

DEATH RATHER THAN PRISON WALLS

MRS. BOYLE SAYS SHE WILL KILL HERSELF RATHER THAN GO TO PENITENTIARY.

WOMAN IS NOW ON TRIAL

Alleged Accomplice in the Kidnaping of "Billy" Whittia Declares That There Is More to the Story Yet to Be Told but Insists That She Has Not Been Allowed to Tell It.

Mercer, Pa., May 7.—Relying entirely upon the contention that the Pennsylvania courts have no jurisdiction in her case, counsel for Mrs. James H. Boyle, charged with aiding and abetting in the kidnaping of "Billy" Whittia, today refused to offer any evidence in her behalf. Arguments will be made tomorrow.

The prosecution claims that Mrs. Boyle participated in this state in a conspiracy to kidnap the boy, which is combated by the defense, which will endeavor to have her turned over to the authorities at Cleveland.

The state's testimony was mainly the same as that given yesterday in the trial of James H. Boyle, but some additional witnesses testified. One of the Cleveland policemen testified that she said when arrested:

"I am the frail woman who planned the whole thing."

The finding of the ransom money secreted in her clothing was also testified to. The proprietor of the Grand apartment in Cleveland identified Boyle and Mrs. Boyle as the couple who rented an apartment from her under the name of Walters.

Throughout the proceedings Boyle and his wife apparently desired to bring out the name of another party said to have been connected with the case. Boyle at one point said:

"I will tell the whole truth about this case now. I want the whole thing cleared up. The whole blame was on someone else."

Tonight Mrs. Boyle said: "Both Jimmy and myself have tried to tell the whole story. We have not been permitted to do so. It is not justice. Everything should be heard and thrashed out. As for myself, I will commit suicide before I go to the penitentiary."

SUIT IS COMMENCED FOR DAMAGES

HARRIETT ORCUTT AND CHILDREN FILE ACTION AGAINST THE GREAT NORTHERN.

Helena, May 7.—Through counsel, Harriett Orcutt, and children, residents of California, today filed suit in the United States circuit court here against the Great Northern railroad company of Minnesota, seeking to recover \$50,000 damages for the death of Z. O. Orcutt, husband and father, who was killed at a grade crossing in Dodson, Valley county, October 22, 1908.

Two other suits were also filed with the clerk today, these being transferred to the federal court from the Yellowstone county district court. In each instance it is sought to recover \$7,528.75 on promissory notes. Ecken Brothers, the bankers, being the complainants and William Dallas and others the defendants in the complaint it is stated that loans were made that the defendants might perform certain contracts, and an injunction is sought to prevent further payment by the government to the contractors until the account has been satisfied.

RENDERS AN OPINION RELATIVE TO FEES

Special to The Daily Missoulian. Helena, May 7.—In response to a query from the state veterinarian the attorney general's office has rendered an opinion on the question as fees for stock inspection by sheriffs who inspect cattle and horses offered for shipment to railroad companies in this state. It is held that such officials and the deputies may charge \$2 a day for inspection, and in addition, the actual expenses incurred. As to collecting fees for the inspection of cattle offered for shipment, it is held that no per diem charge can be collected.

BETTER THE SALOONS THAN THE "CLUBS"

Jefferson City, Mo., May 7.—"It is better that the law providing for the closing of saloons on Sunday should be repealed and the sale of intoxicating liquors should be transferred from unlicensed and unregulated 'hid' clubs to the licensed and regulated saloons, than that present conditions should continue."

This was the expression used by Governor Hadley in a special message to the legislature today in an effort to obtain the enactment of a law requiring a state license for the sale of intoxicating liquors in social clubs.

WEBSTER DIES AT GREAT FALLS

PROMINENT POLITICIAN AND COLLECTOR OF CUSTOMS PASSES AWAY.

BAIR MAY SUCCEED HIM

Federal Official Who Has Been Active in Business and Political Affairs of Montana for Many Years Succumbs to Ravages of Bright's Disease—Sought Nomination for Governor.

