mrs. Lee for her services and took the child to her home. From its temporary residence with them, the entire Lee family became greatly attached to the infant and this continued throughout their residence in Marysville.

Lee was last week ordered from Marysville and he prepared to remove. Mrs. Peabody was asked to bring the child to Helena, that they might bid it farewell. This Mrs. Peabody consented to do, that the parting between the families might be friendly. Mrs. Peabody and son arrived yesterday and all met at the station, just before the arrival of the westbound train. There were many affectionate farewells between the Peabody child and the members of the Lee family, and the separation finally came. The Lees boarded the train, while Mrs. Peabody and a Mrs. Irwin, who had accompanied her to the station, started for the street, each holding a hand of the youngster. Before they realized it, they were set upon by members of the Lee family and the child wrested from them and taken aboard the train.

Those who witnessed the affair were too bewildered to act, and the train soon started, with the child aboard and in the custody of the Lees. It is expected that the Lees and child will be apprehended at Missoula.

The Other Side. After Under Sheriff Miller had discovered the mistake in the case, he permitted the Lees to go to the Shapard hotel. There Mr. Lee made the following statement, after being shown the message printed above:

"Nothing is further from the truth," said he, "than that story where it purports to accuse us of kidnaping this little lad, either in thought or deed. The child accompanied us according to an agreement between its parents and ourselves, and the fuss at the train was all caused by the lad's mother, who became excited at the last minute when parting with her boy."

"I am a section foreman in the employ of the Northern Pacific and am on my way to St. Regis to locate, having been in Marysville for a number of years. We have feared that boy from the time he was three months old and he was 6 years old on February 16 last. During the whole of that time his mother has had him perhaps for four months. As far as there has been any settlement for his care is concerned, while Mr. Peabody has paid us some money, it has not amounted to nearly what we have expended for the lad. We have not asked it and do not want the money, and raised the boy because we became attached to him and he to us."

Yesterday Mr. and Mrs. Peabody and my wife and myself talked the matter over of what should be done with Charles when we left. It was then decided that if he fretted and grieved at parting with us that we

JUDGE McPHERSON IS DETERMINED TO HAVE HIS RESTRAINING ORDER OBEYED.

Jurist Declares That His Decision Is Law Until It Is Reversed by a Higher Tribunal and Gives Warning That It Must Not Be Ignored or Trampled Upon by Any Person.

Kansas City, May 6.—Judge Smith McPherson, in the federal court here today, continued in force the temporary injunction recently granted by Judge John F. Phillips restraining Slocumb Jones, circuit attorney of St. Louis, from prosecuting the suit filed by him in the circuit court of that city, seeking to restrain the railroads of Missouri from charging a three-cent passenger rate. No other state officers are included in the injunctive order, which is to remain in force "until differently ordered by this court."

The order contained the reservation, however, that supplemental orders might be issued against other persons should subsequent events demand such action.

Judge McPherson said that he did not include Attorney General Major and the members of the state railroad and warehouse commission in the injunction, because they had stated under oath that they had not inspired or encouraged the St. Louis suit and did not intend to have anything to do with it in the future.

Judge McPherson based his decision today on the belief that the purpose of the St. Louis suit was to re-litigate the questions settled by him in his final decree in the Missouri rate case issued March 8, 1909.

"That decree is the law until it is reversed," said he, "and it must stand until it is reversed by an appellate court. It must not be trampled upon either."

"This court is entirely willing to allow the supreme court to dispose of that case."

Judge McPherson prefaced his decision with a statement referring directly to Mr. Murphy's resolution in congress. He said he knew a year ago that the trial of the Missouri rate cases would be a source of annoyance to him and that they would do him no personal good.

"I could see at that time," he said, "that whatever my decision might be, I would get few compliments, no thanks, but great criticism accompanied by abuse. But I have never had the slightest thought of running away from this litigation because it proved unpleasant and I don't intend to run away now."

