

BIG FEE FOR FILING IS PROTESTED

MILWAUKEE ROAD INCORPORATES IN MONTANA, AND PAYS RATE UNDER PROTEST.

Helena, Dec. 26.—(Special).—When the Chicago, Milwaukee & St. Paul Railway company filed its articles of incorporation with Secretary of State T. M. Swindhurst today it was assessed a fee of \$23,432.31 on its capital stock of \$23,432,300. It tendered a fee of \$1 to cover the cost of filing and when this sum was refused, paid the amount requested, but under protest.

The protest gives the secretary of state notice of its intention to institute an action to recover the fee paid in Section 105, under the provisions of which the size of the fee for filing articles of incorporation is based on a graduated scale dependent upon the amount of the capital stock.

The constitutionality of this section is attacked on two grounds, the first, that it is in conflict with the commerce clause of the federal constitution; and the second, that because the fee is based on the amount of the entire capital stock, it becomes a burden upon the property of the protestant in other states, and therefore amounts to the taking of such property without due process of law.

This fee is the largest the secretary of state has ever received. The second largest was paid by the Anaconda Copper Mining company when it increased its capital stock. This fee was about \$12,000. The third largest fee was \$10,188, paid by the Puget Sound when it entered the Montana field, the property of which the St. Paul is now taking over.

FATE OF DEFENDANTS WITH THE JURY

(Continued From Page One)

was the motive for 100 explosions on the work of contractors who refused to recognize the union, Judge Anderson in his instructions, said:

"It was not unlawful for the structural ironworkers to organize the union to which they belong. It is not unlawful for the defendants to be members of that or any other labor organization.

"Men have the right to use their combined power through such organizations to advance their interests in any lawful way, but they have no right to use this power in violation of the law. Organized labor is not on trial here, nor is the right of labor to organize an issue, but members of labor organizations owe the same obedience to the law and are liable to the same punishment for its violation as persons who are not members of such organizations.

"The defendants are not on trial for causing the various explosions and the consequent loss of life and property throughout the United States shown by the evidence; they are on trial for the offense charged in the indictment. Evidence of these explosions, together with the facts and circumstances surrounding them, were permitted to go in evidence before you, because they tend to show the community of purpose, the concert of mind and action, which is an essential ingredient of the offenses charged, and they should be considered by you on that issue alone.

"The evidence in this case shows that in August, 1905, there was a conspiracy between the International Association of Bridge and Structural Ironworkers and the American Bridge company over the open and closed shop question; that in said month of August, 1905, the international secured a secret strike against the American Bridge company; and that this strike has never been settled.

"If you find from the evidence that in order to carry out the purposes of the international, the defendants or two or more of them entered into a conspiracy to destroy with dynamite and nitro-glycerine the property of the American Bridge company and other open shop concerns, or the structures which they were erecting in various states of the Union, and if you find that such conspiracy to destroy such property included as a necessary step in the accomplishment of such destruction the unlawful transportation of dynamite and nitro-glycerine upon the vehicles of common carriers engaged at the time in the transportation of passengers from a place in one state to a place or places in another or other states of the United States, and if you find further that such destruction of property was accomplished by explosions of dynamite or nitro-glycerine in various places throughout the United States, and that the dynamite and nitro-glycerine with which such explosions were produced, were as a matter of fact transported from state to state in suitcases and carrying cases upon the vehicle of common carriers engaged at the time in the carrying of passengers as averted, then you will be authorized to find that a conspiracy was formed to transport dynamite and nitro-glycerine unlawfully, as charged in the indictment."

Calling attention to the charges of illegal transportation, the court stated: "You may find the defendants guilty upon all counts of the indictment upon which they now are upon trial, if you are satisfied beyond a reasonable doubt that proofs justify it, or you may find the defendants guilty upon any one or more of the counts of the indictment and not guilty upon others. You may find any defendant guilty or not guilty, or you may find one or more of them guilty and the others not guilty. Before you can find any of the defendants guilty you must be satisfied of his guilt in manner and form as charged in some one of the indict-

ments upon which they are on trial, beyond a reasonable doubt."

Of McManigal and Edward Clarke, Cincinnati, both of whom pleaded guilty and testified for the government, the court said that their testimony "should be received with caution and scrutinized with care," and added:

"The witness, William J. Burns, while on the stand, detailed a conversation that he had with the defendant, Hockin, in which he made statements to Hockin about the defendant, Tveitmo, having been in prison and having a prison record. Such statements made by Burns are not to be considered by you in any way in determining the guilt or innocence of the defendant, Tveitmo, as to the charges in this indictment."

