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NO. 21

MAYOR SCHMITZ IS SENTENCED

DRAMATIC SCENE WITNESSED IN DUNNE'S COURT.

FIVE YEARS IN THE PEN

Crowds in Court Room Cheer as Sentence is Pronounced—Gives Notice of Appeal to District Court of Appeals—Glass Jury Partially Selected.

San Francisco, July 8.—The sentencing of Mayor Schmitz to five years in San Quentin penitentiary for extortion and partial completion of the selection of a jury to try Vice President Louis Glass of the Pacific States Telephone & Telegraph company on the first of 10 charges of bribing supervisors, were the features of today's proceedings in the bribery graft cases.

The sentencing of Schmitz was one of the most dramatic scenes ever witnessed in a western court. The effectiveness of the fearful denunciation of the convicted mayor as delivered by Superior Judge Frank H. Dunne, prior to the passing of judgment, was heightened by the demeanor of the prisoner, who time and again interrupted the court to demand that "these humiliating remarks" be desisted from and that "the court do its duty" by pronouncing sentence at once. While the sentence impended the judge threatened to send Attorney Metson of the mayor's counsel, to jail for contempt because he decried the court's comments as "cruel and unusual punishment," and Metson was told by Dunne that he ought to be "begging a day in court on the charge of having tampered with a witness in the case."

As the last words of the sentence fell from the judge's lips, the great crowd that had stood throughout the dramatic scene, sent up a thunderous cheer. "Good for you," shouted a man in the back of the room. His ejaculation was echoed and re-echoed by one after another of the spectators. Several threw their hats into the air, others scrambled upon chairs to look over the shoulders of the crowd and the greatest confusion prevailed.

Attorney Fairall of the defense, raising his voice above the din, called out to Judge Dunne:

"Your honor, this cheering is a very unseemly occurrence."

"Well," retorted Judge Dunne, with spirit, "if we had a sheriff worth the name it would have been stopped instantly."

Sheriff Thomas O'Neill was standing inside the rail. He turned to the court and protested:

"Nobody could have stopped that, your honor."

The defense filed a bill of exceptions after a motion for a new trial and a motion for an arrest of judgment had been denied, and Judge Dunne granted a certificate of probable cause upon which Schmitz will go to the district court of appeals for a new trial.

In Judge Lawler's court six of the 12 jurors to try Vice President Glass were finally selected and sworn, after the prosecution had used two peremptory challenges and the defense four. To the former three arbitrary challenges remain and the latter six.

District Attorney Langdon Assistant District Attorneys Heney and O'Gara and Chas. W. Cobb, Mr. Heney's law partner, were present for the prosecution. Attorneys D. M. Delmas, T. C. Coogan and Henry C. McPike, the latter of whom was associated with Delmas in the Shaw trial, represented the defense. There was a complete absence of the spirit of bickering that distinguished the Reef and Schmitz trials and frequently led to unpleasant encounters between the bench and bar as well as between opposing counsel.

In all, 18 veniremen were examined during the day. Twelve of these qualified as to cause:

1—James H. Robertson, insurance broker.

2—Wm. Jones, retired cement man.

3—Thomas Kirby, merchant.

4—Patrick Lyons, retired merchant.

5—John H. Robinson, grocer.

6—Michael A. Samuels, photographer.

7—John Tiedemann, grocer.

8—Henry Sieroty, merchant.

9—Geo. A. Kohn, merchant.

10—Sigmund Levy, wholesale stationer.

11—John G. North, manufacturer of machinery.

12—John W. Shields, retired sergeant of police.

Numbers 7 and 10 were excused peremptorily by the prosecution. Numbers 3, 1, 8 and 2 stood aside on arbitrary challenges by the defense. It is expected that the jury may be completed by tomorrow night.

RIOTERS ARE WOUNDED

Drunken Settlement Fight Results Seriously—Entire Police Force, Together With Company of Firemen, Called Out to Settle Trouble.