Helena, May 7.—A special to the Record from Great Falls says that Charles M. Webster, collector of the port and prominent in republican politics, died suddenly. With a party of friends he attended the theater last evening in apparently the best of health. For a number of years he had been a sufferer from Bright's disease. He was a native of Zumbrota, Minn., and was 51 years old.

Upon being graduated from the University of Minnesota in 1892, he married a daughter of former Governor Pillsbury of Minnesota and for a time engaged in the practice of law in Minneapolis. With the death of his wife he came to Montana, where he has been a noted figure in political and legal circles. He came within a few votes of securing the republican nomination for governor last fall.

Biographical Sketch.

Charles M. Webster was of Vermont parentage and of early colonial New England extraction. The family in America sprang from John Webster, who came from County Suffolk, England, and settled at Ipswich, Mass., in 1634. His grandfather, Alpha Webster, was in his day one of the leading citizens of Vermont. Charles Carroll Webster, born in Vermont in 1824, was the father of Charles M. Webster, and Elizabeth Drew, also of Vermont, was his mother. She was a woman of refinement and great energy and ambition. She was born in 1831, and died in Montana, at the home of her son, in 1907, surviving her husband, who died in Minneapolis in 1896. They reared and liberally educated five children, whom they lived to see well established in life.

Charles M. Webster was born in Zumbrota, Minn., on April 12, 1858. He was educated in the public schools of Red Wing, Minn., the preparatory department of Oberlin college, and at the state university of Minnesota, Minneapolis, where he was graduated in the classical course with the class of 1882. While in the university he helped pay his way through by newspaper work and teaching. He studied law and was admitted to the bar in Minneapolis in December, 1883, and became a member of the firm of Keith, Thompson & Webster. In October, 1884, he was married to his classmate and friend of his youth, Miss Adelle Pillsbury, daughter of Governor John S. Pillsbury of Minnesota. She died before she was six months a bride. Mr. Webster withdrew from the law firm in April, 1886, and came to the then new town of Great Falls, Mont. In 1886 he edited the Great Falls Tribune. From 1887 to 1890 he was secretary of the Great Falls Water Power & Townsite company. The town grew rapidly and Mr. Webster made a small fortune there, principally in real estate. He organized many business enterprises and erected numerous buildings.

One of Founders.

He was one of the founders of the Great Falls free library and one of the builders of the splendid opera house there. In the fall of 1890, with others, he organized the Security bank of Great Falls, and was made its president. During the panic of 1893 Mr. Webster kept his bank open by the sacrifice of his private fortune, and put the institution through voluntary liquidation in the fall of 1896, after paying every obligation in full. Mr. Webster was always a staunch republican, as his father and grandfather were before him. In 1888 he was made chairman of the Cascade county republican committee, the party's first republican organization in that county. In 1889 he was a member of the constitutional convention. From 1889 to 1891 he was president of the Great Falls city council, from 1891 to 1892 school trustee, from 1892 to 1893 mayor, and mayor again from 1895 to 1897. In 1896 he was the nominee of his party for the office of state treasurer. Though defeated he ran from 1,500 to 7,000 votes ahead of his ticket. In 1897 he was appointed collector of internal revenues for Montana, Idaho and Utah, which place he resigned in 1901 to accept the collectorship of customs for Montana and Idaho, with headquarters at Great Falls. In May, 1892, he married Miss Helen Eloise Pettit, daughter of S. J. Pettit of Fairbault, Minn. They have two children, a boy and a girl. In the last state campaign Mr. Webster was a candidate for the republican nomination for governor, but was defeated by Edward Danton of Missoula.

Bair Recommended.

Special to The Daily Missoulian. Washington, May 7.—In response to the urgent request of the treasury department that a collector of customs at Great Falls be named immediately to succeed Charles M. Webster, deceased, the Montana senators today recommended the appointment of John G. Bair of Teton county.

