

# NEGRO TROOPS ARE REMOVED FROM HOUSTON

## Are Sent to Columbus, N. M. General Bell Begins Probe of the Shooting.

Houston, Tex., Aug. 25.—The negro soldiers of the Twenty-fourth infantry, who Thursday night took part in the shooting in the streets that killed 17 persons, early today were taken from here and started toward Columbus, N. M. Among them were the 54 men charged by District Attorney John H. Crooker with murder.

The entire 633 members of the battalion, which came here four weeks ago to guard Camp Logan during construction, were entrained at daybreak and shortly after the train section bearing them steamed westward without incident.

With the arrival today of Maj. Gen. George Bell, Jr., investigation of the shooting was scheduled to begin.

### Tension Lessened.

The departure of the negroes appreciably lessened the tension in Houston, although from the hour the authorities took firm hold of the situation there had been little fear of any serious trouble.

Maj. K. S. Snow said that while no charges had yet been preferred against the more than 100 men who marched through the San Felipe district shooting right and left, they might be "very serious." The contents of his official report to Maj. Gen. James Parker at Fort Sam Houston, San Antonio, were not given out. In an interview, however, Major Snow said that conditions on Thursday night approached mutiny.

### Shooting in the Camp.

There was shooting in the camp before the men marched to the city, he said, and he pointed to a bullet hole in the frame of a shack as proof of this. The shooting was indiscriminate, however, the major said, and he did not believe any of the bullets were directed at him. He was unarmed when he went among the negroes commanding them to remain quiet.

All was bustle and hurry at the camp throughout the night as wagons and trucks carried the negro battalion's equipment to the waiting train. Disarmed and quiet, the men worked steadily in preparation for the trip.

Every precaution was taken to avoid any trouble as the departure was made. The chief fear of the authorities was that some one might attempt interference at the last moment. As a result, the vigilance of the white guard around the camp and the soldiers and civilians who patrolled the streets was strained to the utmost. With 500 negroes of the Nineteenth infantry from Fort Sam Houston, San Antonio, and 350 regulars from Fort Crockett, Galveston, on hand protection was thought to be adequate.

### Statements of Men.

The first step taken by the local authorities following General Bell's arrival will be to give him the statements gathered from Privates James Bevin, Risley Young and Leroy Pinkett by District Attorney John H. Crooker.

These agree in declarations that Sergeant Vida Henry, who lost his life in the disturbance, was the ring leader. They say he formed the company in line, led it from camp, issued orders and threw out rear and point flank guards for protection.

All the statements conform in the declaration that there was no drinking and that the trouble began over a report that Corporal Baltimore of Company I had been shot by mounted police officers.

The body of Capt. Joseph W. Mattex, battery A, Second Illinois field artillery, who was killed, was sent to his relatives in Illinois today.

All but three of the men who took part in the shooting have been accounted for.

# NEGRO TROOPS TO ALSO BE REMOVED FROM DEMING

Deming, N. M., Aug. 25.—To avoid disturbances which appeared imminent, preparations were made at noon today to transfer the battalion of Twenty-fourth United States Infantry (colored) stationed here back to its former station at Columbus, N. M. The decision was reached by military authorities as a result of threats of trouble between negro soldiers and townspeople and the beating of an automobile driver last night, alleged to have been the act of negro soldiers. Train service was being assembled at noon under orders to transport the command as soon as possible.

# ONLY ENGINEERS AND PUMPMEN AT WORK

(Continued from Page One.)

their contracts with their employers. "To claim that the shutdown is a lockout is silly," declared the labor leader. "The smelters in Anaconda went on strike. Thereupon there was no place to treat the ore. As a result the Anaconda Copper Mining company did the logical thing in closing its mines."

"Under the rules of the American Federation of Labor the internationalists must grant strike benefits to local organizations that are locked out."

Jeannette Rankin is expected in Butte from Missoula tonight or tomorrow. She says that she will spend a day or two here and then leave for Washington in time to get there by next Saturday. Monday afternoon at 5:15 o'clock the Allied Printing Trades council will tender a reception to Miss Rankin in Carpenters' union hall.

# EXPLOSION AT MARE ISLAND NO ACCIDENT

(Continued from Page One.)

the report upon the investigation was not as yet available. A document signed by all of the investigators reads as follows:

### Statement by Board.

"A careful reading of the orders creating this board and the record of daily proceedings clearly indicates the absence of any hampering instructions or restrictions as to the method of investigation. The board's inquiry was conducted with the utmost latitude and thoroughness."