THIRTY ARE INJURED IN ACCIDENT

BALCONY RAILING AT ARMORY GIVES WAY AND PEOPLE PLUNGE OVER.

Seattle, May 6.—Thirty persons were injured, many seriously, when a section of the railing in the east balcony at the new state armory gave way during the indoor track meet of the Seattle Athletic club tonight. The accident occurred at the close of the meet, just as the runners in the 10-mile race were crossing the tape. The crowd which filled the balcony was pressing against the rail in its eagerness to see the finish, when a section of the rail in the center of the east balcony gave way, throwing the spectators head foremost to the floor, 15 feet below.

Many were stunned by the fall, on lay as if dead. The injured were rushed to the various hospitals of the city.

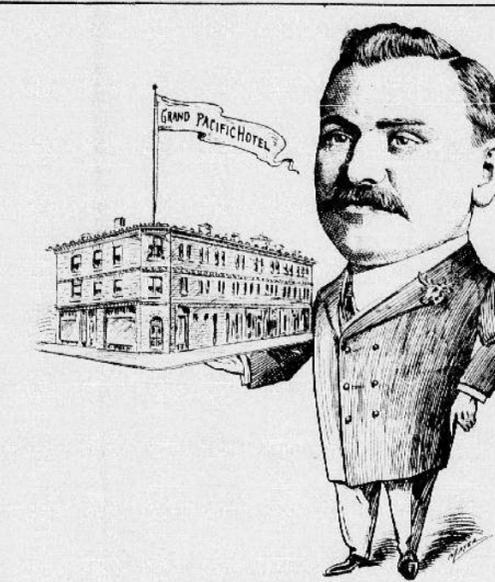
Monday the mysterious thug paid a second visit to Wilson's home, and left Mrs. Wilson suspended by a rope looped around her neck, from which precarious condition she was rescued by her husband. No cause for these attacks are known and the neighborhood is excited.

Washington, May 6.—The will of former United States Senator William M. Stewart of Nevada was filed for probate today. It discloses that he owned no real estate and his personal property did not exceed \$3,500 in value. This amount is devised to his widow.

Mr. Stewart's debts are said to aggregate \$25,000.

THE TALE OF A NEW STORY

And this is another story—another story on the Grand Pacific hotel, which will be a reality in a very short time. Charles A. Schrage, the man who tells the story of the hotel is the man who conducts the hotel; he doesn't require an introduction to the people of Missoula, and there are not many of the regular travelers who come to this city who need to be told who he is. He has been in Missoula for a long time for a young man, and he has learned the hotel business by careful study during his experience in catering to the wants of the people amongst whom he has lived so long. He knows it from the kitchen to the office and from the ground floor to the sky parlor. When Mr. Schrage took hold of the Grand Pacific hotel he embarked quietly and modestly in the business; he took advantage of the opportunity of his location and he applied his knowledge of the details of the management of a hotel until he had a bigger business on his hands than the capacity of the building would accommodate. And that was where the early spring found him. Then began the expansion which is now going on, which has crowded the hotel all over the ground floor of the building to the exclusion of the mezzanine establishment which shared it and has forced the roof upward until it is the story of another story that Mr. Schrage has to tell friends and patrons. These are troublesome times at the Grand Pacific, and there is a scramble for the few rooms that are available while the place is in possession of the builders, but the tale of the new story explains the confusion and the promise of better things soon silences the complaints. For Mr. Schrage is a great jolier; he has the right idea of the boosting game, and he is the most optimistic man ever seen in the hotel business.



CHARLES A. SCHRAGE

How a man can run a hotel and keep happy is a mystery that not many people solve, but Charlie Schrage has discovered the secret, and he uses it to good advantage. He has a household of ladies up at his comfortable home on East Pine street, and perhaps it is the fact that he spends a good deal of his time there that accounts for his continued good nature. Incidentally, Schrage raises chickens, and he has some of the finest that ever cracked a shell. He can tell you all about them if you are interested; he tells many good stories. But the story that he most likes to tell right now is the story of the new story on the Grand Pacific, which shows his confidence in Missoula and his desire to see the city grow.

