

Seaton TODAY AND TOMORROW

OFF FOR THE EGG PLANT!

Thomas H. Ince presents **Douglas MacLean** in **"Chickens"**

The crowing romance of a rich young rooster who started out to scratch for himself. All in a basket of strictly fresh laughs, served with the sunny side up. With **GLADYS GEORGE**

Paramount Picture

A Thomas H. Ince Production from the Saturday Evening Post Story, "Yancona Yillies," by Herschel Hall

FATTY ARBUCKLE in "The Butcher Boy"

6th Flynn Detective Story, Complete, "PHANTOM BUTLER"

Phoebie Niles at the Piano

Bozeman Man at Head Yeoman of the State

Billings, April 13.—William Pratt, of Bozeman, was elected state foreman of the Brotherhood of American Yeomen at the state quadrennial state convocation which closed here Wednesday night. Mrs. Estella Robinson was elected master of ceremonies; Miss Susie Karas, Anaconda, state correspondent; and Harry Brennan, Great Falls, state master of accounts.

John D. Tewkesberry, Billings; Leslie E. Gage, Bozeman; W. A. Nixon, Eureka; E. R. Richardson, East Helena; Miss Theo Smith, Helena; and Arthur Nelson, Anaconda, were chosen as delegates to the supreme convocation at Denver in June.

Reports of the officers showed 84 homesteads in the state, with 5,466 members.

H. F. Lee Returns From California

H. F. Lee, who resigned as manager of the Commercial National bank last fall and went to California for his health, has returned with his family to Great Falls. Mr. Lee reports that his health is improved and that he will be able to announce his business plans soon.

Masquerade Costumes For Rent

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GREAT FALLS GIVEN RELIEF ON ONE HAUL

Milwaukee Road Authorized to Establish Rates Equalizing Long and Short Routes.

Special to The Tribune.

Washington, April 13.—The interstate commerce commission Wednesday announced an order permitting relief from the long and short haul clause of the commerce act on commodity rates to and from Great Falls and Black Eagle, Mont.

The commission authorized the Chicago, Milwaukee & St. Paul to establish rates to and from points in California and Oregon and Great Falls and Black Eagle, via routes operating through Ogden, Utah and Butte, or via Portland and Plummer or Mariage, Idaho, the same as the rates contemporaneously maintained on like traffic from and to the same points via the direct line or route.

Class rates are permitted between San Francisco and Black Eagle via long routes through Portland, Ore., and Plummer, Idaho, the same as the rates contemporaneously in effect between the same point via the direct route through Ogden and Butte.

Crickets is a favorite pastime among natives of Samoa.

It's the Grand **MASK BALL**

ODEON BALL ROOM

Irresistible Dance Music—CASH PRIZES

IT'S THE TALK OF THE TOWN

DOCTORS GIVE TESTIMONY IN E. R. GUST MURDER TRIAL

Mark Like Imprint of Heel Found on Sullivan's Face and Hemorrhage on Brain at Autopsy They Say.

Medical testimony purporting to show that the late William Sullivan died of cerebral hemorrhage as a result of being kicked in the head by Ernest R. Gust was introduced by County Attorney H. G. Bennett at the Gust murder trial in the district court Wednesday. Two physicians who testified said the hemorrhage which caused Sullivan's death could have resulted from an external blow without a fracture of the skull occurring, and they stated that the contusion alleged to have been found on or slightly above the dead man's left temple might have been made by the heel of a shoe. A lay witness described the imprint as resembling a quarter moon in shape.

Dr. J. H. Irwin described the temple contusion as being curved, with the convex side backward, and that the hemorrhage was found in the same area. He stated that he did not find the actual blood vessel that was ruptured, but his opinion was that it was one of the branches of the "Circle of Willis." He declared that blood was discovered on the surface of the brain but not within the brain cells.

Upper Lip Punctured.

In cross-examining the witness, Attorney J. W. Freeman questioned him exhaustively on the relative positions and characteristics of the "Circle of Willis" and the meningeal artery, the latter being one, Dr. Irwin stated, that is seldom ruptured unless the skull is fractured. He said that the instrument which caused the injury at Sullivan's temple was probably blunt and curved.