J. G. Bair, the leading attorney of Chouteau, Teton county, has attained an enviable position in legal circles.

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HE HAS A RIGHT TO SMILE

If there is any man in Missoula this morning who has a right to smile, that man is Carl Greenhood, president and manager of the Garden City Brewery company. After a strike which suspended operations at his established for several days, the men returned to work yesterday and things were normal at the institution. It was a queer strike; the men in the Missoula brewery had no grievance and there was no condition in connection with their work which was not satisfactory; wages and hours and relations with employers—all these were all right and things at the brewery were moving as smoothly as an iceberg over a frozen lake when the orders came for the men to strike. There was grief somewhere between somebody and somebody else and on that account the Missoula brewery men had to quit their good jobs and remain idle, not many of them, as a matter of fact, being able to give a clear statement of what was going on. It was a queer mess; the men wanted to go to work and the company wanted them to go to work; all that was keeping them idle was an order from somewhere which commanded them to quit. Until that order was revoked by competent authority, not a man could labor at the brewery as far as the brewers' union was concerned. And, strange as it may seem, it was an extremely difficult matter to adjust the situation so that these men who wanted to go to work could go to work for the company that wanted them to work. Yesterday the magic word was spoken and the strike was over. It does not fall to the lot of many employers to go through such an experience as this and it is not to be wondered at that Mr. Greenhood smiles this morning. There was no time during the walk-out of his men that he was not anxious to have them back; he did all that he could do to get them to come back, but there was nothing that they wanted that they didn't have and on this account there was no concession that he could make. He was helpless and simply had to wait until a certain amount of red tape could be unwound; when enough had been reeled off, Mr. Greenhood was informed that his men would be permitted to work at the jobs which they had left. And that is reason enough for a smile. But Mr. Greenhood has further reason to smile; aside from his business interests at the brewery of which he is the active manager and personal director, Mr. Greenhood has extensive investments in real estate in the city. He is at present engaged in the erection of a modern, four-story business building on Higgins avenue and on West Main street, by remodeling the old bank building into a block that will be up to date in all of its details. He is one of the working members of the chamber of commerce and is a strong and earnest supporter of publicity. That his business matters have been so comfortably adjusted is a cause for congratulation and there is nobody who will blame Mr. Greenhood for the smile he wears. He has a smile coming.



CARL GREENHOOD

CHANGES HIS STORY TO THE COUNTY ATTORNEY

ALLEGED KIDNAPER SAYS HE COULD NOT BEAR TO PART WITH BOY.

Special to The Daily Missoulian.

Helena, May 7.—The story that James Lee told in Missoula yesterday to the effect that he had taken the 6-year-old son of Mr. and Mrs. Charles Peabody away with him with their consent, he changed today in an interview with County Attorney Hepner. In the custody of Sheriff Higgins and with the boy he arrived here this afternoon and was immediately taken to jail. Mr. Hepner interviewed him, and afterwards gave out the following:

"That Lee is technically, at least, guilty of kidnaping there is no question. I have gotten into communication with the father of the boy and he denied that he consented to the taking of the boy by the Lees. Lee has himself acknowledged that so strong was his affection for the boy that when it came to parting with him he could not give him up, and he took the child from the mother. Lee has been released on his own recognizance, and the child will be given into the possession of the mother. "What action I will take I have not yet decided. The child is still with Lee, and both are in the custody of the sheriff. There is no question as to the strong affection between the boy and the Lees, but that gives Lee no rights paramount to those of the parents." At the jail the boy cried heartbrokenly for "Mamma Lee," and it was to pacify him that Lee was allowed to keep him until the county attorney decides what to do.

WESTON AT PERRY.

Tonka, Kan., May 7.—Edward Payson Weston who is talking from New York to the Pacific coast, reached Perry, 24 miles east of here, where he passed the night. He expected to reach Tonka this evening, but could not because of his late start from Kansas City.

