

TAFT HEADQUARTERS IS OPENED TODAY

HILLES AND MCKINLEY COMPLETE PLANS IN CONFERENCE AT WASHINGTON.

Washington, Feb. 11.—At a conference between Charles D. Hilles, secretary to President Taft, and Representative William B. McKinley of Illinois, plans were completed today for opening tomorrow a Taft headquarters in a downtown hotel. The headquarters will be known as the Taft re-nomination bureau, and Mr. McKinley will assume charge.

Mr. Hilles turned over to Mr. McKinley data dealing with the political situation in nearly every state. This had been collected in the last few weeks and it will form the basis of the immediate beginning of the campaign to win Taft delegates.

Colonel Walter L. Hauser, manager of the presidential campaign of Senator La Follette, left Washington tonight for North Dakota, where, it is feared by La Follette adherents, there is danger of the La Follette sentiment being transferred to Roosevelt.

A DOUBLE TRAGEDY IN TAILOR'S HOME

Seattle, Feb. 11.—When J. Grossmuth, a tailor living at 116 Eighteenth avenue, returned home tonight he found the body of his 24-year-old wife lying on the dining room floor with a bullet hole in the left temple. Upstairs he found Philip Bromberg, aged 30, a dealer in second-hand clothing, lying on the bed, with a bullet hole in the right side of his head. On the floor was a 32-calibre revolver with two empty shells. Bromberg was taken to the city hospital, where physicians said he has a slight chance to recover. He had not regained consciousness late tonight. The coroner is of the opinion that Bromberg killed Mrs. Grossmuth and then shot himself. Mrs. Grossmuth's 10-month-old baby was playing unharmed on the floor in an adjoining room when the father returned. Grossmuth said that Bromberg had lived with him for the last nine months and recently was asked to move. He said they had never had trouble.

ACTOR'S FAREWELL

Detroit, Feb. 11.—Alexander Hamilton Stuart, aged 57, for two score years a well-known American actor, died in a hospital here today after an illness of more than a year.

PROPERTY RESPECT CHIHUAHUA OBJECT OF ROJAS?

INEZ SALAZAR, PRESUMABLY A MAN, GIVES FOLLOWERS GOOD ADVICE.

Chihuahua, Feb. 11.—"Respect the rights of all private citizens, especially those of foreigners, since we want no international complications."

This is the counsel given his followers by Inez Salazar, who has placed himself at the head of the rebels in the Chihuahua district, whose seat of government is Casas Grandes.

Persons who arrived today from Casas Grandes say that rebel bands proclaiming themselves adherents of Benito Vasquez Gomez are scattered throughout the district.

Salazar, who styles himself "colonel," has issued a manifesto almost identical to that issued at Juarez and naming the same junta of well known Vasquezistas.

Enrique Salgado, a former Maderista of some local prominence, placed himself yesterday at the head of a body of rebels at Mesquite, in the district of Camaguey, and announced his intention of joining the forces of Benito Vasquez, the secretary of the state department, who resigned his position lately to fight the central government.

GREAT LISTER DEAD.

London, Feb. 11.—Joseph Lister, first Baron Lister, who was made famous by his discovery of an antiseptic system of treatment in surgery, died today.

MEETINGS ARE OVER WHEN POLICE CHARGE

Vancouver, B. C., Feb. 11.—The police broke up two free-speech meetings today, the first at Stanley park and the second at the Powell street grounds, where twice before the Industrial Workers of the World were prevented from holding demonstrations. The only man arrested today was T. Hudson, who appeared in a launch at the demonstration at Stanley park and attempted to make a speech. The police patrol boat promptly took his craft in tow. Hudson is held at the police station without charge. At the Powell street grounds a Russian mounted a soap box and started to address the crowd when the police charged. One man was laid out by a blow from a policeman's stick, but no one was arrested.

CHIHUAHUA OBJECT OF ROJAS?

REPORT HAS IT THAT MEXICAN IS LEADING SMALL ARMY TO TWO TOWNS.

El Paso, Feb. 11.—Colonel Antonio Rojas, at the head of a band of men, now is on his way toward Juarez, to attack the city, according to a report in Juarez today received from San Antonio, west of Chihuahua. In view of yesterday's report that Rojas would demand the surrender of Chihuahua in five days, the report is not given general credence.

