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JUDGE DENIES AN INJUNCTION In Federal Mining Co. Tailings Case

Boise, Idaho, Sept. 25.—In the federal courts yesterday arguments were made in the case of Brown, et al., versus Federal Mining company, wherein the plaintiffs seek an injunction restraining the defendants from depositing tailings on land belonging to plaintiffs and for damages already alleged to have been sustained.

The case is similar to that of McCarty versus Bunker Hill & Sullivan company heard several months ago, in which an injunction was denied.

Judge Beatty declined to entertain the motion for injunction as that feature is now before the circuit court of appeals and the question of damages was the only one at issue.

The present case several months ago was referred to Warren Truitt, master of chancery, to take testimony, and from his findings of fact the case reaches the federal court on exceptions taken by both plaintiffs and defendants. The master in chancery found the plaintiffs had sustained damages to half the value of their land, but that the defendants were not entirely responsible for the damages, as part of the tailings come from other sources, and that the statute of limitations had run in many instances.

Plaintiffs rely upon the ground that since the report of the master in chancery was filed the state supreme court has held the statute of limitations can not be invoked in cases of continuing damages. The lands alleged to have been damaged are part of Brown's addition in the town of Kellogg.

The damages claimed are \$25,000 and the findings of the referee are that the actual damages sustained are in the neighborhood of \$3000. If any damages are assessed against the defendant there may be several other cases filed, and that is given as the reason why the company excepted to the report of the master in chancery.

SPOKANE FAIR IS OPEN

Spokane, Wash., Sept. 25.—With an attendance nearly four times as large as on the corresponding day last year and the greatest carnival parade in the history of the Spokane country, the opening of the Interstate fair yesterday was an event that stands out memorable. This triumph was achieved despite a dust storm that made existence out of doors well nigh intolerable and a frigidty of temperature that rendered the use of overcoats and wraps necessary to comparative comfort.

The paid attendance for the day was 3250 and at night approximated 10,000. The tickets to exhibitors and employes and to those who took part in the carnival parade swelled the gross attendance for the day, as nearly as Secretary Crosgrove could estimate to 14,000.

The carnival pageant so far surpassed the hopes of its promoters that they were beside themselves with delight at its success. At the fruit fairs, eight or 10 years ago, and in a number of previous fairs, parades have been given in which fancy floats were shown, but they were so far eclipsed by last night's exhibition as to sink into insignificance.

DEFEND NAVY UNIFORM

President Roosevelt Contributes \$100.

Oyster Bay, Sept. 25.—President Roosevelt has contributed \$100 to be used by Admiral Thomas in a legal suit instituted recently at Newport, R. I., to determine whether or not a man may be excluded from a public place of entertainment because he wears the uniform of the army or navy.

President Roosevelt made public the following letter which he has sent

to Rear Admiral Thomas:

"Oyster Bay, Sept. 24, 1906.—Dear Admiral Thomas: I enclose \$100 to be used in that suit which, thanks to you, has been so wisely undertaken to test the legality of excluding any man from any public place of entertainment because he wears the United States uniform. I feel that it is the duty of every good citizen to endeavor in every shape and way to make it plain that he regards the uniform of the United States army and navy just as much when worn by an enlisted man as when worn by an officer, as a badge of honor and therefore entitling the wearer, so long as he behaves himself decently to respect.

"There is no finer body of men in all our country than the enlisted men of the army and navy of the United States and I can not sufficiently express my indignation and contempt for any man who treats his uniform save with the respect to which it is entitled. If a man misbehaves himself, then no matter what uniform he wears he should be dealt with accordingly; but the fact of wearing the United States uniform should not be accepted as presumptive evidence that the man thus discriminated against is all wrong. Sincerely yours,

"THEODORE ROOSEVELT."

Rear Admiral Thomas is reported to be paying half the expenses of a suit for \$500 damages brought by Chief Yeoman F. J. Bunzle against the Newport Amusement company of Newport on the ground that he was excluded from the place while in uniform. Bunzle is on duty at the naval training station at Newport. The suit will not be tried until October 2 or later.