FRED SEWARD HANGED FOR KILLING GIRL

Boise, May 7.—Fred Seward was hanged today at the Idaho penitentiary here for the murder of Clara O'Neal at Moscow, Idaho, in October, 1908. Seward met death bravely. "Do a good job, boys," he said to the executioner, just before the cap was pulled over his head. His neck was broken by the fall.

Angered because Clara O'Neal, with whom he was infatuated would not accept his counsel to reform her life, Seward went to her apartments, and holding her with one hand by the neck, shot her dead. He made an unsuccessful attempt to commit suicide. He was convicted and sentenced to be hanged, but was twice reprieved.

ANDERSON ACQUITTED AT PRELIMINARY HEARING

Spokane, May 7.—J. Herbert Anderson, late president of the Panhandle Smelting company at Ponderay, near Sandpoint, Idaho, was acquitted at a preliminary hearing today of the charge of embezzling \$175,000 of the company's money. It was shown in the testimony that Anderson's personal account and that of the smelting company were combined.

ENDEAVORS TO TRACE THE MONEY

San Francisco, May 7.—The prosecution in the case of Patrick Calhoun, president of the United Railroads, on trial for offering a bribe, continued today its painstaking effort to trace the \$200,000 in currency paid to Tracy L. Ford at the instigation of Calhoun's order in 1906, to the hands of the supervisors, or rather of their alleged agent, Abraham Ruef, from the office of Ford, where the last positive evidence on the subject left it. A. M. Dollar, the acting treasurer of the company, through whose hands all moneys either received or paid out must pass, was, perhaps, the most important witness of the day, since he showed that this large sum had not been handled in the ordinary course of business, or, in fact, passed through his office at all. From this statement and the previous testimony of other witnesses as to the visits of Ruef to Ford's office somewhere around the time the money was conveyed there by Ford and Abbott, it is the hope of the prosecution to convince the jury that no other deduction is possible but that the money was paid to Ruef and by him disbursed to the supervisors.

PROSECUTION TRIES TO SHOW THAT FUNDS WENT TO SUPERVISORS.

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CONVENTION ENDS.

Butte, May 7.—The annual convention of the Northwestern Association of Plumbers, which has been in session in this city since last Monday, came to an end this morning, when Vancouver, B. C., was selected as the next place of meeting. Delegate Williamson of Portland was elected president for the ensuing year. T. T. Luebber of Butte was elected secretary and Delegate Murray of Great Falls was chosen vice president of the organization for Montana.

BRIGANDS ARE ACTIVE.

Constantinople, May 7.—There is considerable disturbance in the country surrounding Constantinople and brigands are active. This condition of affairs is a result of rapid changes in government and undoubtedly can be laid to the doors of deserters from the former Constantinople garrison and political fugitives, who have undertaken to live on the country.

WOMEN PARTICIPATE IN EXCITING RIOT

SYMPATHIZERS WITH STRIKING BAKERS THROW MISSILES AT POLICEMEN.

New York, May 7.—Women figured conspicuously today in street rioting incident to the bakers' strike. Most of the trouble occurred on the upper east side. A woman customer leaving a bakery was attacked by women. A policeman, who arrested one of her assailants, was attacked by a mob of women and men, who threw bottles, bricks and clubs at him. The mob ran when he drew his revolver.

Another policeman had a similar experience with a crowd of 50 women, who had attacked and slightly injured the daughter of a bakery proprietor. The woman followed him into a bakery shop and attacked him viciously. They were driven out by other policemen.

BANNER DELIVERED AT THE CATHEDRAL

Orleans, France, May 7.—To the accompaniment of cannon and the pealing of great chimes, the ceremony of turning over to the cathedral and the clergy the banner of Joan of Arc was performed by the mayor tonight. Forty-two bishops with mitre and crozier were massed in front of the cathedral to receive the oriflamme. The troops and the garrison bands formed a torchlight parade and escorted the mayor to the cathedral. More than 100,000 spectators, many of them pilgrims from various parts of the republic, witnessed the procession and the presentation. The fetes will continue tomorrow and Sunday.

