THE WEATHER
Today—Showers; warmer.
Tomorrow—Fair.

THE DAILY MISSOULIAN

RAINY DAYS
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TO COMPLETE FIRST UNIT QUICKLY

CONSTRUCTION OF SECTION OF MILK RIVER IRRIGATION PROJECT TO BE RUSHED.

ENGINEER SAVAGE TALKS

Reclamation Official Says That if Present Plans of the Department Do Not Go Awry the Initial Portion of the Scheme Will Be in Readiness for Use by the End of This Year.

Helena, June 8.—The first unit of the Milk river project, for which the people of that part of Montana have striven for many years, will be completed this year if the plans of the reclamation service are carried out. The department at Washington has concurred in the plan for the immediate completion of the Dodson south canal and distribution system, which will cover 10,000 acres of fine land, and which may be extended to cover all the irrigable land lying between the Dodson dam and the Nelson reservoir, containing upwards of 225,000 acres.

This is the best news which northern Montana has received in many years. The beginning of actual construction work on the great Milk river project will usher in a new era, one which will make the northern part of this state noted from one end of the country to the other as one of the most fertile garden spots in America.

Savage Talks.

H. N. Savage, supervising engineer of the reclamation service in the northwest, said today:

"Contracts have been awarded to local builders for the main laterals and contracts will be immediately advertised for the completion of the unbuilt portions of the main canal. It is hoped that work can be started in the near future on both the Dodson north canal and the Glasgow unit. These two last works will depend upon getting an allotment of sufficient funds.

"The conclusion reached by the department of the interior in regard to the Milk river project will be very gratifying, I am sure.

"Construction work on the St. Mary's canal is going ahead rapidly. One steam shovel moved during the month of May on this work, 19,915 cubic yards of material, of which amount something over 500 cubic yards was solid rock. The progress already made on the international treaty negotiations indicate an early and satisfactory adjustment of all matters involved in the St. Mary's and Milk river complications.

Full Operation.

"The irrigation system constructed by the reclamation service for the Lower Yellowstone project is now in full operation. Water was turned into the main canal April 20, and was run down the main canal as rapidly as possible to saturate the banks and to puddle the material around the structures and lateral turnouts, finally reaching the lower end of the canal system, May 31, a distance of 64 miles from the head woks. No material difficulties were encountered and the land owners are assured a full and reliable supply of water. They are now making great preparations for the first season's crop.

"The difficulty of getting contractors to take up this work and the slow progress made delayed turning the water into the canal in the fall of 1908, as had been hoped for. The reliability of the system, despite the fact of its being put hurriedly into commission for the beginning of the irrigating season, is gratifying alike to the reclamation service engineers and to the land owners."

MUST AMEND CREED.

Jefferson City, Mo., June 8.—The Missouri supreme court today held that the general assembly of the Cumberland Presbyterian church had no authority to unite with the Presbyterian church in the United States of America without first amending its creed and constitution. The court decided in favor of the Cumberland adherents a suit involving church property at Warrensburg, Mo.

ENGAGEMENT BROKEN.

New York, June 8.—The engagement of Miss Adele Case, the concert singer, to marry Claus Spreckels III., of California, has been broken and Miss Case will soon start for Seattle alone. Information of the engagement became publicly known when Mr. Spreckels and Miss Case arrived from Europe on Sunday. Today Miss Case said she broke the engagement.

SLATER IS FIRST.

Shoshone, Idaho, June 8.—The first choice in the land drawing for 50,000 acres in the Dietrich tract went to N. H. Slater of Raymond, Wash.; the second to Nellie Quinn of Seattle, Wash. More than 1,500 persons were present at the drawing, registrations for which numbered 2,341.

FAVOR CHANGE IN SCHOOL "EXAMS"

MEMBERS OF BOARD OF EDUCATION THINK EIGHTH GRADE TESTS TOO RIGID.

