

ASSERTS RIGHT TO DONATED LANDS

STATE OF MONTANA LAYS CLAIM TO ALL PROPERTY GIVEN IT BY GOVERNMENT.

CONTROVERSY MUST END

Land Board Takes a Stand in the Matter and Dispute Between It and the Federal Forestry Department Is to Be Settled Instantly—Million Acres or More Are Involved.

Helena, Sept. 8.—The state of Montana has asserted its rights to all lands donated to it under the provisions of the enabling act, despite the position of forestry reserve officials that where sections 16 and 36 of each township falling within the bounds of a national reserve come within their jurisdiction, the state land board has taken a stand in the matter and the issue is to be settled one way or another instantly. While it is impossible to determine just how much land is involved in the dispute, it is estimated by a member of the board that it may run as high as 1,000,000 acres.

The question was today taken up with the secretary of the interior, R. A. Ballinger, by Attorney General Galen, acting in behalf of the land board, with the view of reaching an amicable settlement if possible. Otherwise, the question will be taken to the courts for determination.

The crisis in the situation was reached in what is known as the Belton case. Here a portion of section 25, township 22 north, range 19 west, was sold by the state at public auction to the Great Northern Railway company, P. S. Bunker, forest supervisor, had caused to be posted a notice warning all bidders against its purchase, in effect that the government did not recognize the claim of the state; further, the land was inclosed by the forestry officials.

The state land agent was dispatched to the scene with instructions to secure possession, if possible, but the railway company was granted the right by the forestry officials to enter upon the ground and begin the construction of certain buildings under a contract of the premises. The land board thereupon requested the attorney general to take the matter up with the interior department, setting forth the rights of the state under the enabling act, which is held to be a contract, and which cannot be modified by the government after having been accepted by the state.

KIDNAPERS BOUND OVER.

Topoka, Kan., Sept. 8.—Mrs. Stella Barelay, J. N. Gentry and F. H. Tillotson, charged with kidnaping Marian Bleakley, the incubator baby, were bound over to the district court at 3 o'clock.

COOK MAKES REPLY TO RIVAL EXPLORER

Copenhagen, Sept. 8.—"I have been to the north pole. As I said last night when I heard of Commander Peary's success, if he says he has been to the pole I am willing to believe him.

"I am able to place facts, figures and worked-out observations, before the joint tribunal of the scientific bodies of the world. In due course I shall be prepared to make public announcement that will effectively dispel any doubt, if there can be such, of the fact that I have reached the pole. But knowing that I am right and that right must prevail, I will submit to the court of last resort—the people of the world."

This is the reply Dr. Frederick A. Cook made tonight to Commander Peary.

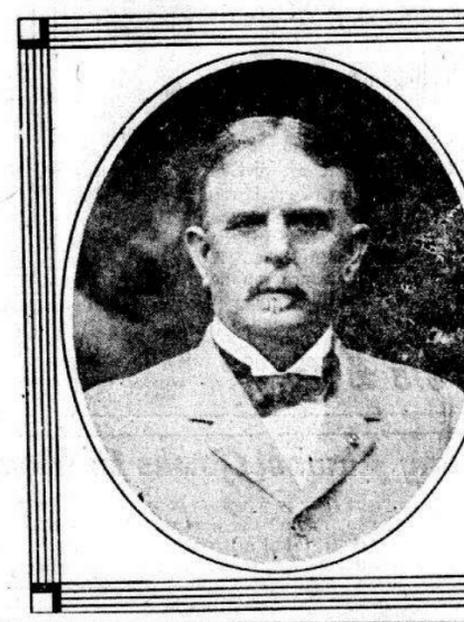
Amazement Caused.

Coming so quickly upon other dramatic incidents of the week, Commander Peary's dispatch denying that Dr. Cook has achieved the triumph for which he has been feted and honored in Copenhagen has been read here with feelings of amazement and concern. But Dr. Cook himself seems in no wise disturbed. He was perfectly cool and apparently unmoved when confronted tonight with telegrams from the United States saying Peary had denounced him as an impostor. His demeanor has not changed in the slightest from the day he landed at Copenhagen. Dr. Cook's friends had urged him to their utmost to make any statement possible for the public, but he had said repeatedly that all he had to say for the present was that he possessed proofs that he had visited the north pole on April 21, 1908.

Merely Smiles.