Dr. Irwin stated that Sullivan's other injuries consisted of a puncture of the upper lip, a contusion of the right jaw, an abrasion near the right eye, two others to the right of the nose and a fracture of both bones of the nose. He said there was no recent fracture at any place on the skull, but that an old fracture some two inches in length appeared on the right side. This, he asserted, bore no relation to the hemorrhage from which Sullivan died. Sullivan's brain was normal in every way with the exception of the hemorrhage and the marks of the autopsies, Dr. Irwin thought, but he told Mr. Freeman that to discover definitely whether a hardening of the arteries had occurred it would have been necessary to open the body, which he did not do.

Effect of Alcohol.

The witness thought that hardening of the arteries would show first in the heart and it was his opinion that alcoholism would not have injuriously affected the arteries. He said that alcohol causes the blood pressure to reduce, except when first taken, when a dilation of the blood vessels result. He had never heard that the walls of the arteries become thinner through alcoholism.

The question of whether a patient is as a rule conscious for a period after a hemorrhage such as occurred in Sullivan's case was developed at length by Mr. Freeman, Dr. Irwin stating that the patient is usually unconscious from concussion at first and then is unconscious from the result of the hemorrhage. The witness thought there would be no rule—that each case would have to be specifically considered. Dr. Irwin stated that in medical text books of an earlier period it was held that cerebral hemorrhage could result from alcoholism, but that in more recent medical works alcoholism is not considered to be a cause of hemorrhage.

Dr. Walker on Stand.

The witness did not think that the first autopsy held was accountable for his failure to discover the ruptured artery, but Dr. T. F. Walker, who assisted, stated that this may have been the reason for their failure to locate the rupture.

Dr. Walker described the wound on Sullivan's left temple as being curved in shape, with the opening of the curve forward, and his description of the other injuries were the same as Dr. Irwin's. In his testimony at the inquest the day after Sullivan's death, September 25, 1920, he did not say, he told Mr. Freeman, that both bones of the nose were fractured, but on the stand Wednesday he said such an injury had been found. He said that at the inquest he did not have his notes, but he did not now wish to be understood as admitting that his memory had been faulty.

The witness said the second autopsy exposed a large amount of blood beneath the brain and covering it, but that there was no blood within the structure of the brain. Death, he thought, had been caused by cerebral or intercranial hemorrhage, due to external violence, and that the blow which made the mark on the left temple could have been made with a blunt, curved object, and could have been caused by the heel of a shoe. He said that at the inquest he described the hemorrhage as cerebral, but that he thought that intercranial was the better term, although he was now using the two terms synonymously.

No Evidence of Disease.

Dr. Walker said he found no evidence of disease that might have contributed to the rupture, or any diseased condition in Sullivan. There was nothing to indicate, he stated, that the hemorrhage was traceable to alcoholism, the brain being normal with the exception that the hemorrhage had occurred. He said that Sullivan would weigh about 135 pounds, was about five feet, 10 inches tall and perhaps small for his height. Questioned closely on this point by Mr. Freeman, he said he thought his estimate of Sullivan's weight and height was about correct and said in response to a question, that a weight of 145 pounds for a man of Sullivan's height would be a good proportion.

Dr. Walker agreed with Dr. Irwin that there was no fracture on the left side of the skull, but that an old fracture was found on the right side. The witness' opinion was that the artery which was ruptured had been a branch of the Circle of Willis. He concluded the direct examination by saying that Sullivan's hemorrhage had been on the surface of the brain and that there was no blood found in the brain cells.

Skin Was Broken.

On re-direct examination, Dr. Walker said that the skin was broken for a distance of about an inch on Sullivan's left temple, but that the bruise was somewhat longer. He identified the right shoe Gust wore on the night of the fight as one from which he took

specimens of human blood for analysis and stated that he saw blood on both sides and on the front of the heel. To Mr. Freeman he stated that he would not be willing to say there was no blood on the sole of the shoe, but also present at the autopsy. At the inquest, he stated under cross examination, he said the skin had been broken for a distance of about an inch on Sullivan's left temple and that he did not desire to change his testimony at the trial.

Despite the technical terms, the involved questioning and the scientific ground covered, no feature of the trial has held the continued attention of the jury as permanently as the medical testimony given Wednesday afternoon.