Judge Amerson concluded: "Carefully weigh all the evidence in the case, and, from it, under the rules of law, which I have given you, determine the guilt or innocence of the defendants. With you and not with the court, rests the responsibility of finding and determining the facts. The views of the court on questions of fact are not controlling upon you. You have nothing to do with the case except to determine the single question of the guilt or innocence of the defendants. If you should return a verdict of guilty, the measure of punishment to be inflicted upon the defendant is committed to the court."

The testimony of Burns about Tveitmo, referred to by the court, was that Burns had numerous conversations with Hockin shortly after the Los Angeles Times explosion, and that Burns related to Hockin how he expected Tveitmo would blow him up, because he (Burns) had obtained a photograph of Tveitmo in the garb of a Minnesota penitentiary prisoner and had published it in a San Francisco paper.

Miller Continues.

District Attorney Miller today continued to review to the jury Ortie E. McManigal's confession as a dynamiter.

Nearing the close of his argument, District Attorney Miller charged that all of the officials of the International Association of Bridge and Structural Ironworkers on trial here knowingly entered into this nefarious conspiracy.

Attended by riots, assaults and even by attempts to kill, this great conspiracy against employers who refused to recognize the union, knew until it reached the murder stage at Los Angeles, said the district attorney. "At the head of the conspiracy was McNamara, but behind him was President Frank M. Ryan, directing explosions by writing letters from New York and other cities. On the Pacific coast was Olaf A. Tveitmo and Eugene A. Clancy, directing the work of destruction from San Francisco and showing by their letters and movements that they had full knowledge of the Los Angeles explosion. At Salt Lake City was J. E. Munsey, alias Jack Bright. At New Orleans was Phillip A. Cooley, clamoring that the dynamite campaign be carried to southern states, but disappointed because the men he had retained to do the work got frightened.

"At New York was Frank C. Webb, who did not take the witness stand here in his own behalf, and at Boston was Michael J. Young, a member of the union's executive board, who personally pointed out the jobs to be blown up in New England. At Buffalo was John T. Butler, the vice president. At Cleveland were the sluggers, Hester J. Smith and George Anderson, carrying on a reign of terror there. And so through the length and breadth of this land there was carried on between the international officers and local business agents a conspiracy which was a disgrace to organized labor. It was a conspiracy of which John J. and James B. McNamara, Ortie E. McManigal and Edward Clark, all confessed dynamiters, were only a part."

"These men against whom the prosecution asks you to return verdicts of guilty were the men who allowed J. J. McNamara \$1,000 a month to carry on dynamiting and by which he was enabled to send his brother to Los Angeles at the behest of Tveitmo and Clancy and there with one infernal machine kill 21 persons," said Attorney Miller.

"Clancy was once vice president of the union. He was familiar with what was going on. On Aug. 31, 1910, there was an explosion at Seattle and Clancy was there.

"Clancy was in Boston with M. J. Young when the Los Angeles explosion occurred. But he hurried back to San Francisco after telegraphing that evidence. 'Clean house,' he said.

"This Clancy who assisted in planning the Los Angeles explosion, who went to Salt Lake City to help James B. McNamara, the murderer, flee from the scene of his crime ought now to be on trial for murder instead of being here, Frank C. Webb of New York wrote to McNamara that Clancy's mind seemed to wander to the golden west. Is there any question as to why Clancy's mind wandered to the golden west? Whose mind wouldn't wander to the golden west?"

"Yet a United States senator, paid by the public to perform the duties in the greatest law-making body in the world, has dared to stand here and defend Clancy. Will that senator or any lawyer explain to this jury what Clancy meant in his telegram to 'clean house?'"

Butte, Dec. 26.—(Special).—The Joshers have completed their Christmas distribution and the number of families supplied with groceries and provisions of all sorts, there being a sufficient quantity in each box to last the various families from one to two weeks, reached this season 227, the largest in the history of the club. The club this year made the largest distribution of clothing and shoes for the needy, especially children, in its history, while the amount of groceries and provisions was equally large, and the number stands as a record.

MARKET SLUMBERS DURING THE DAY

HOLIDAY LETHARGY OBTAINS AND BUSINESS IS SMALLEST IN MANY MONTHS.

New York, Dec. 26.—There were no signs today of an awakening of the stock market from the lethargy into which it has fallen lately. Trading was even duller today than during Tuesday's listless session. It was the smallest day's business since July, 1911, with a total of 101,000 shares.

Holiday conditions still obtained and with the foreign exchanges closed and money rates soaring there was little incentive to do business. While variations were unusually small, a firm undertone prevailed despite the flurry in money which sent up the rate for call funds to 12 per cent.