Michigan City, Ind., July 8.—Following a drunken carouse, more than 50 Syrians and Turks engaged in a riot last night among themselves in a suburb known as the Syrian settlement. Their weapons were knives, clubs and stones. Several of the rioters were wounded. Two policemen who undertook to quell the disturbance were overpowered and one of them, Wm. A. Warner, was badly beaten and stabbed seriously.

The entire police force and a company of firemen raided the settlement and quelled the row. Fifteen to 20 of the rioters were arrested.

THREE ARE KILLED.

Spreading of Rails Responsible for Burlington Wreck.

Centralla, Ill., July 8.—Spreading rails derailed and dinged a switch engine two miles north of here on the Burlington road early today, killing Engineer S. Ford and Trainmen Lewis Warne and Thos. Hutton. The engine rolled down an embankment, and the three men were caught under it and crushed to death.

START ON LONG RACE.

Paris, July 8.—One hundred and ten bicyclists started from here today in a 2,500 mile race, known as the "Tour of France."

DECISION FAVORS COLORED PEOPLE

COMMON CARRIERS MUST SERVE ALL ALIKE.

MUST OBEY THE LAW

Interstate Commerce Commission Renders an Opinion in Case of Discrimination in Regard to Color—Must Provide Same Accommodations.

Washington, July 8.—The interstate commerce commission decision today in the case of Georgia Edwards against the Nashville, Chattanooga & St. Louis Railway company, held that where a railroad provided certain accommodations for first class passengers of the white race, it is commanded by the law that like accommodations shall be provided for negroes who have purchased first class tickets. It holds that in this case, it is manifest the railroad "has unduly and unjustly discriminated in some particulars against colored persons," and orders that where the railroad provides a wash bowl and towels in the coaches for white people and a separate smoking compartment, similar accommodations shall be provided for negro passengers paying similar fare.

The complainant, who had purchased a first class ticket from Chattanooga, Tenn., to Dalton, Ga., was removed from a car for white persons to one for negroes and complained that she was discriminated against because of her color and was not afforded equal facilities.

Commissioner Lane, who rendered the decision of the commission, holds that the broad question of the right under the thirteenth and fourteenth amendments of the constitution to segregate white and colored passengers, has been upheld by the supreme court of the United States.

He holds that the "principle that must govern is that the carriers must serve equally well all passengers, whether white or colored, paying the same fare. Failure to do this is discrimination and subjects the passenger to undue and unreasonable prejudice and disadvantage."

CELEBRATES BIRTHDAY

Joseph Chamberlain Receives Many Congratulations—Health Slowly Improving.

Birminghams, England, July 8.—Joseph Chamberlain celebrated his seventy-first birthday with his family at Highbury, his estate, near this city.

A constant stream of telegraphic and postal congratulations poured in from all parts of the country. The health of the veteran statesman is slowly improving. He had been well enough lately to receive some of his political friends.

NOW READING DEPOSITIONS

MANY AFFIDAVITS INTRODUCED IN HAYWOOD CASE.

SLOW PROGRESS MADE

Delay Occasioned May Possibly Defer Appearance of Defendant Until Last of Week—Testimony of Harry Orchard Again Refuted.

Boise, July 8.—Part of the San Francisco depositions dealing with the Bradley explosion were read today to the jury that is trying Wm. D. Haywood for his life on the charge that he murdered Frank Stuenkel, and the rest of them will be presented tomorrow. The reading began directly after the court sat, with Clarence Darrow and Senator Borah alternating for their respective sides and although they pressed ahead as fast as they could, a folio calculation made at adjournment this evening showed that much time of the two will be consumed by the unread affidavits. The depositions have an important bearing on the case, but they contained no interest for the crowd and the attendance was the lightest since the trial began.