When it was suggested to him that his chances of proving his case might be ruined unless he made a satisfactory statement immediately he smiled and asked how a man could be ruined by popular clamor calling him an im-

GENERAL H. C. CORBIN



GENERAL CORBIN CLAIMED BY DEATH

New York, Sept. 8.—Lieutenant General Henry C. Corbin, U. S. A., retired, died in Roosevelt hospital in this city today after an operation for a renal disorder. General Corbin would have been 67 years old in a few days. Mrs. Corbin and ex-Governor Myron T. Herrick of Ohio, his personal friend, were at his bedside when death occurred.

General Corbin had been ill for two years. Accompanied by Mrs. Corbin and his daughter, Mrs. Usher Parsons of Ardley, N. Y., he went to Carlisle for treatment on June 12 last. The waters there appeared to have improved his condition after two weeks' stay and he returned to England, where his former trouble returned, and he went to Paris to consult with physicians there.

The trouble developed more seriously while he was in Paris and he determined to return to America. J. C. Schmidlapp of Cincinnati met him in Paris and with Mrs. Corbin they sailed for New York on the steamer Rotterdam, which arrived here on Sunday last. The general was taken to the Hotel Martiniere in this city and Dr. Frank Erdwurm was summoned. The physician advised that General Corbin be removed to the Roosevelt hospital and he was taken there on Monday. The operation was performed Tuesday morning by Dr. Lucius Hotchkiss, the hospital surgeon, assisted by Dr. Erdwurm and Dr. Peck.

Ex-Governor Herrick, who also was staying at the Martiniere, after an automobile trip to Massena, Mass., was with the general and aided Mrs. Corbin in the arrangements for the general's removal to the hospital.

Following the operation General Corbin revived and the work of the

Three Children.

General Corbin leaves three children by his first wife—Rutherford B. of this city, Mrs. Usher Parsons of Ardley-on-the-Hudson, N. Y., and Grace Corbin, living in Wilmington, O.

Only last year the beautiful Corbin home at Highwood, adjoining Chevy Chase, in the suburbs of Washington, was completed and extensive entertainments had been planned for the coming season.

General Corbin was in command of the Philippines division when he was appointed major general, having voluntarily relinquished the position of adjutant general of the army for a desire to wind up his military career by field service. He returned to the United States from Manila early in 1904 and assumed command of the department of the Missouri. While holding this command he was promoted to lieutenant general of the United States army.

Causes Shock.

Washington, Sept. 8.—War department officials were greatly surprised and shocked when informed of the death in New York of General H. C. Corbin. It was known that General Corbin had not been well for some months, but that his illness was serious was not even considered.

During his service as adjutant general Corbin was a conspicuous figure at the war department and in the social life of the national capital.

General Corbin's first military service was as a second lieutenant in the 8th Ohio volunteer infantry, having enlisted July 28, 1862. He served to the war's end with the Army of the Cumberland, holding all grades from second lieutenant to colonel. He was brevetted brigadier general of volunteers March 13, 1865.

He entered the regular army May 11, 1865, as a second lieutenant of the 17th infantry and was promoted to lieutenant general April 15, 1906. He retired September 15 of the same year.

In recognition of "gallantry shown in the Spanish-American war," congress in June, 1900, conferred upon him the rank of major general. For eight years he served as adjutant general of the army.

General Corbin was a member of the Lovell Legion. He married Miss Edith Agnes Patten in 1901 and had his residence in this city.

NEGRO ADMITS HE KILLED WOMAN

JOHN CLAYBORN CONFESSES TO MURDER OF PEARL ANDERSON MONDAY NIGHT.

INFLAMED BY JEALOUSY

Statement of Colored Prisoner is Made Voluntarily to Sheriff Graham in Missoula County Jail—Deputy Orton Discovers Gun in Barrel in Barber Shop Basement.

"You needn't look for any more evidence, for I killed the woman," said John Clayborn, the negro porter, accused of the murder of Pearl Anderson, making his confession to Sheriff Graham yesterday afternoon at 3:30. Earlier in the day Clayborn was confronted with the pistol he had used in committing the crime, and it was this link in the chain of evidence that was gradually being forged about him that led to the confession, which was not altogether unexpected. The pistol, a Colts' of 11 caliber, was found yesterday morning by Deputy Sheriff Peter Orton in the basement of the Hollingsworth barber shop, where Clayborn had been employed as a porter for the past three months. The gun was found in a barrel full of old clothing and bottles and had evidently been hidden by Clayborn after the killing, as, indeed, he has admitted. The weapon was also identified by Joe Johnson, proprietor of the colored club, as one which had been taken, from behind the bar in his place on West Main street.

