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PRICE FIVE CENTS.

CONGRESSMAN R. O. MOON REPLIES TO MR. GOMPERS

THE LATTER, IN HIS REPORT, REFERS TO "ANTI-TRUST AND INJUNCTION."

ENTIRELY UNWARRANTED

Mr. Moon Says That the Injunction Bill, for Which He is Sponsor, is Designed to Protect the Laboring Man Against the Abuse of the Injunction Process Without Notice.

Philadelphia, Nov. 14.—Congressman Reuben O. Moon of this city, who was assaulted in St. Louis today by Samuel Gompers, president of the American Federation of Labor, in his annual report, when referring to "anti-trust and injunction," this afternoon issued a reply. Mr. Moon says Gompers' statements are "entirely unwarranted," that the injunction bill embodies in it the uniform practice of the best federal judges for over a century. He says further the bill "is designed to protect the laboring man against the abuse of the injunction process without notice."

The statement reads in part as follows: "The statements of Mr. Gompers respecting my proposed Injunction bill are entirely unwarranted by the facts of the case. This bill embodies in it in express legislative terms the uniform practice of the best federal judges for over a century. These judges have never hesitated to grant a preliminary injunction without notice when irreparable mischief could not otherwise be prevented."

Practice Upheld.

"Mr. Gompers' assertion, therefore, that this bill legalizes this practice is entirely untrue because the regularity of such practice has been upheld frequently by the highest courts of the country. The bill is designed to protect the laboring man against the abuse of the injunctive process without notice. It requires the person obtaining such injunction to make some such showing before the judge within 10 days from the date of service of such injunction and thereby prevents the man obtaining a writ of this unusual character, without notice, solely to prevent irreparable mischief to himself, from employing it either by neglect, delay or for other reasons to inflict injury upon his opponents."

"It is a just, equitable and necessary bill. It establishes a uniform practice for the exercise of that highest power given to a court, that of granting a preliminary injunction without notice to the defendant. It guards against the employment of this power, by indifference or delay, as an instrument of oppression. It confers upon the court no powers that it does not now possess; and it simply embodies into law the fixed and uniform practice of careful federal judges everywhere throughout the country."

Submitted to the President.

"These same objections and others emanating from certain associations and manufacturers were sent broadcast to members of congress in the last session. I immediately prepared an answer and I accompanied it with legal analysis of the bill. This I submitted to President Taft by letter and he replied to it, indorsing unequivocally by the language of the bill and the explanation prepared by me, which indorsement was published throughout the country by the press."

GERMAN GETS NOBEL PRIZE.

Stockholm, Sweden, Nov. 14.—The Nobel prize commission today awarded the prize for literature for 1910 to Paul Johann Ludwig Heineke, the German poet and novelist.

SECRETARY OF NAVY READY TO ECONOMIZE

Washington, Nov. 14.—Secretary Meyer, who just returned from an extensive trip of inspection of the navy yards and stations, managed to make his trip profitable by cutting off \$300,000 of naval expenditures in these yards. The secretary is preparing recommendations to congress regarding the discontinuance of some of the yards and substantial improvement on others.

It is probable that Charleston yard will continue to be a torpedo boat station, as experts have estimated it would cost less than \$2,000,000 to open a channel by which heavy draught battleships could reach the yard from the sea. A large appropriation annually would be required to remove the silt in the channel. The Portsmouth, N. H., yards have a splendid drydock, capable of taking in the largest battleship, and therefore it is most likely to be closed. For the same reason the Boston yard with its two docks will be maintained. The two docks on the Pacific coast are slated for continuance.

MUST SERVE ONE DAY

Lewistown, Nov. 14.—(Special.)—Mrs. Lillian Backstein, wife of Harry Backstein, a brakeman of Melrose, Minn., was today sentenced to one day in the penitentiary and to pay a fine of \$200 on conviction of bigamy. In having married Frank Lambert, cashier of a bank at Roundup, Montana. The light sentence was due to many mitigating circumstances, and the fact that she already had been confined in the county jail for a long period. Mrs. Backstein had been employed as a nurse in a hospital at Roundup, and her arrest followed in Butte, whether she and Baker had gone on the first day of their honeymoon.

FIGHT FOR CONTROL OF LEGISLATURE OF MONTANA

WITH UNITED STATES SENATORSHIP DEPENDING, WARM DOINGS ARE PROMISED.