Both sides seemed to be satisfied with the showing made by depositions and their contents will probably furnish much attraction when the trial reaches the argument stage. One objection from the state constituted the sole interruption for the day and during all the rest of the time counsel for both sides seemed united in getting all the matters in the sworn statements before the jury.

The state counted it a victory that Fred Bradley had receded from his first and positive statement that it was a gas explosion and was prepared to believe that a bomb might have been used. Bradley's first statement was made before he knew of Harry Orchard's confession or any of the other evidence locating Orchard in the vicinity of the house. The prosecution was also pleased to have it shown that while Bradley was still inside the door when the explosion occurred, particles of glass in the door, hairs from the rug, outside the door and pieces of stone and cement from the mosaic floor of the vestibule were blown into his body. It will be contended that this shows conclusively that the explosion was outside and could not have been caused by gas inside the house.

The defense, on the other hand, is satisfied that the depositions show that it would have been impossible for Orchard to have reached the vestibule and placed the bomb in the manner and time described by him, that the evidence and particularly the effect of the explosion shows that a gas leak was the cause, that there were not two explosions and that Orchard's testimony as to his movements in the rear of the building when he claims he was poisoned the milk, is shown by physical conditions to be false.

The delay caused by the length of the Bradley depositions may possibly defer the appearance of Haywood as a witness in his own behalf until Thursday morning.

MURDERED BY A POLICEMAN

ASSASSIN IS ARRESTED AND DECAPITATED ON SPOT.

Hanko, China, July 8.—The governor of the province of Ngankwei was murdered yesterday at Nanking, capital of the province of Ngankwei, by a sub-director of police, who was detailed to guard a number of officials who were to attend the distribution of certificates at the police station.

The governor was entering the school when a sub-director of police shot at him and three bullets inflicted mortal injuries. The assassin was arrested and decapitated on the spot.

Before he was beheaded he confessed that he belonged to the active revolutionists' organization. No further disturbances have occurred.

INSANE FROM HEAT.

Workman Runs Amuck With Hatchet and Injures Three.

New York, July 8.—Becoming suddenly insane, probably from the heat while at work upon the new building of the Trust Company of America at 37 Wall street today, a plasterer ran amuck with a hatchet among his fellow workers. He attacked three of them, two of whom were probably fatally injured.

NUMBER ARE INDICTED

Bank Officials Are Charged With Using Mails in Furtherance of Scheme to Defraud.

St. Louis, July 8.—Seven indictments have been returned against Ed W. Lewis, president of the People's United States bank, charging fraud. The indictments were returned Saturday, but the fact was not made public until today. In one indictment Lewis and Francis V. Putnam, cashiers of the bank, are charged with using the mails in furtherance of a scheme to defraud the bank's stockholders. Another indictment is against Lewis, Frank J. Cabot and Wm. M. Miller, charging conspiracy to defraud the government on postage rates in mailing of the publication issued by Lewis.

The other indictments stand against Lewis alone, charging him with a scheme to defraud the People's United States bank. All the defendants gave bond today.

WOOL MARKET ACTIVE.

Price Advances One Cent Per Pound At Lewistown.

(Special to The Gazette.) Lewistown, Mont., July 8.—But one wool contract was closed Saturday, Fred Wrey selling about 50,000 pounds to Stressinger for Hecht, Liebman & Co. The price was not given out.

The wool market has advanced at least a cent per pound during the past few days and the buyers are paying the prices.

BEING TRIED FOR BRIBERY

FRISCO TELEPHONE OFFICER FACES COURT.

BEFORE JUDGE LAWLOR

Charged With Influencing Supervisor Boxton in Regard to Securing Franchise for Home Telephone Company—Work of Securing Jury Now On.

San Francisco, July 8.—The trial of Louis Glass, vice president of the Pacific States Telephone & Telegraph company on the charge of paying \$5,000 to bribe Supervisor Chas. Boxton to block the Home Telephone franchise, was begun before Judge Lawlor at half past 11 o'clock this morning. At the beginning of the trial, D. M. Delmas announced to the court that his partner, Henry C. McPike, would be his associate in the case.