TO BE REVISED AT ONCE

Special Committee Is Appointed to Make Changes That Will Obviate Objectionable Features and Give Students a Better Chance for Promotion to the High School.

Special to The Daily Missoulian.

Helena, June 8.—After a thorough discussion of the present eighth grade examinations, the state board of education at its final session today came to the conclusion that as at present drawn up they are entirely too arbitrary and rigid, and to modify them so that they will meet with more general favor among teachers and parents, a committee consisting of W. E. Harmon, S. D. Largent and Randall J. Condon was named to revise them. They have full power in the premises and do not need to report back to the full board.

Superintendent Condon of the Helena school presented a proposition on behalf of Superintendent Young of Butte for the abolition of eighth grade examinations in cities of the first and second class and to make them optional in cities of the third class. This was rejected.

But the conclusion was reached that the rules should be modified to give a pupil more time to prepare his papers, if needed; that failure in one study should not prevent a pupil from being conditionally promoted to the high school, and that the general rating of the pupil for the term should be given some consideration in determining his final mark, instead of basing it solely upon the result of the examination.

The board adopted the resolution offered yesterday by Attorney General Galen relating to local boards of control of state institutions. The resolution provides that these boards shall have immediate control in the employment of the faculty, the care of the buildings and in other things, but all actions of the local boards are subject to the approval of the state board.

Because E. Tappan Tannatt, professor at the agricultural college, against whom charges were lodged by the Carey land act board, resigned some time ago, the board decided to let the matter drop and no further consideration was given the case.

The committee on Dr. Dunlway's unification plan was given more time and will probably report in December.

Dr. Dunlway and S. D. Largent were named as delegates to attend the N. E. A. meeting at Denver in July.

PLANS TO OPERATE MOTOR TRAINS

O. R. & N. TO INSTALL GASOLINE EQUIPMENT ON ITS WALLACE LINE.

Special to The Daily Missoulian.

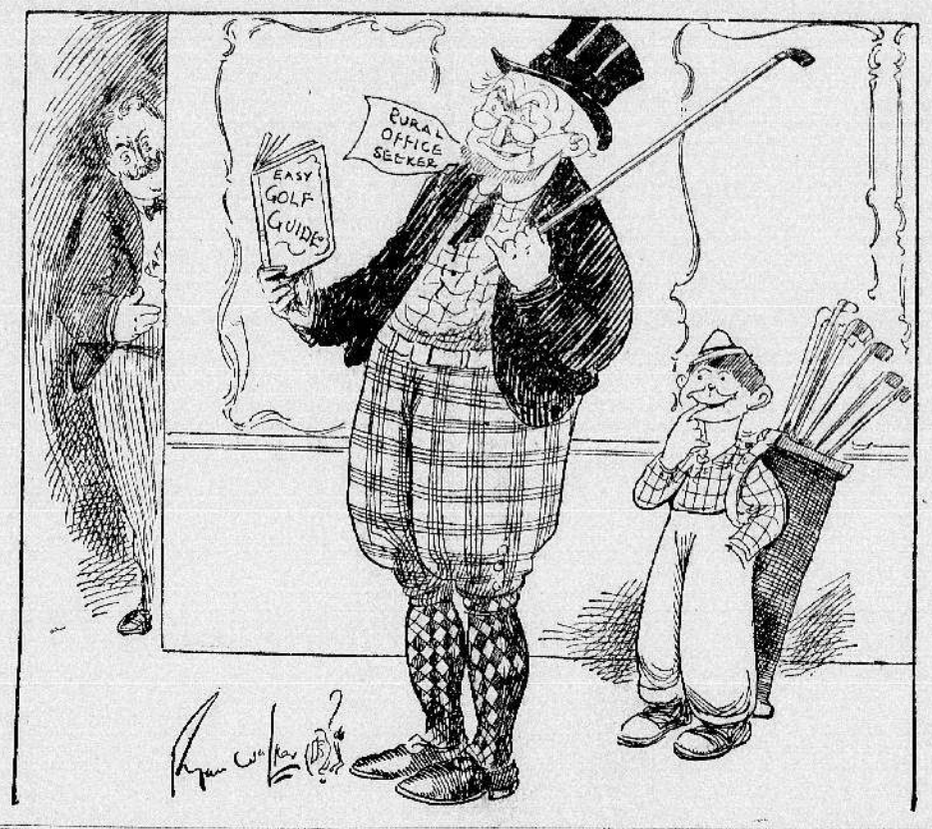
Spokane, June 8.—A chain of suburban towns stringing from Spokane across the Coeur d'Alene Indian reservation, soon to be opened for settlement, are to be supplied with one of the fastest train services yet in use, the gasoline motor. This is the plan of the O. R. & N. for regaining and holding precedence in its territory between this city and Wallace, Idaho.