Helena, Nov. 14.—With the actual conditions unchanged, the legislative situation, as relates to the election of a United States senator, was today productive of ugly rumors, and the first skirmishes of what promises to be one of the most memorable senatorial battles in the history of the nation were fought out. In Sweet Grass county, where M. L. Martin, the democratic legislative candidate, had been declared elected on the official count by a plurality of 13 votes, there were rumors of an injunction to prevent the issuance of a certificate of election. These rumors reached the ears of the democratic managers, and the clerk and recorder of Sweet Grass county, who was in Livingston last night, was whisked in an automobile to Big Timber, the county seat of Sweet Grass county at 12:31 issued the election certificate to Martin. This certificate permits Martin to participate in the temporary organization of the house.

In Silver Bow.

A sensation was created in Helena today when it was announced that the board of county commissioners of Silver Bow county, engaged in making the official canvass of that county, had found itself without a full membership when it met this morning to complete the canvass. The law provides that there shall be a full board present when the canvass is made, and that if any commissioner shall be absent the county treasurer shall take the place of the absentee; if the treasurer is absent, then the assessor, and if both are absent, then the sheriff. Neither Chairman Cronin of the county board nor Treasurer Meagher were to be found, the assessor was sick in bed and refused to act, while the sheriff was at some health resort, resting up from the campaign. Later, it was explained that the chairman of the board of commissioners and the county treasurer had gone to Chicago to deliver the new courthouse bonds, and that the sheriff would be present tomorrow to enable the board to continue the official canvass. Thirty-nine of the 47 precincts in Silver Bow county have been officially canvassed, with no material change from the unofficial returns which gave the democrats one senator and 11 representatives, and the republicans one representative from this county.

In Rosebud and Granite.

The official canvass will be made tomorrow in Rosebud and Granite counties. In the former, the unofficial returns show the election of F. D. Herbold, democrat, to the legislature by a plurality of 13, and in the latter the unofficial returns collected by the two parties fail to tally, the democratic returns showing the election of Dearborn as senator by two votes, and the republican returns showing the election of Power as senator by two votes. The situation in Custer is unchanged, the democratic candidate, Terrett, being still ahead of the republican candidate, Freeman, with several precincts yet to hear from.

EXPLOSION INJURES MINERS OF MELROSE

Butte, Nov. 14.—(Special.)—Alfred Wilkinson will lose the sight of both eyes and George Oakes was also blinded by an explosion of dynamite at a prospect hole near Melrose today. The men put in several charges and, supposing they all had gone off, returned to the place. One that had hung fire went off, inflicting injuries.

MEXICANS STONE PARTY OF AMERICANS



Upper left, Juarez colony, one of the principal residence sections of Mexico City, sometimes called "the American colony." In this district many outbreaks against Americans have occurred. Upper left circle, President Diaz of Mexico. Upper right, Enrique Creel, minister of foreign relations in Mexico, to whom complaint had been made and with whom the Washington state department has taken up negotiations. Enrique Creel is well known in the United States, having formerly been ambassador from Mexico. Lower left, Secretary of State Knox, who has been appealed to for instructions by Ambassador Wilson, and who will have the knotty problem in charge. Lower right, Ambassador Henry L. Wilson, United States representative at Mexico, who was himself attacked and whose son also was attacked in the recent outbreak against Americans. Ambassador Wilson has telegraphed his own report to the state department at Washington and is awaiting instructions.

El Paso, Nov. 14.—In a race demonstration at Chihuahua, Mexico, Sunday afternoon, a party of Americans was stoned. The mob first assembled at Hidalgo plaza, where incendiary speeches were made, and then marched up Calle Alameda, shouting "Remember Antonio Rodriguez." For a time the mob divided into three sections and marched through several streets, finally assembling at the Alameda plaza. A party of prominent American residents of the city who rode by were stoned and insulted. The street cars were stopped and for the time the mob had possession of the city, but finally dispersed.

Mexicans on the Warpath. Austin, Texas, Nov. 14.—Governor Campbell tonight received a long distance call from the sheriff of Edwards county, saying he had received a telegram from Del Rio to the effect that armed Mexicans are marching to Rock Springs because of the recent lynching.

COUNT LEO TOLSTOI LIES NOT FAR FROM HOME

BROKEN DOWN BY HARDSHIPS AND MENTAL ANGUISH, HE IS SERIOUSLY ILL.