Jas. H. Robertson of 306 Bartlett street, a native of Scotland, 39 years a resident of San Francisco and insurance broker, was selected as the first juror subject to peremptory challenge. He was preceded by Frederick Kapfman, a grocery clerk of 1601 Fulton street, who was examined and dismissed by Heney because of his fixed opinion as to Glass' guilt. His prejudice was evident and he was questioned but a few minutes before being challenged by Heney. Robertson, on the contrary, answered all questions satisfactorily and showed the attorneys on both sides that he had no bias in either direction.

The witnesses for the prosecution were excused until tomorrow at 10 o'clock.

PLEADS NOT GUILTY

A. L. Thomas, Indicted for Fencing Government Land, Will Stand Trial at Helena—Judge Hunt Sentences Half-Breed for Stealing.

(Special to The Gazette.) Helena, July 8.—Alfred L. Thomas of Billings, indicted for fencing government domain, today pleaded not guilty and filed a bond of \$500 for appearance.

Peter Cadott, a half-breed, charged with stealing a cow from Wm. Kip, of the Blackfeet Indian reservation, withdrew his plea of not guilty and pleaded guilty. Judge Hunt sentencing him to confinement in jail for a term of six months.

J. E. Hein of Dupuyer, indicted on a charge of illegally fencing 5,400 acres of government land, entered a plea of not guilty and filed a bond of \$500 for appearance for trial.

The trial of F. D. Cooper of Cascade, on a charge of illegal fencing, was continued, several witnesses for the prosecution being heard.

BIG DAM BREAKS NEAR DILLON

DOES GREAT DAMAGE ALONG RATTLESNAKE CREEK.

ALL CROPS DESTROYED

Bridges Along Stream Are All Out and Roads Are Impassable—Hundreds of Animals Drowned—Reservoir Was Poorly Constructed—No Lives Lost.

(Special to The Gazette.) Dillon, Mont., July 8.—The big Minocopa reservoir of the Bonni View Reservoir company broke a few days ago and did great damage to the ranches all along Rattlesnake creek.

The reservoir is located at the head of the Rattlesnake, about 25 miles from Dillon. It contained about 160 acres of water, the average depth of which was more than 10 feet, and the dam was very poorly constructed.

The crops on all the ranches in the valley have been destroyed, more than a thousand sheep belonging to the Wood Livestock company, have been drowned, the bridges have all been washed away and the road up the valley made impassable.

The water master has taken a force of men to the scene of the disaster to burn the bodies of the drowned animals.

HAS NOTHING TO SAY.

Admiral Brownson Declines to Be Quoted About Movement of Ships.

Washington, July 8.—Rear Admiral Brownson, chief of the bureau of navigation of the navy, declined to say anything about his conference with Roosevelt at Oyster Bay, or to express an opinion as to when the battleship fleet may move to the Pacific coast.

Information has been obtained, however, from a reliable source that there is no likelihood of any immediate orders for this movement. The navy program is to have the ships of the Atlantic fleet engage in their usual summer maneuvers and target practice.

ADMITTED TO BAIL.

Seven Defendants in Land Fraud Cases Appear and Plead.

Milwaukee, Wis., July 8.—Seven Milwaukee men against whom indictments were returned by the federal grand jury in Colorado, alleging conspiracy to defraud the government out of valuable coal lands, appeared before United States Court Commissioner Francis Bloodgood today for preliminary examination. The hearing was set for July 16 and the defendants admitted to bail in \$1,000 each.

REPORT IS DENIED.

Washington, July 8.—The Mexican ambassador, through Mr. Landa, secretary in charge of his office at Washington, today said:

"There is not one word of truth in the statement published by the press about negotiations between Mexico and the United States for the sale of Magdalena bay in Lower California."