MISSOULA SECURES PARDON FOR KEELEY NEXT ANNUAL MEETING

MONTANA SUNDAY SCHOOL ASSOCIATION CONCLUDES ITS SESSIONS AT HELENA.

Special to The Daily Missoulian. Helena, May 6.—Missoula will have the privilege of entertaining the convention next year of the Montana Sunday School association, that city having been selected today. There was one competitor for the honor—Bozeman. The convention concluded its labors at a session tonight.

This afternoon the following officers were elected: J. E. Nofsinger, Butte, president; D. S. Bayley, Missoula, vice president; Mrs. F. B. Price, Butte, recording secretary; J. W. Kemper, Butte, treasurer.

The following were elected members of the executive committee for the next three years: J. W. Passmore, Wm. J. Lutri and W. S. Shields of Butte, and P. J. Condon of Helena. J. W. Curtis of Helena was elected member of the executive committee for the two year term to succeed Paul H. Castle. The executive committee recommended that J. A. Alford be elected general secretary for another year.

Superintendents were elected as follows: Elementary work, Mrs. J. M. Rows, Bozeman; home department, Mrs. A. T. McCullough, Butte; teacher training, Rev. W. M. Jordan, Butte; organization of adult Bible class, Mrs. M. H. Lee, Bozeman; temperance, Mrs. W. E. Currah.

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Spokane, May 6.—Two extraordinary attacks on Mrs. Tom Wilson, who resides near Fraser, a small town near Lewiston, Idaho, are reported to Sheriff Walker at Lewiston, who came in from Orofino today. Saturday a masked man went to the homestead during Wilson's absence and beat the woman into insensibility, in which condition she was found by her husband.

Monday the mysterious thug paid a second visit to Wilson's home, and left Mrs. Wilson suspended by a rope looped around her neck, from which precarious condition she was rescued by her husband. No cause for these attacks are known and the neighborhood is excited.

United States Marshal Merrifield, who has been in town for two or three days, yesterday received a telegram from Secretary of the Interior Ballinger regarding the opening of the Flathead reservation. Mr. Merrifield had asked positive information from the secretary, who is a personal friend, and the reply which came yesterday was positive enough to satisfy the most exacting questioner. The secretary, over his personal signature, stated that the reservation will surely open in July or August and that the dates for entry will be announced soon.

"There has been so much uncertainty regarding this matter," said Mr. Merrifield, "and there have been so many assertions that the statement made by Senator Dixon was a mistaken estimate, that I took up the matter directly with the secretary. This telegram is the result and it should satisfy all concerned."

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J. H. BOYLE GUILTY OF KIDNAPING CHARGE

MAN ACCUSED OF STEALING WILLIE WHITLA IS PROMPTLY CONVICTED.

Merced, Pa., May 6.—James H. Boyle, charged with kidnaping "Billy" Whitla, was convicted today after a trial lasting a few hours. No defense was made and the jury was out but a few minutes. Mrs. Boyle was immediately placed on trial, charged with aiding the kidnaping. Hardly had the jury been sworn in the woman's case when the lawyers became engaged in an argument regarding the admission of certain testimony and the case was adjourned until tomorrow.

Mrs. Boyle took a prominent part in the selection of her jury, prompting her attorneys in numerous cases and showing a preference for young, unmarried jurors.

That Boyle's trial came to such an abrupt ending was due to the fact that a strong case had been made against him. Witnesses told of nearly every movement he made from the night before the abduction until his arrest in Cleveland.

When the state rested, counsel for the defense held a conference and announced that they would offer no evidence. The court at once summed up the evidence and gave the case to the jury.

The penalty is from one year to a life sentence in the penitentiary. Sentence has not yet been pronounced.

Washington, May 6.—Advises from Sitka, Alaska, received here today confirm the seizure by a United States deputy marshal of the Japanese sealing schooner, Kaisei Maru, with a crew of 20 men for unlawfully killing fur seals. The crew will be tried before a United States federal court and if found guilty the vessel probably will be confiscated.