Braulio Hernandez, with a force of 300 rebels, is reported operating south of Chihuahua, along the line of the Mexican Central, which temporarily has abandoned its efforts to make repairs between Chihuahua and Torreón.

Governor Gonzalez, who arrived here yesterday, said tonight that he expects to start for Chihuahua tomorrow and to reach his destination tomorrow afternoon. He declared tonight that he was confident the band of rebels could soon be straightened out. A band of men is reported to be lying in wait near Gallego to effect the capture of Gonzalez on his way south.

MOST SEVERE COLD IS EASILY BROKEN

Pape's Cold Compound is the result of three years' research at a cost of more than fifty thousand dollars, and contains no quinine, which we have conclusively demonstrated is not effective in the treatment of colds or grip.

It is a positive fact that a dose of Pape's Cold Compound, taken every two hours until three consecutive doses are taken, will end the grip and break up the most severe cold, either in the head, chest, back, stomach, limbs or any part of the body.

It promptly relieves the most miserable headache, dizziness, head and nose, stuffed up, feverishness, sneezing, sore throat, running of the nose, mucous catarrhal discharges, soreness, stiffness and rheumatic twinges.

Take this harmless compound as directed, with the knowledge that there is no other medicine made anywhere else in the world, which will cure your cold or end grip misery as promptly and without any other assistance or bad after-effects, as a 25-cent package of Pape's Cold Compound, which any druggist in the world can supply.

LABOR'S PARTY IS STRONGER IN ENGLAND

(Continued from Page One)

There is wide difference of opinion among the leaders. At a recent conference the delegates from the miners' federation let it be known that they would be satisfied with the bill to be introduced by the prime minister granting manhood suffrage.

As the miners form nearly half the membership of the party, this decision caused a sensation, but not as great as a speech by Philip Snowden, socialist member for Hackney, who told the conference bluntly that there was no demand for the extension of the suffrage to unenrolled men and that there were more votes for the men than there were men who could use their votes intelligently. The motion was not passed, so that the party officially is in favor of woman's suffrage, although nearly half its membership is against it.

The industrial unrest of last year resulted in great numbers of workers joining trades unions and socialist bodies; therefore the satisfaction of the leaders with strikes, every one of which they say means more strength for the party. Further impetus was given to the movement by the success of the socialists in Germany, whom the Englishmen now hope to emulate. The propagandists are busy in the country rallying men to the unions and threatening strikes unless non-unionists are prevented from working side by side with trades unionists.

Two labor daily papers are about to make their appearance. One, the Daily Herald, is to take the place of the Morning Leader, which is to be amalgamated with the Daily News. The other is to be the Daily Citizen, which will be the official organ of the party. A fund of \$70,000 is being raised to make a start, and \$30,000 has been secured. The leaders have set themselves the task of increasing the labor representation in the house of commons from 42 to 142, and this concrete party they believe they can dominate both home and foreign politics.

TEN MEN LOST.

Victoria, B. C., Feb. 11.—The government steamer Newington left tonight for Graham Island to search for 10 men believed to have been lost off Hard bay, where they were engaged in boring for oil. The party, which included Messrs. Slater, McLaren and Starker, oil experts of Vancouver, B. C., were en route from Nanaimo to Quidley bay with supplies laden on a schooner in tow of a gas launch. The vessels were last seen nine days ago off Trahera point in a heavy gale.

COLLEGE IN RUSSIA.

New York, Feb. 11.—Dr. Robert S. MacArthur, president of the Baptist World Alliance, who has just returned from St. Petersburg, announced tonight that he had obtained permission of the Russian emperor to build the proposed Baptist college in St. Petersburg.

Supreme Court Decisions

The following digest of legal points determined in the latest decisions of our supreme court has been carefully prepared by the students of the Montana state law school at Missoula, for the convenience of the legal profession and other interested. This will appear several weeks earlier than any other accurate report of the cases.

The supreme court of the state of Montana, in a decision rendered February 5, 1912, in the case of Beck's estate, state of Montana, and State ex rel. Home versus Anthony, W. R. Bernard, et al., No. 3072, J. Smith dissenting, has decided that the state orphan's home at Twin Bridges, in Madison county, is incapable of taking a gift under a will.

Editorial Note: In view of the effect of this decision in refusing to allow state institutions to take gifts by will, it seems imperative that immediate action should be taken to place such legislation upon the statute book as will enable them to receive the benefit of private bounty. The point of this novel decision follows:

I. Testamentary Disposition—Power of Legislature to Regulate.—The right to make testamentary disposition of property depends entirely upon the will of the legislature. It may withhold the right altogether or impose any limitations or conditions which it chooses.

