

# JURY'S MISCONDUCT IS CHARGE

COUNSEL FOR MRS. HAZZARD CLAIMS THAT MAGNIFYING GLASS WAS USED.

Seattle, Feb. 6.—Allegations of misconduct of the jury is the basis of an application for a new trial for Mrs. Linda Burfield Hazzard, the fasting specialist convicted of manslaughter for slaying today with Judge Williamson, filed today with Judge John E. Yakev of the superior court of Kitsap county, at Port Orchard. Counsel for Mrs. Hazzard charged the use of a magnifying glass by the jurors for the examination of writing exhibits used by the state.

Judge Yakev will pass sentence upon the convicted woman tomorrow morning, a half hour before considering the request for a reopening of the case.

Prosecuting Attorney Thomas Stevenson denies any knowledge that the jurors were possessed of the magnifying glass, which, if used, was not made part of the allowance by the court. F. T. Ryan, foreman of the jury, denies that a glass was used. The exhibit most affected by the point raised was the post-mortem findings presented in court by Dr. Steven Olmstead, a Seattle eye and ear specialist, who testified for Mrs. Hazzard. The state assailed the document torn from Dr. Olmstead's notebook as having been written May 22, 1911, the day the autopsy was performed. The exhibit is said by members of the jury to have been largely effective in forming their verdict.

The allegations of misconduct of the trial are that the jury was allowed books and papers not authorized by the court. Prosecutor Thomas Stevenson was advised tonight that bonds of \$10,000 for the release of Mrs. Hazzard have been obtained.

### Fabrication Alleged.

In the arguments before the jury last Friday, prosecuting Attorney Stevenson surprised everyone by advancing the theory that the Olmstead notes were fabricated. He called attention to the fact that the notes were written with an indelible pencil, and reminded the jurors that such writing will blur when handled.

He said he had examined the exhibit with a magnifying glass and could not find a blur, indicating that the document had been written recently. The prosecution did not ask the court to give the jury a magnifying glass with which to verify the prosecutor's charge, but after the verdict was returned it was reported that a glass had been obtained and used by the jurors. It is supposed to be the theory of the defense that without the aid of a magnifying glass the jurors could not have made a critical examination of the exhibit. Some of the jurors are reported to have said that the clinching point made by the state was the charge that Olmstead's report was fabricated, convincing them that Mrs. Hazzard was guilty and was endeavoring to manufacture evidence.

The point upon which a new trial is asked is one of the many involved technicalities raised by the defense in the course of the trial, which is said to have had no exact parallel by which the court could be guided in making rulings.

### CATTLE LOST.

Miles City, Feb. 6.—(Special.)—The loss of 200 head of cattle valued at between \$8,000 and \$10,000, is reported to have occurred to John Hamer, who was holding 200 head of cattle in pasture. The cattle had wintered all right until the warm rain came upon them a few days ago, followed by four days of 2 degree below zero weather, and the entire bunch was wiped out.

First La Grippe, Then Bronchitis. That was the case with Mrs. W. S. Bailey, McCreary, Ky. "My wife was taken down with a severe attack of la grippe, which run into bronchitis. She coughed as though she had consumption and could not sleep at night. The first bottle of Foley's Honey and Tar Compound gave her so much relief that she continued using it until she was permanently cured." Smith Drug Store.

# Maine to Be Dumped in Gulf



GEN. W. H. BIXBY

Washington, Feb. 6.—When General W. H. Bixby, in charge of the work on the battleship "Maine," arrived here this week he brought with him the news that within a short time the last piece of wreckage of the old battleship "Maine," blown up in Havana harbor, would be safely and finally dumped into the gulf of Mexico. This is astonishing news to many people, who believed that the battleship would be repaired and again become a part of the American navy. The engineers in charge of the work, however, found that the battleship was so completely demolished and so completely ruined by the action of the water since it has lain in Havana harbor that no practical use could be made of it, and the steel and iron castings could not

even be used as a by-product. Therefore, the course was determined upon, and within a short time the last piece of steel and framework will lay at the bottom of the gulf of Mexico. The work of demolishing the "Maine" has been a complicated task, requiring much ingenuity. The castings and steel were cut into bar-ton pieces and put aboard scows and then towed out into the gulf.