LATAH COUNTY BOLT

Moscow, Idaho, Sept. 25.—The primaries for the citizens' convention on Thursday were more largely attended than the republican primaries in July. The delegates from each precinct in the city are given here below, and republicans predominate. Nearly 20 delegates to the recent republican convention are among those elected to Thursday's convention from this city.

The delegates are:
West Moscow—William Leasuer, S. C. Parks, A. E. Tennis, John C. Wolfe, James O. Canoham, George Flanagan, William J. Graham, Harry Belden, Henry Price, Thomas Hanley, W. D. Morgareige, George W. Gale, Henry Cummings, Robert Haskins, Stewart S. Denning, G. W. Cole, James Bumgardner, Jacob Webber, Ira H. Hamlin, G. V. Pickens, W. G. Barge, B. O. Gallup, John P. Hull.

North Moscow—Frank M. Johnson, James Simpson, George W. Ellis, Frank L. Moore, C. B. Town, H. H. Bangs, W. O. Griffin, E. N. Brown, J. J. Day, S. T. Knepper, R. W. Safford.

Southeast Moscow—William M.

Morgan, W. E. Hear, J. J. Kean, W. D. Smith, A. R. Kelley, John E. Randall, Henry M. Hazen, George Kelley, D. H. Holman, James Sinclair, William A. Bostwick, J. K. Estes, Lindoll Smith, Frank Price, J. S. Thompson, Elmer Des Voigne, George R. Endell.

Southwest Moscow—Jesse C. Richcreek, J. E. Doughty, Frank Roseboom, William H. Hill, Jacob Kroh, W. S. Ross, Peter Johnson, Claus Peterson, D. H. Burrows, A. C. Russell, O. C. Caruso, Thomas Tindall, W. A. Simpson, L. M. Kitley, Milton Frazee, W. I. Colt, J. V. Brown, Marcus F. Rodgers, William Henderson, "Dick" Johnson, F. H. Schrieber.

East Moscow—J. N. Nankervis, G. W. Manspeaker, Mat Shoemaker, J. H. Fletcher, Jess W. Randall, Al Dygert, S. L. Willis, H. C. Shavrey, R. Woodorth, S. F. Curtis, Frank Byrnes, Hans Hansen, William Hunter, I. C. Dari and Dan Hannah.

A portion of the new furniture for the Exchange National Bank has arrived and will be installed in the near future.



MISS KATHERINE FAIRFAX, VIRGINIA BEAUTY.

Miss Katherine Fairfax comes from Fairfax Court House, Fairfax county, Va., and is a daughter of the only family in the United States whose head claims a seat in the English house of lords. Miss Fairfax represents the blond type of beauty in the south. She has wavy golden hair, dreamy blue eyes and a peaches and cream complexion.

PUT ME OFF AT BUFFALO Let Me See What the Democrats Do

Saratoga, N. Y., Sept. 25.—"Up in the air" is the answer most frequently given to questions concerning the gubernatorial nomination of the republican state convention. The refusal of Governor Higgins to accept a renomination has unsettled things, and now all efforts are being put forth by the leaders to form new lines, to make readjustments and to secure a ticket which can be nominated by acclamation. Harmony is being preached, and harmony means a "slate" without a disturbance in the convention such as would be created by several ballots for governor. To make this "slate" an agreement upon a candidate for governor is necessary. If Governor Higgins had been prevailed upon to accept a renomination the remainder would have been easy. But he has declined to be persuaded and now comes the necessity of selecting a candidate who will satisfy all the leaders and make a good run in the fall elections.

The outlook tonight is that it may be some time before any definite results are accomplished in this line, and it is even hinted that an agreement may be delayed until something definite is heard from Buffalo.