The electric roads and the proposed new line from Coeur d'Alene to Wallace have seriously cut into the traffic of the pioneer steam line, and the company has started into a campaign to regain its territory and put on a better service than can be furnished by the electric roads. To this end the cut-off from Lockood to Windy Bay has been started and work is being rushed with unusual vigor.

It is now stated on good authority that the company proposes to install gasoline motor equipment and attempt to break all records in time from Spokane to Wallace and, if possible, to cut under any time that may be made by the electric lines. The renewed activity of the electric road promoters has stirred the O. R. & N. into action and, with the cut-off and gasoline motor equipment, the run from Spokane to Harrison may be made in a little over one hour, cutting down the present running time to Wallace by many hours.

The plan, if carried out, will mean more trains and the opportunity to build a chain of new suburban towns not only across the reservation, but in the vicinity of Spokane. But for the present it is understood the company intends to use the O. R. & N. grades.

GETTING IN THE SWIM



CASE OF FOUL PLAY THE CORONER SUSPECTS

MYSTERY SURROUNDS DEATH OF MAN FOUND ON NORTHERN PACIFIC TRACKS.

Investigations yesterday by Coroner Kendrick lead him to believe there was foul play in connection with the death of the unknown young man whose body was found across the tracks of the Northern Pacific in the west yards about 2 o'clock yesterday morning. The discovery late yesterday of two chloroform bottles and a handkerchief that had evidently been saturated with the anesthetic, in an empty box-car near where the remains were found, and the fact that the pockets of the dead man's clothing had been turned inside out and evidently rifled of all that was in them, are circumstances which cause the coroner to suspect foul play.

An additional element of mystery has been injected into the affair by the discovery of a piece of paper in the man's coat pocket bearing the strange message, "Whoever should find this, please mail the last request of a dying man—" The message breaks off abruptly and what its purport is there is no means of knowing at present. Nothing has been found to indicate the identity of the victim but the coroner is putting forth every effort to secure information that will clear up the affair.

The discovery of the body was made by a switchman who, in reaching to turn a switch, came in contact with the body.

The examination of the body, at the Lucy undertaking parlors, made by Coroner W. D. Kendrick, disclosed the fact that there was no means of identification, and that the pockets had been turned inside out, leaving nothing of value, if there had been anything there. In one outside coat pocket, which alone had not been touched, was found the bloodstained note, which had not been completed.

At first the theory that the young man had fallen under a train while trying to board it seemed the most plausible. But the finding later of two chloroform bottles and a saturated handkerchief in a box car near the body, coupled with the evident fact that the man's pockets had been searched, cause the coroner to hold to the belief that there was foul play.

It is possible that the young man's home was in Spokane, as a young man named Malloy told Coroner Kendrick yesterday that he had seen the young fellow about 12 o'clock the night before his death and had talked with him. The stranger stated that he had gone to Butte from Spokane and was on his way back to the latter city. He asked where he could board a freight for the west. Malloy showed him to the west yards, and that was the last seen of him alive. When asked for a description of the man with whom he had had the conversation, young Malloy did so, his description fitting that of the dead man. Malloy afterwards identified the body as that of the stranger.