Prices eased off fractionally when interest charges were climbing, but later recovered. A few of the specialties moved actively. Included in this list were Pullman Car and Sears-Roebuck, which were strong, and Rubber, which sold down more than three points. Lackawanna was unusually active, but its price was little affected by announcement of the terms of subscription to the new stock issue. Standard Oil issues were active and strong on the curb. Standard Oil of New York advanced to 69, a rise of 10 points in less than a week. Other oil shares rose 25 to 50 points. Uncertainty of the money rates during the closing days of the year will continue to act as a drag on speculation.

The first of November returns from transcontinental roads came in today and in each case substantial gains in both gross and net earnings were shown. Union Pacific, Southern Pacific, Atchison, all reported gains and from the south a good return was made by the Southern railway.

The bond market was quiet and irregular. Total sales, par value, \$1,200,000. United States bonds were unchanged on call.

New York Closing Stocks. Amalgamated Copper 76 1/2, American Beet Sugar 50 3/4, American Cotton Oil 54 1/2, American Sugar Refining 116, American Smelting & Ref'g 72 1/2, American Tel. & Tel. 140 3/4, Anaconda Mining Co. 39 1/2, Atchison 105 3/4, Atlantic Coast Line 131, Baltimore & Ohio 104 3/4, Brooklyn Rapid Transit 92 1/2, Canadian Pacific 260, Chesapeake & Ohio 75 3/4, Chicago & North Western 155, Chicago, Mil. & St. Paul 112 1/2, Colorado Fuel & Iron 33, Colorado & Southern 31, Delaware & Hudson 163, Denver & Rio Grande 19 1/2, Erie 21 3/4, General Electric 184, Great Northern (pr'd.) 130 3/4, Great Northern Ore (offs.) 40 1/4, Illinois Central 136 1/2, Interborough-Met. 19 1/2, Interborough-Met (pr'd.) 11 1/2, Inter Harvester 110 1/2, Louisville & Nashville 141, Missouri Pacific 40 1/2, Missouri, Kansas & Texas 26, Northern Pacific 171 1/2, National Lead 55, New York Central 108 3/4, Norfolk & Western 112 1/2, Northern Pacific 120, Pennsylvania 121 1/2, People's Gas 114 1/2, Pullman Palace Car 104 1/2, Reading 167, Rock Island Co. 25 1/2, Rock Island Co. (pr'd.) 42 1/2, Southern Pacific 105 1/2, Southern Railway 28, Union Pacific 160, United States Steel 67 1/2, United States Steel (pr'd.) 109 1/4, Wabash 4, Western Union 75.

Boston Mining Stocks. Allouez 39, Amalgamated Copper 76 1/2, Am's Zinc Lead & Sm. 28 1/2, Arizona Commercial 28, Bos. & Corb. Cop. & Sil. Mg. 50 1/2, Calumet & Arizona 69 1/2, Calumet & Hecla 52 1/2, Centennial 16 1/2, Copper Range Con. Co. 50, East Butte Cop. Mine 14 1/2, Franklin 8, Groux Consolidated 3 1/2, Granby Consolidated 67 1/2, Greene Cananea 81 1/2, Isle Royale (Copper) 31 1/2, Kerr Lake 2 1/2, Lake Copper 24, La Salle Commercial 4 1/2, Michal Copper 25 1/2, Mohawk 50 1/2, Nevada Consolidated 19 1/2, Nipissing Mines 9 1/2, North Butte 32 1/2, North Lake 2 1/2, Old Dominion 50 1/2, Osceola 106, Quincy 77 1/2, Shannon 13, Superior 37 1/2, Tananack 1 1/2, Superior & Boston Min. 1 1/2, U. S. Sm. Ref. & Min. 42 1/2, U. S. Sm. Ref. (pr'd.) 42 1/2, Utah Consolidated 18 1/2, Utah Copper Co. 50 1/2, Wolverine 69.

New York Bonds.—Northwest Circuit, U. S. Refunding 2's Reg. 100 1/2, U. S. Refunding 2's Coupon 100 1/2, U. S. 3's Reg. 102 1/2, U. S. 3's Coupon 102 1/2, U. S. New 4's Reg. 113 1/2, U. S. New 4's Coupon 113 1/2, New York Central Gen 3 1/2's (bill) 82 1/2, Northern Pacific 2's 92 1/2, Northern Pacific 4's 92 1/2, Union Pacific 4's 92 1/2, Wisconsin Central 4's 90 1/2.