## EFFORTS TO WRECK WATER SYSTEM

### VANDALS AT WORK IN SAN DIEGO CAUSING BURSTING OF MANY WATERPIPES.

San Diego, Cal., Feb. 6.—H. R. Hay, superintendent of the water department of the city, issued a proclamation tonight calling upon the 400 employees of the department to aid in running down persons whom he accuses of attempting to wreck the system. Persons have opened gates holding back the water in high pressure mains, turning it into low pressure pipes and thus causing them to burst. Half the city was without water Sunday and a large portion was without water yesterday as a result of the breaks in the mains, caused in this manner. The city is without a chart of the location of the different gates in the city, this information being carried off by John Simmons, former foreman of construction in the department, who has resigned his position.

## ELECTRIC CITY SEEMS TO DESIRE ROOSEVELT

Great Falls, Feb. 6.—(Special.)—The Roosevelt boosters of this city who are trying to promote a sentiment that will send a delegation to the national republican convention in June to vote for the nomination for president of Colonel Roosevelt, announced tonight that with only two days of canvassing more than 400 names have been secured for the membership roll, and that a monster mass meeting will be called later in the week to further promote the club's growth. Senator James Burlingame, chairman of the club, says the interest has been greater than any one of the leaders expected and that he has been literally besieged at times by men wanting to sign the roll. It is said this has applied at times to persons usually classed as democrats.

## CHIHUAHUA STATE QUIETS DOWN

(Continued from Page One)

Little anti-American sentiment appears. The government has sent to Chihuahua 554 soldiers and rurales. The former will be used to garrison Juarez. The rurales will be employed by Orozco. Some will take the places of the mutineers Orozco took from Juarez to Chihuahua. President Madero's information regarding the proposed secession of Chihuahua was received from press dispatches. He laughed as he read them. "This news should not be given any credence," he said. "Anyone who knows the character of the Chihuahua people and of Mexicans in general, well knows that they never have thought of any such thing."

### No Secession.

El Paso, Feb. 6.—General Pasqual Orozco denied emphatically that the state of Chihuahua is on the verge of seceding from the Mexican federation or that he is disloyal to President Madero. His denial is contained in a telegram received today by the chief of the federal telegraph lines in Juarez. The telegram, signed Pasqual Orozco, follows:

"I wish emphatically to deny reports published as to the secession of Chihuahua and my disloyalty to the Madero government."

Official advices from Chihuahua state that eight coach loads of loyal Mexican troops left that city this afternoon for San Antonio in search of Antonio Rojas, the rebel leader, liberated from the penitentiary a few days ago by mutineers. Rojas, a fine of the head of a small band of malcontents, is said to be encamped near San Antonio.

Today several special trains arrived in Juarez. Among the passengers were Alberto and Daniel Madero, uncles of President Madero, and the family of General Orozco.

Alberto Madero expressed confidence that Francisco Madero would be able to control the present situation, although he admitted that "certain features" might arise to complicate affairs and make the whole matter "more difficult." He expressed confidence in the loyalty of Orozco.

### Loyalty Questioned.

Washington, Feb. 6.—President Taft and his cabinet turned a scrutinizing eye toward Mexico today. Officials before the president seriously questioned the loyalty of General Pasqual Orozco to the Mexican federal government and intimated that the present conditions in the state of Chihuahua, bordering on Texas, might develop into a movement of secession, establishing an independent republic in the north. The president and his officials fully discussed precautionary measures and the war department sent additional orders tonight to army posts throughout the country to be ready for a possible mobilization. The department of justice has instructed its agents to exercise all possible vigilance in forcing neutrality, while the state department has asked for quick reports from consular agents of any danger in the interior to Americans or their interests.

### President Not Alarmed.

After today's cabinet meeting the president professed not to be alarmed by the situation. It was admitted in official circles that the separation of Chihuahua from the rest of Mexico would create a situation different in many respects from those existing in the last rebellion. It is believed there would not be much fighting on the border, for with Juarez in the hands of the Orozco adherents, the new revolutionists would concentrate at the city of Chihuahua, 200 miles south of the border, where the advance of an army from Mexico City first would be contested. American special agents are reported to be watching the activity of Emilio Vasquez Gomez, now in San Antonio, and said to be the real leader of the new rebellion. It was rumored here that Gomez in exile might have made

common cause with Orozco at the moment when the hopes of the latter to become governor of Chihuahua were blighted by the federal government.