"The board found that the explosion occurred at 7:55 a. m. July 9, 1917, and was confined to building No. 49, known as the black powder magazine. This building was a modern structure built especially for black powder storage. There were no electric lines into the building, no telephone or telegraph wires, no windows or other openings, except the exception of the regulation magazine doors. Under the existing rules and regulations, access to this building was restricted to comparatively few authorized persons."

"The only person seen to enter this building on the morning of the explosion was Ordnance Man Neil C. Damstedt, a trusted employe of 21 years' continuous magazine service. Damstedt, according to the testimony, unlocked and opened the magazine door about 20 seconds previous to the explosion and was probably in the act of entering the building when the explosion occurred. Damstedt was killed."

"The board in its findings states that it is of the opinion that Damstedt was in no way implicated in the explosion and that the testimony and attending circumstances do not in any way implicate any ammunition depot employe or any member of the ammunition depot guard."

### Not Accident.

"Further the board states that after carefully considering the testimony and circumstances, it is of the unanimous opinion that the explosion was not an accident, but was due to the deliberate act of some person or persons unknown. The board, however, was unable to form an opinion as to the exact method employed by the party or parties guilty of having destroyed this magazine; such evidence, if any existed, was destroyed in the explosion."

"The department and its experts are engaged in a thorough review and analysis of all available evidence in this case."

"Every effort is being made to apprehend the guilty parties and to definitely ascertain the exact manner in which this destructive explosion was accomplished."

"For obvious reasons, the details of procedure cannot be made public."

# BASEBALL RESULTS

### NATIONAL LEAGUE.

At Brooklyn—First game: R. H. E.  
St. Louis.....0 2 4  
Brooklyn.....12 34 1  
Batteries—Bank, Brock and Snyder; Pfeffer and Miller.

At Brooklyn—Second game: R. H. E.  
St. Louis.....0 5 2  
Brooklyn.....1 10 2  
Batteries—Meadows, Ames and Gonzales; Marquard and Krueger.

At New York—First game: R. H. E.  
Chicago.....1 10 1  
New York.....5 14 1  
Batteries—Carter and Elliott; Sallee and Bardner.

At Philadelphia—First game: R. H. E.  
Cincinnati.....3 5 4  
Philadelphia.....4 15 2  
Batteries—Tamm and Wingo; Alexander, Mayer and Killifer.

At Philadelphia—Second game: R. H. E.  
Cincinnati.....1 6 1  
Philadelphia.....3 8 0  
Batteries—Schneider and Wingo; Bender and Killifer.

At Boston—R. H. E.  
Pisburg.....0 2 2  
Boston.....2 8 6  
Batteries—Steele and Schmidt; Nehf and Truesger.

### AMERICAN LEAGUE.

At Detroit—R. H. E.  
Philadelphia.....2 7 1  
Detroit.....4 8 1  
Batteries—Johnson and Schanz; Mitchell and Spencer.

At Cleveland—R. H. E.  
New York.....3 6 0  
Cleveland.....0 4 1  
Batteries—Finney and Nunnemaker; Coleskie, Morion and O'Neill.

# MISS BROWNE'S DRIVING TOO STRONG FOR CHAMP

Forest Hills, L. I., Aug. 25.—Playing in the closing of the National Patriotic singles at the West Side club courts today began with the winning of two junior titles, the only ones awarded by the National Tennis association this year.

In the junior championship Charles Garland of Pittsburgh clinched his right to the title by defeating F. Baetjan of Indianapolis 6-2, 6-1, 2-6, 6-3. In the boys' championship Vincent Richards of New York defeated J. D. E. Jones, Jr., of Providence, in the final round, 6-0, 6-3, 6-1.

Miss Mollie Bjurstedt of New York and Miss Mary Browne of Los Angeles continued their special exhibition match which was postponed yesterday. Miss Browne won the second set at 10-8, and by winning the third set at 6-2 took the match. Her accurate driving proved entirely too strong for Miss Bjurstedt.