Grain and Provisions. Chicago, Dec. 26.—Dry weather in the southwest was influential in advancing the wheat market today, particularly the July delivery which closed 1/4 to 1/2 over. May gained 1/4 to 1/2 net. Farmers of the southwest, through

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brokers, declared that their wheat fields are bare of covering and unless there is a blanket of snow soon January bids fair to develop damage to the germinating crop. The effect of this news was felt mostly by the July option, which was purchased liberally, as was the May. The trade mostly ignored such bearish news as the heavy primary receipts and the final government report showing that Kansas raised 92,000,000 bushels of wheat this year as against 51,600,000 bushels in 1911.

With favorable weather and the movement of the crop to market limited only by the cars available corn ruled easy. Cash houses and a leading speculator held the selling. Trade in oats was uneventful. The provision market was stagnant with the close a shade to 7 1/2 cents higher. December wheat: Open, 86 1/2c; high, 86 3/4c; low, 86 1/4c; close, 86 1/2c. December corn: Open, 47 1/2c; high, 47 3/4c; low, 47 1/4c; close, 47 1/2c. December oats: Open, 22 1/2c; high, 22 3/4c; low, 22 1/4c; close, 22 1/2c.

Home Folks as Escort. Princeton, Dec. 26.—Down Pennsylvania avenue as he rides with President Taft, President-elect Wilson probably will be escorted in the inaugural parade by 60 of his fellow townsfolk and neighbors. Members of company L, Second regiment of the New Jersey national guard, already are getting new uniforms and are preparing to participate in the inaugural parade as the personal escort of Mr. Wilson. This company was founded here by Colonel William Abbey, Princeton, '77, now a member of the governor's staff. In the parade two years ago when Mr. Wilson became governor, they served as his personal escort.

Marcus Farr, Princeton '92, and a professor of geology in the university, is captain of the company, and it is composed for the most part of young men of the town whom Mr. Wilson has known for the last 29 years. Though the president-elect has not yet made any announcement, the boys of company L feel sure they will be chosen. The governor also has not yet decided what organization will lead the inaugural parade. He has had many requests from crack troops of a dozen or more military schools throughout the country.

MILITARY DISPLAY WILL BE BIG (Continued From Page One) gather in Washington several thousand troops from the various army posts, probably as far west as Chicago and south to Atlanta, as well as the entire cadet corps and midshipmen battalion from their respective academies. This will involve the war department in considerable expense on account of transportation and as that appropriation has been greatly reduced owing to recent extensive changes of station of officers and troops it may be necessary to apply to congress immediately upon its reconvening next week for a deficiency appropriation.

Chicago Livestock. Cattle—Receipts, 10,600; market, steady to 10 higher; beefs, 57.00@9.95; Texas steers, 44.00@5.80; Western steers, 56.75@7.00; stockers and feeders, 44.25@7.40; cows and heifers, 42.75@7.80; calves, 56.50@10.25. Hogs—Receipts, 17,000; market, 5 to 10c higher; light, 57.10@7.42 1/2; mixed, 57.15@7.60; heavy, 57.15@7.90; rough, 57.15@7.30; pigs, 55.25@6.90; bulk of sales, 7.30@7.60. Sheep—Receipts, 21,000; market, generally 10s higher; native, 54.20@5.50; western, 54.20@5.50; yearlings, 56.00@7.20; lambs, native, 63.10@8.75; western, 66.45@8.75.

As soon as the trans-Atlantic steamers arrive in New York harbor they are immediately connected to the shore telephone lines for the convenience of the passengers. But while guarding against mixed

BOUNTY ON BIRTHS HAS EVIL RESULTS London, Dec. 26.—Australia in struggling with the problem of "race suicide," has aroused a section of the clergy which asserts that the "bounty law" encourages immorality. Recent legislation adopted by the federal government provides a reward of \$25 for every birth registered in the commonwealth, unless the mother is a colored native, in which case the parents may not profit. A penalty of \$500 is exacted if misrepresentation is proved.

marriages, the law grants the premium regardless of whether the children are born in or out of wedlock. Hence the opposition. Others question the right of the government to appropriate money for the encouragement of child birth. Quite independent of the federal scheme the provincial parliament of New South Wales has before it a scheme of maternity endowment, which provides for free medical and skilled nursing attendance in such cases. In Great Britain, under the insurance act, similar attendance is provided, and it is interesting to note that in reply to a question in parliament, it was stated on behalf of the government that the weekly sum paid to the mother in addition to medical attendance and nursing, would not be doubled in case of twins. Where triplets are born the mother, as always, receives the king's bounty of \$25.

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