When found, he was thought to be roughly dressed, but upon examination, his clothes were discovered to be of good quality. He was dressed in a good blue serge suit, with tan shoes and union underwear, with a black or dark colored outer shirt. According to the story told by Malloy, the man had worn a black stiff hat, this has not yet been found.

IS ENTOMBED ALIVE BY ACCIDENTAL CAVE-IN

Special to The Daily Missoulian.

Wallace, June 8.—Entombed beneath tons of earth and rock on the 400-foot level of the Morning mine, Eric Lind faces a slow and terrible death unless a score of miners who have been working eagerly all day are able to reach and rescue him.

Lind was at work alone in a portion of the level when a cave-in occurred between him and the shaft. Caught in the blind end of the level with no possible means of escape, the entombed miner must meet death from suffocation or starvation unless he can be rescued soon. As soon as the accident occurred Mine Superintendent Cartwright set a force of miners to work digging away the mass of earth that lies between Lind and freedom and for hours the men have labored without cessation endeavoring to reach their companion.

FAMOUS SUGAR CASE SETTLED

THIRTY MILLION DOLLAR SUIT IS ADJUDICATED OUT OF THE COURT.

New York, June 8.—The $30,000,000 suit of the Pennsylvania Sugar Refining company against the American Sugar Refining company, the so-called trust, was settled out of court this evening. Terms of the settlement were not made public. Possibly a statement will be forthcoming tomorrow.

The complaint charged, in effect, that it had been driven out of business. Witnesses testified that Adolph Segal of Philadelphia, controlling power of the Pennsylvania Sugar Refining company, borrowed from Gustav A. Kissel $1,250,000, for which he gave as security 26,000 shares of the Pennsylvania Sugar Refining company, together with a voting trust certificate for the same, which was to run until the repayment of the loan.

With the power thus conferred, Kissel, it was alleged, installed himself and three of his clerks as directors of the independent sugar company, and having control of the directors, he secured the adoption of a resolution providing that the then almost completed refinery, which is said to be one of the most economical ever built, should not be opened or operated until further orders.

That resolution, the plaintiff contended, was drafted by John R. Parsons, acting as counsel for the sugar trust, for whom it showed Gustav A. Kissel, the lender, also as agent.

Kissel, Parsons and the three clerks were made co-defendants with the American Sugar Refining company on the conspiracy charge, but on motion of a lawyer appearing specially in behalf of the three clerks, the complaint against them was dismissed today.

The details will not be made public until after ratification by the Pennsylvania court that appointed George D. Earle, Jr., receiver of the Pennsylvania Sugar Refining company. If such ratification is not made, the case will have to be tried.

OFFER AMENDMENTS TO COMMERCE LAWS

CHANGES THAT WOULD BENEFIT SHIPPERS SUGGESTED BY SPOKANE MEN.

Washington, June 8.—Amendments having for their purpose the efficient administration of the interstate commerce law were suggested to President Taft today by a delegation of Spokane, Wash., citizens, who were accompanied to the White House by Senator Jones and Representative Poindexter of Washington. The chief amendment was one which would give to the shipper the right of appeal to the courts that is now enjoyed by the railroads.

Tomorrow the delegation will appear before the interstate commerce commission to oppose the proposition of the railroads to readjust the rates declared by the commission in its decision in the so-called Spokane case to be excessive and to insist that the rates fixed by the commission in that decision be made effective.

HAS LITTLE FAITH IN A U. S. SENATOR

Durham, N. C., June 8.—Incensed at Senator Dolliver of Iowa, because he canceled at the last moment an engagement to deliver the annual address at the Trinity college commencement tomorrow, President Kitgore tonight from the rostrum accused the senator of unfair treatment.

"This is the first time any man has treated us unfairly," he said. "Senator Dolliver has had 10 days to make this announcement and he waits until the last moment to embarrass us."