In his withdrawing from the race Governor Higgins says:

"Two years ago I began my campaign with the pledge that I would, if elected have an administration of my own. I have kept that pledge. By doing so I have met opposition from those who believe that governors and legislators are safer public servants when they follow the guidance of a party boss than when they think for themselves and act on their own responsibility. The result of the contest in the recent primaries for the principle of executive independence has given courage to all who believe the governor should not be the puppet of the party organization and hope to all who deplore the supremacy of irresponsible political absolutism. It also leaves me free to gratify my personal inclination with honor and to withdraw my name from further consideration."

DEMOCRATS AT BUFFALO.

Buffalo, N. Y., Sept. 25.—Arrangements for the democratic state convention, which is to be called to order in Convention hall today at noon, went forward rapidly last night. The big auditorium seats 6,000 persons.

On the eve of the convention the various candidates who are on the scene and the representatives of those

who are not here marshaled their forces about them and prepared for what is expected to be the liveliest and most interesting convention the democratic party has ever held in this state. The party leaders were still trying to fathom the strength of William R. Hearst, in whose behalf a strong campaign organization is working. They are also endeavoring to secure a declaration from Charles F. Murphy, leader of Tammany hall, whose caucus was held there immediately prior to the first session of the convention.

Mr. Murphy was called upon at his headquarters by a party of seven delegates from as many counties in the state, who were headed by John A. Dix of Washington county, and who spoke in behalf of Mr. Dix as their choice for governor. To these gentlemen Mr. Murphy made the most positive statement of his position and that of Tammany hall uttered in public since his arrival here.

"Tammany is not pledged to any candidate whatsoever" said he, "and I want that understood. We are here to find out who the upstate people want, and whoever they decide upon is going to be good enough for us, no matter whether it is Mr. Dix or anybody else. Tammany will follow, not lead."

Lewis S. Nixon of New York city, a former leader of Tammany Hall, was chosen as temporary chairman of the democratic state convention. The naming of Mr. Nixon as temporary chairman is regarded as clarifying the situation to some extent, though none of the factions will admit that his selection means even a temporary setback to their cause. The former Tammany leader is claimed by the advocates of William R. Hearst to be friendly to their candidates for the government. The temporary chairman has, however, made no public declaration of his position.

Young Man Insane.

Sandpoint, Idaho, Sept. 24.—Anthony Gorham, a young man who says that he came from Spokane, while temporarily insane today jumped from a window in Allen Brothers' building, and lighting on an awning rolled to the ground and struck partly on his head. He then swam across Sand creek, mounted the Northern Pacific tracks and was headed for the lake when arrested by Officer Moran.

F. J. Davies was a visitor in the city today.

STENSLAND IN NEW YORK

Chicago Bank Wrecker Will Face Criminal Charges

New York, Sept. 25.—Under arrest by New York detectives, Paul O. Stensland, former president of the Milwaukee Avenue State bank of Chicago, who stands indicted for heavy embezzlements from that institution, arrived in New York last night. He was taken from the steamer Prinz A. Jelbert, on which he came from Morocco to which country he had fled after the wrecking of the bank, and according to his son, Theodore Stensland, he will plead guilty to several of the charges brought against him. Stensland has made a complete confession, according to Assistant State Attorney Olesen of Chicago, who went to Tangier to take the former banker into custody, and in his confession he implicated other Chicago men. Attorney Olesen declined to name these men.

Theodore Stensland, who gave out an official statement for his father, declared that the latter had made no signed confession, but that he had

admitted committing certain offenses which constitute embezzlement under the Illinois laws. To some of these indictments for embezzlement his father would plead guilty, he said, and he would turn state's evidence and implicate all others who should be indicted in connection with the failure of the bank. Stensland made the further statement, according to the son, that if the shortage in the bank was over \$400,000 the money in excess of that amount had been taken by Henry W. Hering, the former cashier of the bank, who was jointly indicted with Stensland on charges of stealing over \$1,000,000 from the bank and for forgery.

A number of the residents of the city visited Spokane last evening and witnessed the parade which opened the Interstate fair. A few attended the opera by the Juvenile Bostonians at the Spokane Theater and speak highly of the performance.