Tula, Russia, Nov. 14.—Broken down by the hardships of a winter journey, mental strain and a rupture with his family, Count Leo Tolstoi tonight lies with a high fever in the little railroad station at Astapava, 80 miles from his home. Tolstoi is attended by Dr. Makovelsky, his sole companion when he left his home a few days ago, who carried along with him medications for such an emergency. Tolstoi's condition is far from favorable. Indeed, they are considered extremely pessimistic. His temperature is 104, indicating probably a serious congestion and of itself an alarming symptom in one of his years.

Mental Anguish.

The mental anguish of the patient handicaps the efforts of the physician to reduce the fever. Even if he recovers there can be no question of his continuing the journey to the Caucasus, where he hoped to end his life among the Tolstoin colony on the shores of the Black sea. He had hoped to escape notice after his departure from Yasnava Poliana and spend a quiet week or farewell with his sister, Marie, a nun in the ancient cloister of Shamardina, in the province of Kaigau, but he insisted on leaving immediately he found his retreat had been discovered. He drove in a carriage last evening from Shamardina to Kozelsk, accompanied by his daughter and Dr. Makovelsky, in order to cover his movements, and announced he was going to Moscow, where he has a house.

Later, the party changed cars and boarded a local train proceeding in the direction of the Caucasus. Tolstoi, with his two companions, made his way to an unventilated third-class apartment, crowded with peasants. The atmosphere was stifling and he developed such a fever that Dr. Makovelsky thought it unwise to attempt to reach Dankov, the first town of any considerable size. They left the train at Astapava, a little flag station. There is no hospital there, and only a few peasant huts. The count was taken into the station building, where he remained during the night.

WATTERSON INSANE?

Kingston, N. Y., Nov. 14.—Ewing Watterson, son of Colonel Henry Watterson of Louisville, Ky., who "shot up" Michael Martin's saloon at Saugerties last summer and injured the proprietor, for which he was indicted for assault in the first degree, today interposed a defense of insanity when arraigned in the county court. A commission to determine his sanity will be appointed by Judge Canine tomorrow.

BODY IS RIDDLED BY BULLETS

Lexington, Ky., Nov. 14.—"Bad Jake" Noble, who shot and killed Jailer Wesley Turner of Breathitt county in Jackson last Tuesday, was himself shot to death by a sheriff's posse in Knott county late today. Only meager details have been received, but it is said that when the posse called upon Noble to surrender he resisted and was riddled with shots by members of the party. Rewards aggregating \$700 had been offered by the authorities of Breathitt county for the capture of Noble, dead or alive. Noble, who was but 22 years old, had previously killed three men. After killing Jailer Turner, he escaped into the mountains. Noble was first heard from in the "Lost creek" section of Breathitt county, where, for two days, he is understood to have been under the protection of armed henchmen.

GOMPERS DECLARES STATEMENT IS MISLEADING

SAYS MOON'S TALK IS MEANT TO DECEIVE, AS IS THE LATTER'S BILL.

St. Louis, Nov. 14.—Samuel Gompers, when shown the statement of Congressman Moon tonight, characterized it as misleading, "as it was intended to be, and as his bill was intended to be." Mr. Gompers said: "Congressman Moon's statement is misleading in every respect, as it was intended to be, as his bill was intended to be. If his bill were now law, it had been law when Justice Gould of the District of Columbia issued his injunction, there would not have been one jot of difference in the case of the American Federation of Labor, nor would there have been any difference in the status of the sentence imposed by Justice Wright upon Frank Morrison upon John Mitchell for nine months, or upon myself for 12 months.

"It is not a question of notice of an injunction, but the issuance of an injunction, denying the men personal constitutionally guaranteed rights, which is involved. Mr. Moon refuses to recognize the difference between the rights and ownership in property and the rights and ownership in man. The closing paragraph of Moon's statement discloses the fact that he does not know me, notwithstanding the fact that I know him. He says the statements I make are made only to further my own political interests. He knows, or ought to know, that I have no political interests to serve. I am engaged in the cause to protect the masses of our people from disingenuous devices to enslave them."

BELGIAN PRINCESS WEDS FRENCH PRETENDER

AMID PUBLIC REJOICING PRINCE VICTOR NAPOLEON MARRIES CLEMENTINE.

Turin, Italy, Nov. 14.—The marriage of Prince Victor Napoleon Bonaparte, cousin of King Victor Emmanuel and pretender to the throne of France, and Princess Clementine, daughter of the late King Leopold of Belgium, which has been looked forward to with so much interest, was celebrated today at Moncalieri, a village picturesque situated a few miles from here.

Public Rejoicing.