II. Testamentary Disposition—Capacity to Take.—It follows as a necessary consequence that the legislature has the exclusive power to designate those who may be legatees or devisees. Section 4725 Revised Codes is construed not merely as declaring the disability of private corporations to take by will, but as enumerating all those possible beneficiaries as to whom a testator is granted the power of disposal by will, and who are capable of taking property by will; although it is recognized that it is the general rule in the United States that in the absence of some special disability declared by statute, any person may be a legatee or devisee.

III. Public Institutions of the State.—Not Legal Entities.—An unincorporated state institution, although recognized by various statutes relating to its organization, government and functions, is incapable of taking by will, or receiving donations, or of holding property. (Ed.: But compare note to 29 L. R. A. 378.)

IV. Orphan's Home.—Not a Corporation.—The state orphan's home is neither a public nor a private corporation. It is only an instrumentality of government provided by the state to accomplish through the state's executive officers certain public purposes, and has neither power nor capacity of any character. (Ed.: It follows that the same is true of the University of Montana.)

V. Statutory Construction.—Amendment.—Implication.—Section 14 of chapter 73, laws of 1909, "An act relating to the management, control and finances of the various state institutions, of the state of Montana, including the state orphan's home; which section provides that 'all donations, grants, gifts or devises made to any of the institutions named herein, shall be made to such institution in its legal name, and if made to any officer or board of such institutions, the same shall be immediately transferred by such board or officer to said institution'; does not put the state within the class of those who may take, or enable it to take in this case for the state orphan's home. The act cited deals exclusively with the subject of control of the state institutions and does not purport to amend the provisions of the codes on the subject of wills.

VI. Charitable Uses and Trusts.—The purpose for which section 4742 of the Revised Codes was intended was not to establish charitable uses as they were known at the common law, but to impose certain limitations upon the right of disposition by the testator. (Ed.: See in re Sutro's estate, 155 Cal. 227, 102 P. 292.)

VII. Constitutional Construction.—Capacity of State.—Section 1 of article XVII and section 2 of article XI of the constitution which refer to the acquisition of property by the state through "gift, grant or devise," do not imply capacity to take in this case, but are intended as limitations upon the power of disposition by the legislature.

VIII. State Cannot Take by Will.—The rule to be observed in the construction of statutes is that the state is not included by general words therein, creating a right and providing a remedy for its enforcement. Under proper construction of section 4725 Revised Codes the state is not included among those who can take as beneficiary under a will or accept a trust, made by testator or bequest, and the law has not conferred the right to leave property to the state by will.

Justice Smith dissents from the opinion of the majority on the ground that the state is a sovereign power, capable of taking bequests unless expressly prohibited by statute. He concludes that the legislature speaks for the sovereign power and that the state is not included by the codes, but in general provisions of the codes, but he contends that it is not necessary that the state should be included in any affirmative statutory provisions in order that it may have capacity to take a bequest under a will.

IX. Trust Funds for Lack of Trustee.—Since there is no person, within the meaning of the statute, capable of taking the bequest in question, or acting as trustee, it is void. (Ed.: See Revised Codes, sec. 5440.)

X. Public Corporations.—Special Act.—It may be that the legislature has the power by special act to create a public quasi-public corporation to carry out the purposes of state institutions and take the benefit of private bounty, citing re Rogers 123 Cal. 614, 54 Pac. 461; State ex rel. Little vs. Board, 29 L. R. A. 378.

Post, et al., plaintiffs and appellants, versus Liberty, defendant and respondent.

(Supreme court of Montana, December term, 1911, February 5, 1912.)

Vendor and Purchaser—Remedies for Misrepresentation as to Boundaries.—Where the vendor erroneously points out to the purchaser the boundaries of the land he is seeking to sell, whether he willfully misrepresents the location of the land or be himself honestly mistaken, and the purchaser is deceived by the false representations made by

the vendor, and would not have purchased the land had he known the true location, the purchaser may on discovering his mistake rescind the contract of sale; recover part payments made, and damages for time and money expended on the property; or he may affirm the contract and sue for damages for breach of warranty.