# TO BURY H. E. HERKLA FROM LUTHERAN CHURCH

The funeral of H. E. Herkla, who was accidentally shot Thursday night, will be held from the German Lutheran church tomorrow afternoon at 2 o'clock. Rev. Mr. Hiedloff of the German Lutheran church and Rev. Mr. Sabinen of the Finnish Lutheran church will conduct joint funeral services. Interment will be made in the Mount Moriah cemetery.

# HE GOT HIS MEDAL FOR "JUST A BIT O' NOTHIN"

(Continued from Page One.)

that Maguire's regiment was cut off by the Germans. Telephone lines back of them were torn up. For two days they had no word from the rear. In that time they had neither eaten nor slept. With true Canadian stubbornness they were still holding a part of the trench after the English and French had fallen back on both sides of them. But without telephone connections with the rear they did not know that they were alone between two opposing flanks of the German army.

In the stations back of them some of the officers realized the predicament of the Canadian troops. They sent a corporal out with a message ordering the Canadians to retire. The corporal got a few hundred feet and fell a bullet through his heart. The only other man who was on hand to carry the message was a major. He started out at once, crossing about 100 yards of open ground on his way to the Canadian trenches. From their trench the Canadians saw him coming. They shouted for him to take to cover, not knowing that he held the message that would save their lives. The major refused to quit, zig-zagging back and forth in his race across the open territory and fell 75 yards short of his goal. Over the ground that the major had attempted to travel the German bullets sang and whined in a deadly stream. It was certain death for any man who tried to cross that ground.

### Mow Them Down.

One Canadian started after the wounded officer. He got a few feet and met a bullet. Maguire and another young Canadian sprang out of the trench as he fell. They took up the race against death. With bullets falling as thick as rain, they reached the wounded officer, and returned slowly to their trenches with hundreds of Germans cursing their poor marksmanship in not "potting" the two Canadians. It was 15 minutes before the wounded major could tell them of the message. Not until he spoke did Maguire and his companion know that they had saved a regiment besides the officer.

And then, as the Canadians prepared to withdraw, the same two men started back across the open ground, carrying the major on a stretcher. They could not transport him to a dressing station along the route of the trenches. As if protected by a miracle, they once again traversed that open space, stopping three times to rest. Bullets ricocheted off the handles of the stretcher, bounced small rocks against their feet, perforated their hats and clothes as they ran. They reached the back trenches of safety. Then, in the "bit o' nothin'" that Maguire blames for his silver medal.

At Festubert, where the Canadians began to retrace the Germans at a time when the Boche thought he could not be repulsed, Maguire was twice wounded. The Canadians were fighting in the German trenches. They occupied the German first lines, driving the enemy slowly back.

At 8:20 o'clock, when the British batteries gave two hours of bombardment within ten seconds' space, and left the front lines swathed in an unusual stiffness, Maguire and his companions went "over the top" to test their steel against the foe.

Some officer gave the word, a yell came from the Canadians and over they went into the wind of whistling bullets.

### Stopped Three Bullets.

"I got about 100 feet from the trench when one bullet smashed my rifle and another smashed my right arm," he said. "I lay flat on my back and tried to stop the bleeding. When I saw that it was death or the dressing station, I started back. I hadn't gone 20 feet when another bullet took me through the cheek. I lay flat again for a time to get myself together. Then I made it the rest of the way, waiting every second for the bullet that was to puncture me again."

The hours of waiting before the charge are the worst period in the trench life with one exception, says the sergeant. This worse condition is to lie flat in the trench for perhaps days at a time, without food and unable to sleep, while thousands of high-powered shells break on every side. The continual shock, the nervous tension and the impossibility of intercourse are shattering to nerves.

Many men become "shell shocked" from the continued explosion of shells. They are at once sent back to convalescent hospitals, spending days and nights at sleep and rest, asking and never turns the talk from himself to the great army of men who still are "over there."

# ASKS \$50,000 FOR LOSS OF WIFE'S AFFECTIONS

N. D. Beery, through Attorney Joseph H. Griffin, today brought suit against Ben Bank for the alienation of his wife's affections, asking damages in the sum of \$50,000. The complaint says that the defendant succeeded in alienating his wife's affections "through means of promises of wealth, social position, diamonds and a trip to California," and that "by reason thereof the affection which Lenore Beery had for the plaintiff was alienated and destroyed and the plaintiff deprived of the comfort, society, aid and assistance which he otherwise would have had."