Public rejoicing marked the occasion. The streets were decorated profusely, bands played in the squares and flags waved from the castle, from the municipal buildings and from many private houses. The members of the Savoy and Bonaparte families were present, including Prince Louis Napoleon, the younger brother of the pretender, who, for some time, had not been on good terms with the bridegroom, but who agreed to a reconciliation on the occasion, chiefly through the efforts of his mother. He acted as a witness for his brother, the other witness being the Duke of Aosta. The witnesses for Princess Clementine were Prince de Ligne d'Arenberg, representing the king of Belgium, and Archduke Fritz of Austria.

Civil Ceremony First.

As Napoleon the Great was the first to introduce civil marriage in the legislation of Europe, following the tradition of the Bonaparte family, the mayor of Moncalieri was the first to unite the two. This ceremony took place in the French consulate, as Prince Victor Napoleon appears as a French citizen domiciled in Paris, although for more than 30 years he has been exiled from his country. The religious ceremony was conducted by the Bishop of Biella in the private chapel of the castle. Magnificent gifts were received from most of the royal houses of Europe.

KILLED BY WIFE.

New York, Nov. 14.—Dr. Theodore R. Burgdorf was shot and killed by his wife, Anna, in their home in Bronx borough today. After shooting her husband, Mrs. Burgdorf shot herself. The cause of the shooting is not known. It developed that Mrs. Burgdorf had long been the victim of a facial disease which caused her excruciating pain. This, she gasped out at the hospital, made her wish to die, and she shot her husband, who is a prominent physician, because she could not bear to leave him behind.

WONDERFUL AVIATION FEAT PERFORMED BY EUGENE ELY

ARBITRATION IS ARRANGED

Soldier, Mo., Nov. 14.—Striking employes of the Missouri Pacific shops and the heads of the railway system will be asked to arbitrate their differences. This course was decided upon at a meeting here today under the auspices of the local commercial club. Representatives of every city which is a division point of the railroad in Missouri, Kansas and Arkansas and the governor of Arkansas were present. The parties to the dispute will be asked by resolution to submit their differences to arbitration. After the mayors and the heads of commercial bodies in cities on the railway have signed the resolutions, they will be presented to the two sides.

ACCIDENTAL DEATH SAYS JURY IN MUNK CASE

JURORS SAY EVIDENCE WAS CONFLICTING, BUT THEY ABSOLVE M'COY.

Wheeling, W. Va., Nov. 14.—The inquest held tonight by Coroner Rogers to look into the death of Captain Rudolph Munk of the West Virginia university eleven in the football game here Saturday with Bethany college, resulted in a verdict that Munk came to his death accidentally. The warrant for the arrest of Thomas McCoy of Canton, Ohio, the Bethany player charged with causing the injuries that resulted in death, will be withdrawn at the instance of the coroner. McCoy was not present at the inquest, but was represented by attorneys. The verdict follows:

Evidence Conflicting.

"That the evidence in this case is conflicting; therefore, we believe that Rudolph Munk came to his death November 12, 1910, by colliding with Thomas McCoy in a game of football played in Ohio county, state of West Virginia."

"That means accidental death," said Coroner Rogers, "and ends any prosecution of McCoy." The most important testimony came before the jury in the shape of a special delivery letter to the jury from Homer Young, the former Michigan player, who officiated as umpire. On Sunday he had given testimony tending to show McCoy had intentionally struck Munk and it was on the strength of his version of the affair that the warrant for McCoy was issued. In his letter, placed before the coroner's jury tonight, Young says: "I cannot state with absolute positiveness that McCoy struck Munk although it appeared to me that he struck at him. I cannot state with absolute positiveness that the act was done intentionally, although there may have been circumstances from which it may be inferred there was intention and deliberation to strike."

Doctors Testify.

Three doctors who examined Munk before and after death testified there was an injury at the back of the head where a blood clot had formed; also there was evidence of former blood clots from an old injury. Death was due to the injury received in last Saturday's game, they said. P. H. Rudy of Millersburg, Ohio, left halfback of the Bethany eleven, said McCoy struck Munk with his forearms crossed and not with clenched fists, as had been alleged. He was struck in the breast, not in the back, and the wound in the head must have been inflicted when Munk fell. McCoy staggered and fell across the West Virginia player, who was lying on the ground. Robert L. Ramsey, prosecuting attorney of Brooke county, West Virginia, a spectator at the game, testified to hearing McCoy say "They have been slugging me all through this game, but I got him (Munk) that time." This remark of McCoy's was received with hisses from the spectators who heard it.

ASSAULT IS ALLEGED.