Rescission of Contracts for Innocent Misrepresentation.—The question of good or bad faith is not necessarily involved under sections 5062 and 4973 Montana Revised Codes as to rescission for fraud. The vendor cannot plead ignorance or mistake as an excuse if his positive statements as to material facts (as contrasted with mere statements of opinion or belief) are false and deceptive, nor can he retain the benefits flowing even from perfectly innocent misrepresentation.

Express Warranties on the Sale of Land Arising From Representations by the Seller.—The owner of real estate is presumed to know the location of his land, and if in attempting to sell it, he undertakes to point out its location or its boundaries or its acreage to induce a purchaser to enter into a contract, his representations as to such facts amount in effect to express warranties upon which the purchaser is entitled to rely, without making independent investigations or surveys or measurements to ascertain the boundary lines for himself.

Pleading—Waiver of Defects by Going to Trial on the Merits.—Defect in complaint for rescission in failing to allege that plaintiff had placed defendant in statu quo, as required by section 5065 Montana Revised Codes, or had offered to restore to defendant everything received by him under the contract, is cured by answering and going to trial on the merits and the giving of evidence of the offer to restore; and the complaint will be treated on appeal as if amended.

New Trial.—Insufficiency of the Evidence to Sustain Findings in an Equity Suit.—Conflicting evidence in equity suit examined and found inconsistent with the special findings of an advisory jury adopted as the findings of the court, according to a fair preponderance of the proof.

PRESS AGENTS TALK OF THEIR SHOWS

Lecture Course.—Frank J. Cannon will fill the sixth number of the university lecture course and will speak in Harnois theater Friday evening, February 16, on the subject, "The Modern Mormon Kingdom."

The entire country is stirred at the present time over the disclosures which are being made by former United States Senator Frank J. Cannon in his series of articles in Everybody's Magazine—a series on present-day status of Mormonism and the part it plays in the American life as a whole and is likely to play in the future. These articles are written by a man who was Mormon ambassador to Washington in 1888 and 1890, the son of the first counselor of the Mormon church. These articles are of even more far-reaching importance and intense interest than those of Thomas Lawson and those of Judge James Lindsay which appeared in the same magazine in the recent past and caused almost world-wide comment.

Governor John T. Shafroth of Colorado has the following to say of Cannon:

"Honorable Frank J. Cannon is one of the most eloquent men I ever heard deliver a speech. He is exceedingly magnetic, strong in any subject upon which he desires to speak, and will make a most excellent lecturer."

"Mr. Cannon, you know, was a member of the house of representatives at Washington when I was in congress, and succeeded from that to the senatorship of Utah, which position he held for four years. You have but to ask anyone who ever heard him deliver a speech, and the highest praise will be given to him. He is truly an orator and a statesman."

"Little Miss Fix It"

"I'm not superstitious or given to nerves," said Alice Lloyd, during a recent performance of "Little Miss Fix It," the musical comedy announced at the Harnois theater next Saturday, February 17, but a motoring experience I had in New England last spring cost me a whole night's rest and gave me the 'willies.' We stopped at a little farmhouse to spend the night and a gentle old lady gave us a grand chicken dinner, after which she showed me to my bedroom. 'It ain't everybody I'd let sleep in here,' she told me, as she handed me my candle. 'This here room is full of sacred recollections to me,' she went on. 'My

CROSS, SICK, FEVERISH CHILDREN NEED GENTLE THOROUGH CASCARETS

Most of the ills of childhood are caused by a sour, disordered stomach, sluggish liver and constipated bowels. They catch cold easily, become cross, listless, irritable, feverish, restless, tongue coated, don't eat or sleep well and need a gentle, thorough physic—but don't try to force a nauseating dose of oil into the little one's already sick stomach—it is cruel, needless and old-fashioned.

Any child will catch cold, produce the slightest uneasiness, though cleanse the little one's system, sweetens the stomach and puts the liver and bowels in a pure, healthy condition.

Full directions for children and grown-ups in each package. Mothers can rest easy after giving this gentle, thorough laxative which costs only 10 cents per box.