Norfolk, Neb., May 6.—The temperature dropped 47 degrees in 12 hours, falling from 86 Wednesday afternoon to 39 this morning. Yesterday was by far the hottest of the year.

San Francisco, May 6.—Owing to the overcrowded condition of the vaults of the United States mint here, and for the further reason that this is a season, and therefore a more exposed place at which to store the government's wealth than an interior city, the government has just completed the transfer of \$50,000,000 in newly minted gold and silver to the vaults of the Denver mint. The treasure was handled in transit by the Wells-Fargo Express company and guarded by messengers sworn in as deputy United States marshals.

The transfer was made in several shipments which went out during the last month. The last previous shipment of coin to Denver was made in August, 1908, and reached the enormous total of \$210,000,000. Many millions still remain in the vaults of the San Francisco mint, but will not be moved, as a large number is necessary for the transaction of business on the coast.

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ARMY OFFICER IS ORDERED TRIED

CAPTAIN FORMERLY STATIONED AT WEST POINT SAID TO BE SHORT IN ACCOUNTS.

TO BE COURT-MARTIALED

Captain Thomas Franklin is Accused of Misappropriating Hundreds of Thousands of Dollars While Administering Affairs of Quartermaster and Commissary Departments.

El Paso, Texas, May 6.—A special dispatch from Washington to the El Paso Morning Times, says: Captain Thomas Franklin, U. S. A., has been ordered to report to Major General Leonard Wood at Governor's Island, New York, to face court-martial on charges growing out of his administration of affairs in the quartermaster's and commissary departments at West Point from 1902 to 1908.

The nature of the charges and specifications, it is said, will make this the most important army court-martial since Oberlin M. Carter was tried. Captain Franklin was treasurer of the United States military academy at West Point, 1902-1908, and during that period \$2,000,000 in government funds passed through his hands. He was known as the "army's best business man," and until recently was at work perfecting plans for the army and navy club at Manila.

The exact amount which it is alleged Captain Franklin is short is not known, but it is said it will run into hundreds of thousands of dollars. Franklin is 38 years of age, a native of Maryland. His wife is an El Paso woman, daughter of J. A. Smith, postmaster at El Paso, and a republican leader in Texas.

Mr. Smith received a letter today from Franklin in which he says he will be able to prove his innocence.

Wallace, May 6.—At a special meeting of the stockholders of the Montana-Standard Mining company held at the office of A. H. Featherstone this afternoon it was voted to increase the capital stock of the company from \$1,000,000 of the par value of \$1 per share to \$1,500,000 of the same par value. The additional shares will be sold under the direction of the board of directors and it is the intention of the management to erect a mill for the handling of the ores.

Vancouver, B. C., May 6.—The police commissioners of this city have decided to enforce the Lord's day law, preventing any further baseball games being played on Sunday. Umpire, managers and players of last Sunday's game will be prosecuted in the city police court.

Santa Barbara, Cal., May 6.—Eldridge Shaw, the lad brought out here by his mother, when she came to California in company with her family chauffeur, Keno Marble, was ordered returned to the custody of his father, James F. Shaw of Boston, a Massachusetts state senator, by Superior Judge Crow today. The boy will go back to Boston under the guardianship of his grandfather, H. Fisher Eldridge, who arrived here last night from New York.

This outcome is the result of a compromise which the attorneys representing father and mother admit was effected. Mr. Eldridge testified in court today. The story he told caused Judge Crow to hesitate before ordering the boy back to Boston.

"In case the father is not able properly to care for the boy, are you able to do so," asked the court. "That I am," Mr. Eldridge replied, and he added that he loved the boy very much.

Mrs. Shaw appeared in court with her father. Little Eldridge was in care of Chief of Police Ross.