After stating that Senator Dolliver in the telegram he sent gave physical exhaustion and tariff duties as his reasons for declining, Dr. Kilgore stepped from the rostrum and declared, it is alleged, to friends:

"I would as soon look to a bootblack for wisdom or character as to a United States senator. I wouldn't trust some to cultivate a peanut patch."

HARRIMAN IN PARIS.

Paris, June 8.—E. H. Harriman arrived here today from London.

DESPITE HEAVY RAIN WATERS RECEDE FAST

And more rain. And still, despite the strenuous efforts of the weather man and Jupiter Pluvius, the river continued to fall and long before the day was over the bridges and all other destructible property along the river was safe. In fact, so far did the waters recede that even the Cedar street bridge was left without a watchman. All day long there was a steady procession of sightseers going down through the rain to the river with the expectation of seeing some kind of an approach to the floods of last June. But they were all disappointed in that and all they saw was a greatly shrunken river which was at least a foot below its highest mark so far this spring.

SMILE CAUSES A BITTER TILT

JUDGE LAWLOR AND ATTORNEYS IN CALHOUN TRIAL HAVE QUARREL.

HENEY CAUSES TROUBLE

Assistant Prosecuting Attorney Accuses Lawyer for Defense of Smiling at the Jury and Exception Is Taken to Remark by Counsel for Accused.

San Francisco, June 8.—A quarrel of unparalleled bitterness, involving Judge William P. Lawlor and virtually all of the attorneys engaged in the trial of Patrick Calhoun, president of the United Railroads, enlivened a day otherwise devoted to presentation of routine testimony. Assistant District Attorney Francis J. Heney started the dispute by charging that Earl Rogers, an attorney for the defense, had been smiling at members of the jury. There was an angry response from John J. Barrett of the defense, who declared that the prosecution had unnecessarily prolonged the trial by the introduction of trivial matters.

At this point Judge Lawlor intervened, threatening to send Mr. Barrett to jail for intimating that the court had admitted trivial matters. The court said that allowance had been made for Mr. Heney's temperamental infringements because of the fact that he was shot down in the court room a few weeks before the Calhoun trial opened. A. A. Moore and L. F. Byington, attorneys for the defense, designated the remarks of Judge Lawlor as a "serious error," to which exception was taken.

A dozen witnesses were called to the stand during the day by the prosecution. James L. Gallagher, chief of the board of supervisors during the administration of Eugene Schmitz, told incidents connected with the dynamiting of his home in Oakland during the month of March, 1908.

When adjournment was reached, Adam Dahler, acting treasurer of the United Railroads company, was telling of payments made to the various agents of the defense who have been summoned as witnesses. A dozen vouchers, purporting to be for "general services and expenses," showed that more than $20,000 had been paid to Luther G. Brown, attorney and detective, during a period of less than two years.

CAN'T DOWN BILL.

As the city council turned down both of the mayor's nominations for chief of police Monday night, W. H. Smith still holds the office, although he has resigned, until some one is appointed to relieve him.

DECIDE TO RETIRE STOCK

SOUTHERN PACIFIC COMPANY WILL CALL IN PREFERRED SECURITIES.

New York, June 8.—The retirement of the company's preferred stock was decided upon by directors of the Southern Pacific company today, effective July 15. Holders of the stock will have the option of accepting $115 per share in cash or $20 in cash and $100 per share in 4½ per cent bonds, or to exchange the preferred stock for the common stock, share for share. The amount of outstanding preferred stock is $74,866,463 and its dividend rate is 7 per cent noncumulative.

Under the terms of its issue it is redeemable by the company at 115 up to July 1, 1910. Dividend on the common stock is at the rate of 6 per cent per annum. The preferred closed today at 135¼ and the common at 133½.