CRUISER DEPARTS.

Gibraltar, May 7.—The American cruiser, North Carolina, left here today for Alexandria. The Montana is still enroute, but she will follow the North Carolina probably this afternoon. These two vessels are on their way to Turkish waters for the protection of American interests.

MACEDONIAN SOLDIERS GUARDING THE SCHOOLS

Adana, Asiatic Turkey, Wednesday, May 6.—Via Constantinople, May 7.—Macedonian soldiers sent here by the authorities are today faithfully guarding the American schools and mission residences, but otherwise the city is demoralized. The grain on the Adana plain is ripe for the harvest, but no Armenian refugees dare go back to their farms, as the surrounding country is still dangerous for any man not a Turk. The relief work is being carried on systematically in Adana. Special camps have been established for persons suffering from contagious diseases such as typhoid and smallpox. It is costing \$1,250 a day to run these places.

JURY INDICTS SUGAR TRUST EMPLOYES

SEVEN MEN INVOLVED IN UNDERWEIGHING OF IMPORTS—MUST FACE COURT.

RESULT OF RECENT TRIAL

Disclosures Made During Hearing of Government Suit Against Big Corporation for Defrauding Former of Customs Duties Bring About Action Against Agents of the Concern.

New York, May 7.—Indictments for conspiracy were returned today against Oliver Spitzer, who was superintendent of the docks of the American Sugar Refining company in Brooklyn, and six other employees of the company, alleged to have been implicated in the sugar underweighing frauds charged by the government in its recent suit.

Henry Burke Closson of counsel for the American Sugar Refining company expressed the attitude of the company as follows:

"The officers of the American Sugar Refining company have no comment to make in regard to the new indictments found against Oliver Spitzer and certain of the men formerly employed under him beyond this that they are as anxious as the United States attorney can be that these men and any others shall be punished if they are guilty and that they have been co-operating to that end with the United States attorney. None of the men concerned are now in the employ of the company. Spitzer was dismissed immediately after the recent trial before Judge Holt and the others mentioned on Thursday of this week."

ROUNDUP ASSOCIATION BEGINS ITS SESSIONS

Butte, May 7.—A Miner special from Havre says: "The first session of the annual meeting of the North Montana Roundup association convened this afternoon at the Hotel Helena, retiring president, presided. The following officers were chosen for the ensuing year: E. T. Broadwater, president; Dr. J. V. Carroll, Fort Benton, vice president; Thomas A. Cummings, Fort Benton, secretary-treasurer; executive committee, M. E. Milner, chairman, Jossie I. Phelps, D. G. Browne, Joseph Townsend, Norville Wallace, John Harris, Simon Peppin, T. A. Cannon, D. C. Kyle, C. W. Price, William Coburn, J. T. Murphy, C. H. Austin, A. N. Davidson, A. B. Kingsbury, Thomas Couch, Jr., J. W. Carroll, C. H. Green and J. E. Marcum."

SITUATION IN FRANCE DECLARED PERILOUS

New York, May 7.—John Bigelow, the veteran author and diplomat, who represented the United States in France during the war, was a passenger today on the passenger La Provence. Mr. Bigelow said he regarded the present labor troubles in France as one of the most perilous situations which that country has faced in modern times. "The government's weak position in the settlement of the previous strike," he said, "has incited the workers in all other departments to push outrageous demands and the whole battle which might have been fought and won at the time of the postal strike must be gone over again."

PATTEN IS REPORTED ON WAY TO CHICAGO

Trinidad, Colo., May 7.—It was reported from reliable sources tonight that James A. Patten, the Chicago wheat operator, who has been resting at the ranch of his partner, W. H. Bartlett, passed through Trinidad this afternoon on his way to Chicago. Mr. Patten arrived here at 5:45 o'clock this afternoon and left over the Santa Fe at 6:30 o'clock tonight, after plucking all who knew him to secrecy. It was stated at the ranch tonight that Mr. Patten was still there, but later W. H. Bartlett, Jr., notified the telephone operator that he refused to talk to newspaper men.