Cascarets
REGULATE STOMACH, LIVER & BOWELS
TASTE GOOD—NEVER GRIPE OR SICKEN.
THEY WORK WHILE YOU SLEEP.
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Shoes can be had at this price at most any shoe store, to be sure, but the shoe will fall far short of our standard of \$3.40 shoes. They are

REGAL SHOES
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If interested in medium priced shoes. Madam, try our kind—Regals

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Women's street and dress shoes. Several good leathers, lace, button or Blucher styles. Regals

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first husband died in that bed with his head on them very pillows, and my second husband was a sittin' right in that very chair, there in the corner. Sometimes when I come into the room in the dark, I think I see him sittin' there still. My own father died layin' right on that lounge under the window. Poor Pa! He was a spiritualist and he allus said that he'd appear in the room again after he died; and sometimes I look for him. My son by my first husband fell dead of heart disease, right where you stand. He was a doctor and there is two whole skeletons in that closet that belonged to him and half a dozen skulls in that lower drawer. Well, good night, and pleasant dreams." And the old lady had disappeared.

"Can you see me having a 'good night and pleasant dreams'?"

"The Lion and the Mouse." The return of the United Play company's always welcome production of Charles Klein's delightful drama, "The Lion and the Mouse," to the Harnois is expected to be an even greater success than on its previous visit, if the demand for seats is to be the governing criterion. The sale has advanced with much agility, though choice seats are still to be had. The United Play company is credited with having retained the high standard in offering an excellent cast and production and much may be expected. The date is February 14.

At the Bijou. The Bijou offers another of its feature programs for its patrons tonight and Tuesday. The headliner of the bill is "The Test."

Stephen Baldos, a student of criminology, propounds a theory of his concerning the handling of released prisoners, to the president of his club. Picking up a newspaper, the president points to an article telling of the release from prison the next day of a Luke Comers. Baldos bets he can make an honest man of Comers. As Comers leaves the prison Baldos appears, and taking him to his home, tells him he wants to make a man of him.

How he succeeds and the complex circumstances surrounding his efforts is best told in the picture story.

The two other prominent pictures are "The Lady Police," something new in theme as well as in staging, and "The Lady Police," something new Indian subject, vividly realistic.

New music by Boyce's orchestra, special numbers for each picture, and Bing Hofer has some more catchy songs which always please.

SUICIDE ATTEMPT.

Walla Walla, Feb. 11.—Tying a towel around her neck while in the woman's quarters of the county jail here this afternoon, Evelyn Van Hooke, recently arrested by Deputy United States Marshal Tom Fisher for being unlawfully in the county, attempted suicide by hanging herself to the jail door. Deputy Marshal Fisher was sitting outside her cell at the time, keeping watch on the prisoner, who had been acting suspiciously all morning, succeeded in foiling her attempt. She became hysterical and soon will be transferred to Seattle for future action. She is said to be a Belgian.

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FOR THE BLOOD, LIVER, LUNGS.

The Missoulian's Presidential Preference Ballot

Who is your choice for president? Who is your second choice for president? Use this ballot to designate your first and second choice in The Missoulian's Presidential Preference Ballot. Each voter is entitled to cast one vote. The ballot must bear the voter's signature and address, but the names will not be published. One week before the voting closes, the date will be announced. Mark your first choice with a cross (X), in the first choice column; mark your second choice with a cross (X), in the second choice column. Send your ballot to the Presidential Ballot Department, care of The Daily Missoulian, Missoula, Mont.

Indicate your choice by a cross (X) in the square after the name you wish to vote for.

REPUBLICAN

	First Choice.	Second Choice.
Taft	<input type="checkbox"/>	<input type="checkbox"/>
Roosevelt	<input type="checkbox"/>	<input type="checkbox"/>
La Follette	<input type="checkbox"/>	<input type="checkbox"/>
Cummins	<input type="checkbox"/>	<input type="checkbox"/>
Hughes	<input type="checkbox"/>	<input type="checkbox"/>

DEMOCRATIC

	First Choice.	Second Choice.
Bryan	<input type="checkbox"/>	<input type="checkbox"/>
Harmon	<input type="checkbox"/>	<input type="checkbox"/>
Wilson	<input type="checkbox"/>	<input type="checkbox"/>
Clark	<input type="checkbox"/>	<input type="checkbox"/>
Folk	<input type="checkbox"/>	<input type="checkbox"/>

SOCIALIST

	First Choice.	Second Choice.
Debs	<input type="checkbox"/>	<input type="checkbox"/>
Berger	<input type="checkbox"/>	<input type="checkbox"/>

Name

Address

Conditions

Any voter may send in a ballot, whether he is a subscriber or not. "Split Tickets" may be voted. If your first choice is a republican, and your second is a democrat, you may mark your ballot in that way.