The company in its official statement says:

"A semi-annual dividend of $3.50 per share upon the preferred heretofore declared will be payable July 15 to holders of such preferred stock of record as such on June 30, and a quarterly dividend on common stock of $1.50 per share will be payable on July 1 to holders of dividend warrants appertaining to the common stock. Hence, to guard against the loss of the difference in dividends by those desiring to convert their stock prior to July 1 (when both classes will be ex-dividend) directors have provided that holders of preferred stock converting the same now and leaving an order, will on July 15 be paid the difference in dividends, amounting to $2 per share."

FRAUD CHARGE IN DIVORCE CASE

ATTORNEY FOR MRS. GUGGENHEIM SAYS DECREE WAS SECURED ILLEGALLY.

A SENSATION IS SPRUNG

Lawyer Declares That Neither Party Was Resident of Illinois When Decree Was Secured and That Misrepresentations Were Made to Induce Woman to Seek Separation.

Chicago, June 8.—Charges that a decree of divorce obtained by Grace B. Guggenheim in 1901 from William Guggenheim, head of the so-called smelter trust, was obtained through fraud and collusion were made here this afternoon, and an order issued on the principals to show cause why the divorce should not be set aside.

Mr. Dunne, representing Mrs. Guggenheim, declared that the decree was fraudulent, as neither party was a legal resident of Illinois at the time and as misrepresentations had been made to Mrs. Guggenheim to get her to sue for divorce. The complaint also charges that Mr. Guggenheim and his supposed attorney, Louis Werner of New York, conspired to practice a fraud on the court. She further states that she was given alimony of $150,000, of which her attorney obtained $12,500.

Mrs. Guggenheim further avers that it had been represented to her that the defendant was "the weakest and least important member of the Guggenheim family," while in fact, the complaint says, he is the ablest of seven brothers and the chief originator and business head of the great combination of mining and smelting interests. She also adds that his personal wealth is probably more than $3,500,000.

Three Times.

The complainant has been married three times and has figured in an equal number of divorce suits. Both parties to the suit remarried after the 1901 decree, Mr. Guggenheim marrying Alice Lillian Steinberger. The complainant's first husband was William C. Herbert, a naval officer, who secured a divorce on the grounds of desertion. Mr. Guggenheim married the complainant on November 30, 1900. Less than four months later they were divorced. The complainant's next husband was Jules Roger Wahl, who obtained an annulment of the contract in France on the ground that the Chicago decree was invalid.

The complainant's affidavit, attested to before a New York notary, March 23, covers 16 pages. She says she met Guggenheim in June, 1900, and that he followed her about until she consented to marry him. She was forced to keep their marriage secret, she says, as Guggenheim's family was Jewish and she was a Christian and that he was afraid his family would not give its consent. They lived at the Hotel Manhattan in New York until December 31, 1900, when Guggenheim, she says, told her he had decided to leave her as his family was still unalterably opposed to their marriage.

The defendant then went to Europe.

Finally Consents.

After many efforts to get Guggenheim to return to her, the complainant says she finally consented to sue for a divorce upon the advice of Daniel Guggenheim, one of the defendant's brothers. It was suggested that she go to South Dakota for four months and sue from there, but she refused. It was finally decided that the suit should be filed in Chicago.

After the decree was obtained, the complainant said she returned to New York and soon afterward married Wahl. When he obtained an annulment of their marriage she believed herself free to marry again. On consulting her attorney she was advised that the Chicago divorce was void and that she is still Guggenheim's wife.

MEN OF BIBLE CLASS GIVEN ENTERTAINMENT

The monthly meeting of Mrs. McAllister's Bible class was held last night at the Methodist Episcopal church and proved a most enjoyable one. The feature of the evening was the lecture of Dr. M. J. Elrod on the trip of Lewis and Clark. The lecture was an instructive one and intersting, and was illustrated with pictures shown by a stereopticon. Some of the pictures showed the undeveloped country as it was at that time, as contrasted with the developed west of today. Other pictures were reproductions of original drawings made by artists of the famous expedition. After the lecture the young men were entertained at the parsonage by Rev. and Mrs. Tait, where the evening was closed with refreshments.