Denver, May 6.—Frank Gotch defeated Fred Beel in straight falls in a wrestling match before 7,000 persons in the Auditorium tonight. The match, which was regarded in the light of an exhibition, was drawn out in the first fall, Gotch permitting Beel to take any hold he chose, which the big fellow broke at his pleasure. The first fall was in 24 minutes, 24 seconds. In the second fall Gotch lifted Beel clear off the mat and placed him on his shoulders after 30 seconds.

Bonne Terre, Mo., May 6.—A break in the lead mines strike occurred today, when it became evident that half the strikers will return to work Friday without increase in wages.

TELEGRAPHERS SCORE COUP D'ETAT

THROW DOWN GAUNTLET OF BATTLE TO FRENCH GOVERNMENT BY INCORPORATING.

SIMILAR TO LABOR UNION

Take Advantage of Old Law, Which Enables Them to Form an Organization That Has the Privilege of Striking, if Such Action Be Decided Upon—General Strike Imminent.

Paris, May 6.—The famous P. T. T., that is, the Postal, Telegraph and Telephone Employees' association, today threw down the gauntlet of battle to the government by transforming itself into a syndicate or union, under the law of 1884. This places the association on the same footing with workmen's unions with the right to strike.

This defiance, which is nothing short of open revolt, came as a sudden and sensational sequel to Premier Clemenceau's failure today to receive a deputation of postal employees who called to demand the redemption of promises they claim the government made when the recent strike was declared off.

The premier was ill, but the delegation pretended to believe his indisposition was simulated. Their failure to be received, however, served as a pretext for springing their surprise and an hour later the transformation of the association into a national syndicate was announced and the statutes of the organization were officially filed in the city hall.

Coup de Theatre. It was what the French call a coup de theatre, but if it proves successful it would be more like a coup d'etat, as its purposes is to make the employees the masters and not the servants of the state.

The rules of the organization follow strictly in form those of the workmen's organization. They declare their purpose to defend economic interests and give moral and material support to members having differences with the administration. A committee is created following the lines of trades unions to act as intermediary in such difficulties and members are forbidden, under penalty of losing their membership, to present issues principally to the administration.

The most serious aspect of the situation is the fact that the leaders are undoubtedly hand in glove with the moving spirits of the General Federation of Labor, which is now universally recognized as a revolutionary organization and which has for a long time been preparing for a general strike to destroy "capitalists."

The suppression of this organization has frequently been contemplated by the French government. Fortunately, a considerable proportion of the postal employees have had their eyes opened to the revolutionary venture, and have broken away. There are enough loyal servants to form a working nucleus to fight against the strike which tonight is considered a matter of hours.

The government, which claims to be prepared for any eventuality, it is conceded, must now act vigorously or abdicate. The leaders of the movement have no option but to declare a strike the minute the government makes a hostile turn.

Employees of the central postoffice voted in favor of the principle of a general strike at a meeting tonight.

INTRODUCES BILL. Washington, May 6.—Close upon the decision of the supreme court of the United States in the "commodities clause" case, Senator Bailey today introduced a bill amending the interstate commerce act so as to apply the provisions for the commodities clause to "any corporation or joint stock company which controls directly, or indirectly," such subsidiary corporations.

Helena, May 6.—The trial of the condemnation suit in which the Chicago, Milwaukee & Puget Sound Railway company is the plaintiff and Maria Higgins of Missoula the defendant, was started this morning in the district court before Judge Clements, who is sitting in place of Judge J. Miller Smith, who is disqualified.

After the jury was empanelled counsel for the plaintiff moved that the jurymen were taken to Missoula to inspect the property involved. This motion was granted, and this afternoon at 4 o'clock the jurymen, accompanied by Frank L. Reece, clerk of the district court; Marshall & Stiff of Missoula, attorneys for the plaintiff, and Chaybers & Horskly of Helena, attorneys for the defendant, departed for the Garden city.

The members of the jury and those accompanying them arrived in Missoula about midnight.

WILL RETURN TO WORK. Bonne Terre, Mo., May 6.—A break in the lead mines strike occurred today, when it became evident that half the strikers will return to work Friday without increase in wages.