IS KILLED BY MINE EXPLOSION

ELI ORA MEETS VIOLENT DEATH NEAR HELENA.

(Special to The Gazette.) Helena, July 8.—Eli Ora was killed instantly in the Spring Hill mine, two miles south of Helena tonight between 10 and 10:30 o'clock. Ora's mine partner, standing directly behind Ora when the explosion occurred, was not injured. Ora and his partner had drilled, loaded and fired several holes in crosscut No. 2, off the main tunnel. The blasts went off and the men started back to remove the debris. Ora was ahead and was nearing the face of the drift, when an explosion occurred. He fell back dead with his head crushed by the flying rocks.

CHARGES ARE WITHDRAWN.

Barney Oldfield Squares Himself by Writing Letter on Auto Race.

Portland, July 8.—The complaint filed against Barney Oldfield, the automobile driver, charging him with swindling the public by means of an alleged fake automobile race, has been withdrawn. Oldfield having made a written statement of his connection with the affair which was satisfactory to the complainants.

GOLD EXPORTS HEAVY

Large Shipments Due to Fact That Bank of France Desires to Recupere its Reserve—Will Continue for Some Time.

New York, July 8.—The movement of gold from this country to France, which has been in progress since early in July, will be continued today by the engagement of Lazard Freres of \$1,250,000 and by Goldman, Sachs & Co. of \$500,000 for shipment to Paris tomorrow.

The exportation of gold is attributed by exchange experts to the attempt of the Bank of France to recuperate its gold reserve, which has been lessened by the withdrawal of Russian deposits from France. A year ago the reserve of the Bank of France was about \$555,000,000, but at present it is about \$300,000,000 less than that amount. Since April, France has taken about \$22,300,000 from America, while \$3,000,000 has gone to London and \$1,000,000 to Holland.

New York exchange houses express the opinion that the movement of gold from this country to France is likely to continue until the demands of the Bank of France are satisfied.

MANNED BY FOREIGN CREW.

New York, July 8.—With her crew on strike, the German steamer Barabossa, of the German Lloyd line, came into port today from Bremen manned by British sailors and Brecken, who were engaged to take the strikers' places.

CANCELS LICENSE OF STEAMBOAT

LID NOW ON CITY OF TRAVERSE—BLOW TO GAMBLING.

OFFICIALS TAKE CHARGE

Collector of Customs Ames Ends Long Fight on Gambling and Pool Selling in Waters of Lake Michigan—Passenger Certificate Revoked.

Washington, July 8.—By the revocation of the passenger certificate of the steamboat City of Traverse, the government today dealt a heavy blow to the alleged gambling syndicate of the city of Chicago.

The City of Traverse leaves Chicago each day and anchors in Lake Michigan, near the lines of intersection of the states of Illinois and Indiana, it is said, and conducts gambling operations. Information concerning the results at the various race tracks of the country are received by wireless telegraphy and the steamboat, it is further alleged, is operated as a sailing pool. The authorities of Chicago have endeavored to suppress the evil, but their efforts have been futile. Finally Mayor Busse appealed to the government authorities to take steps which would put an end to the operations of the steamer. Today the acting secretary of the department of commerce and labor instructed Collector of Customs Ames at Chicago that if the facts were as reported he should cancel the vessel's license at once.

This involves the cancellation of the steamer's passenger certificate as well.

This action is taken under the authority of the revised statutes of the United States, which specifically provide that a license granted to any vessel shall not be considered in force any longer than the vessel is engaged in the employment for which she was specifically licensed.

WINS OLYMPIC CUP

Metropolitan Golf Association Captures Championship Prize—Travis Play Lands for Team.

Cleveland, O., July 8.—The team of the Metropolitan Golf association won the Olympic team cup today. The total for the Metropolitan were as follows:

Archie Reed, 166; Fred Herresoff, 161; J. D. Travis, 152; W. J. Travers, 162; total, 641.