Wallace, Nov. 14.—(Special.)—That Joe Carnahan waylaid him with a hammer and attempted to beat him to death, almost succeeding in the attempt, is the allegation of William Lays. Carnahan is under arrest on the charge of assault with intent to kill. He has been employed as bartender at the Windsor hotel of Madison. According to Lays' story, he entered the hotel bar at 4 o'clock in the morning and found Carnahan intoxicated and unable to attend to his duties. Lays says he then went upstairs and informed the proprietor, who came down and relieved Carnahan. Lays claims that Carnahan waited for him behind a corner of the doorway and as he came past leaped on him and beat him over the head with a hammer, inflicting some nasty wounds.

CLEVER BIRDMAN FLIES IN AEROPLANE FROM DECK OF CRUISER BIRMINGHAM.

WATCHED BY EXPERTS

Glides From Platform on Ship's Deck, Swoops Down Until He Touches the Water and Then, Rising Rapidly, Goes Off Toward the Atlantic—Proves Feasibility of Aeroplanes.

Off Monroe, Va., Nov. 11.—Aerial navigation proved today that it is a factor which must be dealt with in the naval tactics of the future, if the successful flight made by Eugene E. Ely in a Curtiss biplane from the deck of the cruiser Birmingham can be taken as a criterion. From Hampton roads, the scene 45 years ago of another epoch in the history of naval warfare, when the ironclad proved its superiority over the former type of fighting vessel, the aviator today flew across the lower end of Chesapeake bay, landing on the shore opposite this fort.

In weather conditions unfavorable for flying the aviator, shortly after 3 o'clock this afternoon, glided from the platform erected in front of the cruiser, swooped down until he touched the water and then rose rapidly and was off in the direction of the Atlantic. Four minutes later he was lost on the eastern horizon, and an instant later had landed safely on Willoughby spit. The impact with which the machine struck the water after its 37-foot drop from a propeller blade. But the speed of the aeroplane was not lessened and it darted away with express train rapidity on its flight.

Intermittent rain throughout the day, several small hail showers and a convulsed fog almost compelled the aviator to postpone his attempt. But he was determined to prove, as he said after the flight, that he could accomplish more than had been expected. Furthermore, he did not wait for the Birmingham to get in motion, which would have added to his momentum and thus have aided him, but seizing an opportune moment between showers, he was off before those on the ship with him and on the other vessels stationed nearby to follow and assist him in case of need, were aware that he was ready.

Ely today said it would be an easy matter for an aeroplane to alight on a vessel, either while the latter was moving or standing still. Naval experts who witnessed the flight expressed their belief that the navies of the future must take the aeroplane into consideration.

Captain Washington I. Chambers, who has been detailed by the navy department as chairman of a board for aeronautical investigation, declared the flight was more than he had anticipated and is confident the time is near when all scout cruisers will be equipped with several aeroplanes. They would not be for hantiness use, he explained, but for scout duty.

Starting out from the Norfolk navy yard at 11:30 o'clock this morning on the Birmingham, closely followed by the naval vessels, it was fully four hours before Ely's machine was working to his full satisfaction. The machine in which he flew was the one Glenn Curtiss used in his Albany to New York flight. The distance which Ely flew today was nearly five miles. It was 2:15 o'clock when he took to the air and five minutes later he was safe on Virginia soil, a few miles north of Norfolk. Mr. Ely, after being brought back on a launch and placed aboard the torpedo boat destroyer Roe, said he was not fond of the water; but he had overcome his fears long enough to accomplish his purpose. When he struck the water on diving off the platform on the Birmingham, salt water dashed into his face and goggles, and he could not see for a minute or so in which direction he was going. He had planned to take a different course from that followed and to fly further to the north. The highest altitude he attained was estimated at 500 feet.

CONDUCTOR CATCHES SALTESE HIGHWAYMAN

Saltese, Nov. 14.—(Special.)—The salton of F. G. Hopkins was held up tonight by a lone highwayman, who made his escape, only to be captured later by Conductor Greeley of train No. 3, on the Puget Sound. The landit was caught at Bryson and brought back to Saltese, where he is now in custody. Besides the property, Frank R. Lowe, president of the Big Elk Mining company, was held up.

FAKE CREDENTIALS.

St. Petersburg, Nov. 14.—Premier Stolypin informed the duma today that the socialist leader, Cejgo, had been elected on false credentials and requested his expulsion. Cejgo lived for years on his brother's passport, to escape the consequences of an earlier political career.