CONCEDE ALL TO REBELS

Havana, Sept. 25.—It was rumored late last night that the government and the moderates had decided to concede practically everything to the liberals and rebels.

An unsatisfactory conference was held at the palace between President Palma, the secretary of the treasury, Pons Sterling, Secretary of State O'Farrell, Freye Andrede, speaker of the lower house, Secretary of War Taft and Mr. Bacon, Consul General Steinhart and Captain McCoy, when the mediators called the attention of the Cuban administration to the status of peace negotiations with the liberals and insurgents. The conference adjourned at 11 o'clock to be resumed today.

The peace terms proposed are known to be agreeable to the government. The visit to the palace of the American commissioner was therefore not particularly pleasant.

Victory for the liberals or revolutionary party seems certain at the conclusion of a long conference between a committee of insurgents of eight members and the American peace commissioners. The insurgents committee announced there was practically no difference remaining between them and Secretaries Taft and Bacon.

Secretary Taft said he could give no details of what transpired at the conference for the reason that it was now necessary to treat with the government leaders and that publication of peace terms might interfere with their prompt acceptance.

Smoked meat is being laid down in large quantities, and the rebel commands are endeavoring to win over the veterans in the government ser-

vice to join in the event of an American occupation of the island. Some of the veterans have already gone over and excused their conduct by saying that free Cuba demands it. The fact is these men prefer fighting under any conditions to a life of peace, accompanied by the necessity of work.

The secret reports received by Messrs. Taft and Bacon of the situation in the rebel camps today are that the insurgents have been made indignant by the preparations for landing marines, and hint at bad faith on the part of the American commissioners. General Asbert commander of the insurgents forces in Havana province, is particularly suspicious.

Oppose Modern Plumbing.

Spokane, Wash., Sept. 25.—Journeyman plumbers of this city meet tonight to consider the advisability of following up a strike on the new Columbia building of Judge George Turner by a general strike on buildings that propose to install modern plumbing.

According to master plumbers the journeymen are striking against this style of plumbing because it is so modern that it would mean the lopping off of about half of the plumbers' work. Instead of old style soldered joints the new plumbing has joints connected by thumb screw joints fitting on rubber like the top of a fruit jar. These joints are so simple, the masters say, that a janitor in the building could remove them, clean the pipe and restore them or could remove defective parts and put new parts in in their stead.

NEW BUILDING FINISHED

The administration building which was formerly used by the government at Fort Sherman, recently moved to the grounds of the Academy of the Immaculate Heart of Mary, has been remodeled and put in condition for a school building.

The building was presented to Father Prezell by J. K. Stack, of the Stack-Gibbs Lumber company, which purchased the property at auction sale last year. The growth of the academy demanded another building and Father Prezell kindly donated this building to the sisters to be converted into a school building. It was moved to the present location near the academy some time ago, and since then the carpenters have been busy making the necessary alterations.

On the first floor a number of the partitions have been torn out to enlarge the rooms for school purposes, and the whole building has been replastered. On this floor are three large class rooms, each with separate entrance and cloak room, and also a lunch room for the children of the city who attend and carry their lunches.

The second floor, where is located the hall which was used for balls, theatrical performances and a court

room by the government, will now be used as an assembly room for the pupils of the academy, where class and academy entertainments will be given. There are two in the rear on this floor which will be used for class rooms. These were formerly used as dressing rooms. The entire building has been piped for acetylene gas and wired for electric lights. The work of remodeling has practically been completed, and the workmen are putting on the finishing touches and cleaning up. Recitations will be held in the building Monday, and a few days later, the work will have been complete.

The ladies of the Catholic club will give the only dance to be held in this building, tomorrow evening. It was not the intention of the sisters to have dancing in the building, but the members of the club and school clamored so loudly for a warming that permission was given. There will be a jolly crowd on a number of tickets have been sold at one dollar, which is the charge made per couple. The ladies will serve refreshments to those who have a purse. It is reported that Prof. Nigro will lead a five piece orchestra, and the music will be good.