### READY TO MOVE.

Announcement was made today by Teitelbrenner company, stock brokers, that they will locate in the building at 47 East Broadway on Sept. 4. The remodeling of the Broadway building is now practically completed.

# BUTTE SUPERIOR LOSES BIG CASE

## Court Holds Minerals Separation Company's Patent is Violated.

concentration by air bubble concentration, uses the same elements in the same combination in the same way with the same functions to the same but poorer results and exceeding the patent claims in reference to one ingredient—oil—uselessly, wastefully and injuriously and merely with intent to avoid the letter of the patent, but does not avoid infringement. To secure to themselves their invention, the law looks quite through mere devices and forms to the substance of things. And if in substance the invention is taken, if the thing that does the work is taken, all devices to evade the letter of the patent avail nothing to escape the consequences of infringement."

### Patent is Valid.

Judge Bourquin holds that the patent is valid, although this was a contention on the part of the defendants in the suit. In reference to the validity of the patent he declares:

"Ambiguity and obscurity were so much due to the extreme simplicity of the processes as to the inability then and now to know and explain all its laws and principles. The tendency was to attach prime importance to reduction in amount of oil used, when in fact this is but a necessary incident (for which there are substitutes if not equivalents) to the creation of the infinitude of bubbles that do the work. Despite this tendency, and to overlook the simple and obvious, the patent fairly clearly sets out the various ways and means to create this infinitude of bubbles and that they do the work."

"But defendant contends that this evidence demonstrates the process lacks novelty and invention and that because of it the record is substantially different from the Hyde suit and the decision there should not control here, and the patent is now and ought to be held invalid. This is without support in the patent and Hyde decision."

Further concerning the invention in the process, the court holds as follows:

"Although somewhat ambiguous and obscure, present knowledge warrants the conclusion that the gist of this remarkable and valuable process, and the actual discovery and invention, are that whereas heretofore in ore concentration air had been used in desulphurizing and fugitive bubbles as a makeshift, incidental and supplement to oil and skin flotation, air can be made to do all the work by creating in water-oil pulp modified by a suitable oily contaminant an infinitude of bubbles. It is the first of its kind and the patent sufficiently discloses it and methods to those skilled in the art."

### Trial Closed in May.

The suit of the Minerals Separation, Ltd., against the Butte and Superior Mining company, was brought to a conclusion before Judge Bourquin in the United States district court here May 17. The trial of the suit occupied 27 court days. Plaintiff's counsel abandoned one claim at the close of the trial, so it has been expected that the whole case would be decided on its merits. Main brief were to have been filed July 1, and reply briefs July 20.

The principal question at issue was whether the present operations of the Butte and Superior Mining company infringe the patent of the Minerals Separation, Ltd. In these operations slightly over 1 per cent of oil is employed, and metalliferous mineral is recovered in the form of a froth, and the procedure is in all respects the same as the operations carried on for something over five years preceding the decision of the supreme court of the United States of Dec. 11, last, except for the increase in the amount of oil used.

### Attack the Patent.

Counsel for the defendant contended that the supreme court had limited the patent to the use of oil in the proportion of a fraction of 1 per cent on the ore, and proved at least froth flotation operations by the defendant, by the Utah Copper company and other companies, with the smaller amounts of oil before the supreme court decision, and the larger amounts of oil after the supreme court decision, and argued therefrom that since substantially the same results could be obtained with more than 1 per cent of oil as had obtained with a fraction of 1 per cent of oil, the supreme court had been mistaken in its opinion and the patent was void for lack of invention.

Plaintiff's counsel in rebuttal submitted evidence agreeing with the defendant that the operations with slightly more than 1 per cent of oil were substantially the same as those with a fraction of 1 per cent of oil, and therefore were infringements of the patent; and contended that the supreme court had not imposed the limitation asserted by the defendant.