TO BE RESPONSIBLE FOR DUTY COLLECTION

Washington, May 7.—Postmasters hereafter will be held strictly to account if they deliver in person packages of foreign origin containing dutiable articles without first submitting them to the nearest customs officer or without collecting the duty assessed upon each package as the result of an order issued by the post-office department. Numerous instances of failure on the part of postmasters to do this have been reported by the secretary of the treasury.

NO JAP QUESTION.

New York, May 7.—Tokutomi Sakai, one of the imperial commissioners of the grand exposition of Japan, returned to New York today after a month passed in the west. "There is no Japanese question" in the western part of your country, any more than there is in the east," he said. "Everywhere I went I was made to understand that the friendship between the United States and Japan has not been in the least impaired by the misinformed and unfounded jingoism of a few men."

PUBLIC PRESS DENOUNCES ACTION

ACTION OF GOVERNMENT EMPLOYEES IN FRANCE AROUSES STRONG OPPOSITION.

DEEP LAID PLAN SCENTED

Impression is That Federal Labor Organization Schemes to Gain Upper Hand of the Government and Latter is Urged to Use Radical Means to Crush the Insurrection

Paris, May 7.—Both public sympathy and the law seem today to be clearly against the Posts, Telegraphs and Telephones Employees' association, which yesterday threw down the gauntlet of battle to the government by transforming itself into a syndicate under the laws of 1884. The action pleased the association on the same footing as the workmen's unions and was calculated to give it the right to strike against its employer, the state. The newspapers this morning, with the exception of the extreme socialist organs, are unsparing in their denunciation of the stand taken by the association as an act of rebellion and they urge the government to proceed with energy and crush the insurrection, before the movement engulf the other categories of state employees.

Evidence accumulated today that the formation of this union yesterday was only the first step in a far reaching plan of the General Federation of Labor to place the entire machinery of the government at its mercy. The law of 1884 limits unions to professions and trades engaged in "competitive industry" and the attorney general of the republic is expected to decide summarily that the situation is illegal and order its dissolution.

As soon as this is done the organizers of the movement will be subject to heavy fines and imprisonment if they persist in meeting.

BOUT IS POSTPONED.

New York, May 7.—The six-round bout between Stanley Ketchel and Hugh McGann, which was to have been pulled off in Pittsburgh tonight, has been postponed to May 18, in order to give the men more time for training. Ketchel, who has begun a long course of training for his fight next October with Jack Johnson at Culma, Col., has taken to golf as one means of getting into condition.

MUST GO TO PRISON FOR CRIME

Pensacola, Fla., May 7.—Manager W. S. Harlan of the Jackson Lumber company of Lockhart, Ala., Robert Gallagher, assistant superintendent and three of the company's foremen will have to serve terms in the Atlanta federal prison, to which they were sentenced in the United States circuit court here three years ago on the charge of conspiracy to commit peonage.

PROMINENT LUMBERMAN CONVICTED OF PEONAGE TO DO TIME IN JAIL.

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DUTY ON LEAD ORES IS FIXED BY SENATE

Washington, May 7.—The senate voted today to fix the duty on lead contained in lead ore at 1 1/2 cents a pound, which is the rate of the Dingley law and of the impending bill as it was passed by the house. Fifty-three senators, including all republicans present, and Senator Hughes of Colorado, McHenry of Louisiana, Democrats, voted for the duty, and 19 democrats voted against it. The vote was not significant. During the day Senator Clapp spoke at length in favor of lowering the duties and Senator Owen upheld the constitutionality of an income tax.

DISASTROUS FIRE COSTS HUMAN LIVES

Winnipeg, Man., May 7.—Further reports of lives being lost in prairie fires in southern Saskatchewan have reached here. Forty miles north of Swift Current, one child was burned to death and four other members of the family are dying.

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