Confesses Fully.

Fully did the accused negro admit his guilt, although he did not tell all of the happenings of the night of September 6, saying that he preferred to take his time to this, as he wished to fix the details more clearly in his brain, still befuddled from the debauch of which the murder of Pearl Anderson was the climax. He did, however, tell the reason for the crime—jealousy. "I knew the woman in Seattle," said Clayborn, after he had sent word to Sheriff Graham that he wanted advice, "and she would have but little to do with me, saying that she had a husband in Anaconda. Monday I got to drinking, and that night between 2 and 3 o'clock I went to her room and shot her in the head. That's all there is to it, and you needn't look for any more evidence." Clayborn rambled on in his talk, but nothing definite did he admit besides the all important fact of his guilt.

Sends for Sheriff.

After Sheriff Graham had told Clayborn of the finding of the gun he had cached in the basement of the Hollingsworth barber shop, the stoicism of the prisoner began to leave him, and a few hours afterward he sent word to the officials that he wished to talk about his troubles. After a few questions Clayborn asked Mr. Graham's advice as to what to do. "Make a confession and ask the court to be lenient with you," was the answer that elicited the confession.

Clayborn has been remarkably quiet and close-mouthed since his imprisonment, excepting that he answered questions put to him with a fluent coherency that shattered all attempts to establish an alibi. The confession was expected by the officers of the sheriff's office, who had worked diligently to pile up evidence against the accused negro, whose nature could stand the strain no longer after close to two days behind the bars. While chiefly circumstantial, the evidence against him seemed damning, and Clayborn was informed of the addition of each link in the chain that was being wrapped about him, and as the officers knew it must soon strain over him.

Jose Anderson, the husband of the dead negro, arrived from Anaconda

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COMMANDER R. E. PEARY



PEARY DENOUNCES DR. COOK'S STORY

New York, Sept. 8.—The following dispatch was received here early today:

"Indian Harbor, Labrador, by wireless, via Cape Ray, N. F., Sept. 8.—To Melville E. Stone, Associated Press, New York: I have nailed the stars and stripes to the north pole. This is authoritative and correct. Cook's story should not be taken too seriously. The two Eskimos who accompanied him say he went no distance north and not out of sight of land. Other members of the tribe corroborate their story. (Signed) "COMMANDER ROBERT E. PEARY."

South Harpswell, Me., Sept. 8.—Mrs. R. E. Peary received a second message early today from Commander Peary, stating that he had been delayed at Indian Harbor and that she need not worry about Dr. Cook. The text of Commander Peary's message to his wife was made public here today as follows: "Delayed by gale. Don't worry about Cook. Eskimos say Cook never left sight of land. Tribe confirms. Meet me at Sydney. (Signed) "BERT."

New York, Sept. 8.—The lie was hurled today concerning the discovery of the north pole, and the foundation for a controversy is unparalleled in history.

Commander Robert E. Peary is making uncertain progress southward off the coast of Labrador in his ship, the Roosevelt, but there came from him today a message, as direct as his homeward journey has been slow. It challenges the veracity of Dr. Frederick A. Cook and further complicates Cook's claims with the intimation that he (Peary) and he alone, planted the flag at the north pole on April 6, 1909, and that Dr. Cook, who asserts that he unfurled the flag at the pole on April 21, 1908, must substantiate his claim.

At Copenhagen, Cook, when shown his rival's statement, stood by his guns, declined to enter into a debate and calmly asserted that his records would sustain him.

To prove his right of discovery before the entire world beyond a shadow of doubt, he announced he will dispatch a ship to Greenland and bring to America his Eskimauk companions. Then, with their testimony and his data, he declares, he will stand ready to face all detractors.

Battle Harbor.

Peary fought at Battle Harbor, Labrador, more than 400 miles from North Sydney, Cape Breton, the objective point of the homeward cruise through the strait of Belle Isle.

By those skeptics of Cook's discovery, Commander Peary's challenge was received with gratification, while

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TRAINS CRASH IN MISSOULA YARDS

SECOND NO. 3 COLLIDES WITH SWITCH ENGINE AND TWO ARE DEAD.

SWITCHMAN IS KILLED

Charles Anderson Finds Instantaneous Death and Life of George Cummings Is Crushed Out—Four Are Injured, More or Less Seriously, but Passengers Escape.