### By Moving Pictures.

An interesting feature offered in behalf of the defendant was that they employed, in addition to the oily frothing agent in the patent in suit a soluble frothing agent consisting either of phenol or carbonic acid, which is not an oil at all, or for the soluble constituents of an essential oil such as pine oil. It was alleged in behalf of the plaintiff that soluble frothing agents produce a remarkable fineness of bubble formation, and moving pictures were exhibited in court showing this minute bubble formation produced by the soluble frothing agents, which, when magnified 200 diameters on the screen, appeared as clouds of bubbles producing what was called the "forest fire" effect. These moving pictures also showed that bubbles formed in pure water were large and weak and came together and coalesced with explosive violence, whereas by the addition of oily frothing agents small

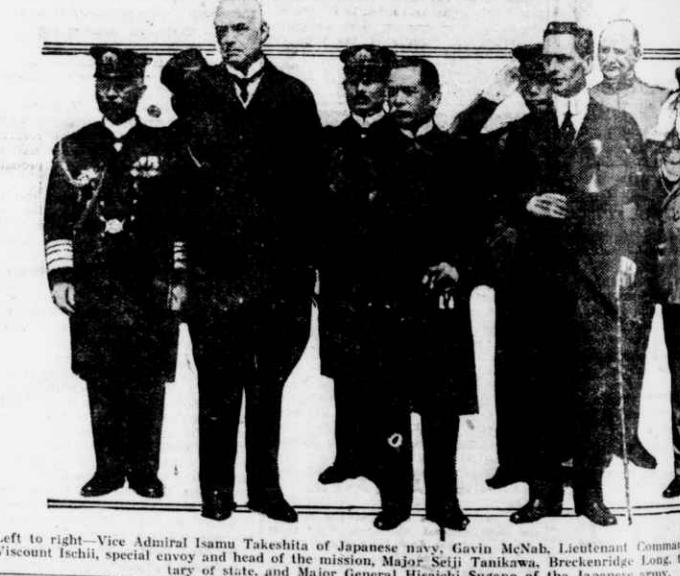


**M. A. Delouage** wishes to announce the formal opening in Butte of the **Diamond-Palace** at 21 W. Park, American Theatre Building (formerly the Mayer Jewelry Co.), where the discriminating public will find the most choice selection of Diamonds and exclusive Jewelry designs to be found in Montana.

**Mr. Fred P. Young** (formerly with the Towle, Winterhalter, Hannifin Co.) and **Mr. Fred K. Enos** (formerly with the Powell Jewelry Co.) are associated with Mr. Delouage.

You may be assured of courteous treatment, right prices and expert craftsmanship always, at the **Diamond Palace**.

# UNCLE SAM WELCOMES JAPANESE ENVOYS THEY ARE HERE TO DISCUSS WAR POLICY



Left to right—Vice Admiral Isamu Takeshita of Japanese navy, Gavin McNab, Lieutenant Commander Viscount Ischi, special envoy and head of the mission, Major Seiji Tanikawa, Breckenridge Long, third secretary of state, and Major General Hisaichi Sugano of the Japanese army.

# SOME TALL REVISION DOWNWARD OF THE COUNTRY'S COAL BILL COMMISSION TO BE AT WORK

The Post's Washington Bureau. Washington, D. C., Aug. 25.—Within a very short time President Wilson will formally direct the federal trade commission to proceed to regulate the price of coal in the United States in accordance with the Pomerene amendment to the food bill. The commission is ready and will at once prepare to fix prices.

Two methods for fixing prices are provided in the Pomerene amendment, the pooling method and the straight-out price regulation. It is generally understood that the commission has enough data on costs of production to enable it to put into effect at once the latter system.

While the pooling method may be adopted in any place in the country where the federal commission sees fit to put it into effect, it is decidedly a complex system and would take a great deal of careful manipulation in order to make it come out right for every one concerned.

On the other hand, straight-out price regulation, now that the federal trade commission has the data on which to base such regulation, is not difficult a proposition. The most difficult problem, which the commission faces is that of eliminating and keeping eliminated fake selling agencies and all sorts of schemes and devices which the coal operator will devise to beat the coal price regulation.

The original Pomerene amendment contained the provision that there should be but one dealer between the producer and the consumer. This provision was eliminated, however, when it was shown that it would be impossible to market coal for domestic consumption with only one such dealer. It was pointed out that the small retailer, who buys from the wholesaler and not from the mine, is a necessity in the larger cities.

# NOT HER HUSBAND.

When Mahally, who did the family washing, came on Monday morning to get the bundle of soiled garments, she was wearing a black eye, which stood out vividly against the brown background of her broad and comely face.

# TRAINING POLICE DOGS CATCH FOOD VIOLATORS

Berlin.—Germany's trained police dogs now are proving valuable in running down violators of the food laws. Near Berlin the dogs located a man who pilfered from gardens, leading officials to the house where the stolen vegetables were hidden.

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