The medical testimony was concluded just before adjournment with evidence given by Dr. F. E. Keenan, who was also present at the autopsy. It was stated that his testimony conformed closely with that given by Dr. Walker and Dr. Irwin.

Saw Blow Struck.

Richard Madden, then an employe of the Great Northern freight house, and David Reeves, 18, of 104 Seventh street south, both testified to having seen the large man strike the small man as they were standing on the corner. Madden said he and a young woman friend were going west on Central when they saw three men arguing at the corner of Central and Third, and that the larger of the three struck the smallest, knocking him back several steps.

The smaller man "jerked" away and ran north, he said, the larger man following, and he heard one man say "hit him again." This remark, he said, was what attracted his attention to the men. When the larger man overtook the other, the witness went on, he seized him by the collar and struck him, and the smaller man sank down. He thought the smaller man had been struck in the jaw, but was not certain. The witness said he then saw the larger man kick the fallen man twice. He did not go down to the fight, but watched until Sullivan was lifted into an automobile.

Saw Race and Fight.

Under cross examination, Madden was subjected to the same close questioning concerning distances and other details of what happened on Central avenue and Third street as had been the case when other witnesses who testified on similar points. Madden said he continued walking south with his friend and saw Sullivan lifted into the car from near the east wall of the United Cigar store. The third man in the race, he asserted, following the first two to near the scene of the fight, but he did not know just how close he approached. As he walked west, he watched the race and the fight over the fence then built around the Steele building ruins, he said.

After the fight, Madden continued, he saw the large man and the third man walk back to the corner and on main walk across the street to the First National bank building. He said he was certain that it was not Probation Officer A. A. Carpenter who carried the man to the big man, and that he was as certain of this as he was of any of his former testimony. After the re-direct examination, he told Mr. Freeman that he had been close to the men when the blow was struck at the corner.

Steps to Watch It.

To Deputy County Attorney W. J. Tighe, Madden said on re-direct examination that the large man was the one who struck the blow at the corner and that he was overtaken following the chase. He stated that he did not know when the fight was taken in charge by Officer Carpenter, who testified early in the trial that he arrested Gust on the sidewalk near the corner.

Reeves was also with the young woman friend, but stopped at the corner until the fight was over. He said he saw three men standing by the fence on the corner and that one of them "up and hit" one of the others. The hat fell off from the man who was struck, he declared, and the blow which made the mark on the left temple picked it up and started to run north down the street, the other following. The third man said "hit him again," and fell in behind, but more slowly than the others, the witness said. The heaviest of the three, the witness thought, and was the one who had struck the blow on the corner. When Sullivan was struck after being overtaken, Reeves thought he sank down taken, and the man who hit him raised his foot and kicked.

Heard No Argument.

Cross examined by Mr. Freeman, the witness said he had heard no argument, had seen both the two men when he first approached the corner and would not have seen any former blows that might have been struck. He did not see the third man come back from the fight with the other, did not see Officer Carpenter at all, heard nobody say "that man is not an officer," or "I am an officer," nor remember that anyone followed the runners from the news stand at the corner. He said that he watched the man on the sidewalk while he was standing at the corner.

R. W. Scott, the man who was with Officer Carpenter near the United Cigar store when the three men started running north on Third street, entered into several verbal exchanges with Attorney Freeman when he was under cross examination and was asked by Mr. Freeman to explain certain of his statements as the questioning continued.

He told Mr. Bennett on direct examination that the "ball" of Sullivan's head was resting on the sidewalk when he came up, and under cross-examination stated to Mr. Freeman that the side of the face was lying in the pool of blood.

"But you said a while ago that the

ball of the head was on the sidewalk," Mr. Freeman stated.

"The chin was not in the blood," the witness answered. "The upper part of the head, face and ear was in the blood. The face was not exactly turned east, but was pointing up more than in any other direction."

The witness denied to Mr. Freeman that he had made certain statements, and in the course of the questioning, as Scott's voice raised Mr. Freeman said: "Now, don't abuse me; I'm an old man, you know."

Describes Wounds.

Blood, Scott said, was flowing from the left side of the forehead, from the nose and mouth. The mouth was (Continued on Page Eleven.)

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