A slip of a cog somewhere on the Rocky Mountain Division of the Northern Pacific, through which a switch was left open in the path of an approaching passenger train, resulted in the death of two men and the injury of four others yesterday, when the second section of No. 3 ran off the main line into a switch engine and a string of empty box cars.

The dead are: CHARLES ANDERSON, switchman.

GEORGE CUMMINGS of Butte, lumberjack.

The injured: Howard Brooks, fireman of switch engine; legs crushed and body bruised. E. W. Wardell, engineer on No. 3; ankle sprained. J. D. Flock, fireman on No. 3; ankle sprained. William Murphy, foreman of switching crew, arm dislocated.

The Accident.

Just how the accident occurred is not known. There were no eye witnesses, at least none who could be found yesterday, and while several were on the scene when the two engines met, there were none who saw enough of it to have any idea as to its cause. The collision occurred at 2:45 just as No. 3 was pulling into the yards. The engines met with a crash so loud that it could be heard all over the city, and within five minutes after the smash itself a section crew was at work clearing away the wreckage and removing the dead and injured.

The two engines met on a spur just east of the Hattlesnake bridge, the switch engine having backed onto the sidetrack just before the accident occurred.

The Switch Tender's Story.

At the end of the bridge, which is the terminal point of the east yard and at which point the Missoula-Garrison double track crosses, there is a switch tender's shack, and it is the duty of its occupant, William Reynolds, to see to it that the line is clear at all times. Suspicion pointed for a time at him, but he told a straightforward story of the affair and there is no longer any doubt but that he is guiltless of negligence.

His story, perhaps, tells better than

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BURRILL RETICENT REGARDING COOK

Ed Burrill, who has just returned from the Bitter Root mountains, says that he and Dr. Cook were the only ones who made the climb on Mount McKinley in 1905. He refuses to make any further statement than this, except to say that when Dr. Cook gets to this country he will go before a notary and make a sworn statement regarding his association with the explorer. Burrill does not say, however, that Peary was not with Dr. Cook when the climb was made, but was away on a hunting trip in the foothills. Burrill repudiates and flatly contradicts all of the recently published statements which have been attributed to him, and says that the Peary interview, in so far as it relates to him, is not correct.

Seattle, Sept. 8.—Dr. F. A. Cook's assertion that in 1906 he reached the summit of Mt. McKinley, Alaska, 29,641 feet high, was from the beginning received with skepticism in Alaska, British Columbia and on Puget Sound. There were two reasons for this skepticism.

First—His dash to the peak was accomplished where other experienced and better equipped mountaineers had failed.

Second—Nearly all of the members of the party of eight who went to the mountain with him say that Cook could not have made the ascent as claimed by him. These men have emphatically discredited the doctor's story and are not now speaking for the first time. It should be remembered, however, that the men have a grievance against Dr. Cook—they say he did not pay them the wages he promised.

Denies Story.

S. P. Beecher of Bendavidia, Wash., who accompanied Dr. Frederick A. Cook in the Mount McKinley expedition, alleges that the doctor did not

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HOME INDUSTRY

Loyally and with its full strength, The Missoulian has preached and practiced home industry. It has persistently urged that every citizen of Missoula should spend his money with the home merchant. Day in and day out, this newspaper has advocated that the best way to have a good city is for every one of us to patronize home industry. This, we maintain, is sound doctrine. Now, it happens that, at this time, the county commissioners have before them two bids for the county printing. One of these bids is from the Missoulian Publishing company; this bid is clear and precise and in accordance with the call of the board. The other bid is from the publishers of the Missoula Herald; it is ambiguous and is no bid at all. The Missoulian plant is equipped with a bindery; there are no better blank books made in the country than are turned out at this plant. Yet the commissioners are hesitating about awarding the contract for county printing; The Missoulian, if it is awarded the contract, will manufacture all the books here at home; it will pay union wages to the men who make the books; these wages will be spent in Missoula for the maintenance of the families of The Missoulian's employees. If the Missoula Herald gets the work all the books will be made out of town; all of the money paid for them will go out of town; it is the public's money and we hold that it should be spent at home. How would Mr. Curran feel toward a man who sent to Butte for his stoves? Mr. Curran is chairman of the board of county commissioners and it was he who yesterday made a motion to award the contract to the Missoula Herald and to have the money sent out of town.

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