The Western Golf association team at present holds the cup, and were second with a total of 649 strokes. Jerome Travis' beautiful play did much to bring home the cup to his association. His totals were 77 for the morning play and 75 for the afternoon, with a fierce wind blowing. Chandler Egan played badly during the afternoon taking 10 strokes for the fifteenth hole and totaling 88.

PART OF BRIDGE IN THE RIVER

THREE MEN AND TEAMS CARRIED WITH IT.

ARE RESCUED BY BOATS

North Span of Springdale Structure Damaged by Floods—Are Marooned on Sandbar for Nearly 10 Hours—Crushed to Death While Stealing Ride.

(Special to The Gazette.) Livingston, July 8.—The north span of the Springdale wagon bridge went down the Yellowstone Sunday morning, carrying with it three men, four horses and a wool wagon. The horses and wagon were lost, but the men clung to the wreck and were stranded upon a sand bar two miles below the bridge. The river was wide at that place and the current was too swift to admit of swimming. There was no boat at Springdale and no boat at Livingston. A boat was sent up from Big Timber and the rescue of the men was undertaken by Herman Ukmore of Big Timber. The boat was launched a mile above the sandbar and allowed to drift with the current until it reached the place. The boat was then rowed down the stream until a safe landing place was reached. The bridge went out about 10 o'clock. The boat put out to rescue the men at noon, and it was 5 o'clock before the men were safely landed. The men are Arthur Thompson, Peter Decker of Springdale and William Webb of Livingston. They had been working for Mr. Martin and were part of the crew that helped with the hauling of the wool from the Martin ranch to the Springdale station. Mr. Martin and another man had charge of another team, and were just approaching the bridge when the span went out. Mr. Martin left at once for Livingston to secure a boat, but every effort had been made by Mr. Lashorn, chairman of the board of commissioners to try and find a boat by that time to send to the rescue. Mr. Lashorn went down on the first train to inspect the wreck and see what could be done about temporarily repairing the damage. The excitement at Springdale and Hunter's Hot Springs was great. The two places were connected by the bridge and the washout prevents any direct route between the two. People flocked from Big Timber to Springdale to note the damage done to the bridge, fearing that if the bridge went down stream it would carry the Big Timber bridge out with it. The Springdale bridge has always been a cause of anxiety during high water. It went out at two different times in the past.

Fears have been felt for it since the high waters of the Yellowstone have given cause for alarm this season. If the present remnant of the structure remains, the bridge will be repaired, and if not, another site will, no doubt, be selected for the crossing. A temporary foot bridge was put up today to connect the two parts of the bridge remaining, but all wagon traffic to Hunter's Hot Springs and return must be made by way of Livingston.

Is Crushed to Death.

Jesse Davis, a man about 28 years of age, was crushed to death in a car of lumber in the Northern Pacific yards here this afternoon. Davis, with his brother, J. H. Davis, and two other men was stealing a ride out of town in the car of lumber. He got down between the edge of the pile and the end of the car, and when the train pulled up, the lumber pitched backward against the end of the car and crushed the life out of the man instantly. He was taken to the morgue and the coroner viewed the remains. The four men came from Jardine, where they had been at work for two months past. They do not belong to the "hobo" class, but are well dressed and well appearing in every way. The Davis boys were residents of Spokane before coming to Jardine. They were on their way back again. The only relative is a sister living at Spokane, and no arrangements will be made for the burial of the young man until word is received from her.

Assessment Shows Increase.

The assessment for Park county for the present year, as completed today by the assessor, shows an increase over last year of \$389,000. The total assessment is \$6,401,947. The value over last year would have increased a half million if it had not been for the falling off in the value of coal lands, first at Aldridge, by reason of the land being worked out, and second at Cokedale, by reason of the shutdown and the removal of the machinery and improvements. Every other class of property has increased in value during the past year.