### Troops Ready.

San Francisco, Feb. 6.—It was said today at the Presidio that orders had been received to hold the mobile force here, consisting of the Thirtieth infantry, four troops of the First cavalry and a company of signal corps in readiness for instant movement. Officers commanding the local military post said that they had received no other intimation as to possible movement of troops.

### Ready for Weeks.

San Diego, Cal., it developed here today that for weeks past Major George McManus, in command of the two companies of the coast artillery at Fort Rosecrans, has been in readiness for the emergency which now seems to have arisen along the Mexican border. Ammunition, carefully boxed and packed, has been in readiness, shelter tents and field bedding have been packed, emergency rations have been in readiness and within 30 minutes after receipt of orders, 200 officers and men, ready for any occasion which may arise, could be placed in motion toward the lower California border. Nearly all of these troops are veterans at this work, having spent more than six months on duty in Tijuana and Calexico in the recent revolution. No more than 20 men now are allowed to leave the fort at one time and their privilege extends only for 24 hours as against 48 hours under the old order.

### WILL IT PASS?

Washington, Feb. 6.—A bill to make it illegal for employers of labor in presidential elections to threaten employees with a shutdown of factories or reduction of wages should certain candidates or parties be successful, was introduced today by Representative Hopper, democrat of Iowa. A fine of \$1,000 or imprisonment for not less than one year are provided as a penalty in the bill.

## A HARMLESS WAY TO DARKEN THE HAIR

A Little Sage and Sulphur Makes Gray Hair Vanish—A Remedy for All Hair Troubles.

Who does not know the value of Sage and Sulphur for keeping the hair dark, soft and glossy and in good condition? As a matter of fact, Sulphur is a natural element of hair, and a deficiency of it in the hair is held by many scalp specialists to be connected with loss of color and vitality of the hair. Unquestionably, there is no better remedy for hair and scalp troubles, especially premature grayness, than Sage and Sulphur, if properly prepared.

The Wyeth Chemical Company of New York put out an ideal preparation of this kind, called Wyeth's Sage and Sulphur Hair Remedy, in which Sage and Sulphur are combined with other valuable remedies for keeping the hair and scalp in clean, healthy condition.

If your hair is losing its color or constantly coming out, or if you are troubled with dandruff or dry, itchy scalp, get a fifty-cent bottle of Wyeth's Sage and Sulphur from your druggist, use it according to the simple directions, and see what a difference a few days' treatment will make in the appearance of your hair. All druggists sell it, under guarantee that the money will be refunded if the remedy is not exactly as represented. Special agent, Missoula Drug Co.

### ASTHMA! ASTHMA!

Popham's Asthma Remedy gives instant relief and an absolute cure in all cases of asthma, bronchitis, and hay fever. Sold by druggists; mail on receipt of price \$1.00. Trial package by mail 10 cents. Williams Mfg. Co., props., Cleveland, O. For sale by George Freishelmer, druggist.



## Just a Few More Left

IT'S time to get busy if you intend to get an M. M. Co. winter suit or overcoat at a reduced price. The assortment isn't as big as it was, but you may be lucky enough to find your size in a pattern that suits you—it's worth a special trip to the store just to see if any of these savings are for you.

**\$15.00 Suits for \$9.75**  
**\$18 to \$22.50 Suits \$12.75**  
**\$25 and \$27.50 Suits \$16.75**  
or Any Overcoat at Half



MISSOULA MERCANTILE COMPANY



## FOR WESTERN MONTANA IS SENSE OF MEETING

(Continued From Page One)

to the course of procedure for the boosting of 1912.

Mr. Breitenstein put a new thought before the meeting by suggesting that the scope of work outlined be broadened to include not only the Bitter Root valley, but the district to the west of Missoula, Plains, Paradise and all of the Flathead district. His idea, which was immediately accepted as a good one by the meeting, was that the boosting combine about to be launched should be a western Montana organization rather than one whose operations should be limited to this valley alone. He showed how all those districts operating in unison could send a monstrous exhibit to eastern cities.

As an illustration along this line he mentioned the good accomplished by the exhibit maintained last fall at the New York Land show. After considerable discussion on the subject it was moved that each chamber represented elect three men to meet at Missoula soon to perfect an organization and that the chambers of commerce not represented at this meeting be invited to send delegates. It was stipulated that J. E. Totman be permanent chairman of this committee. The motion was carried and the following were appointed on the committee, Missoula, A. J. Breitenstein, W. O. Fink, J. H. Keith; Hamilton, W. O. Fink, J. H. Keith; Victor, R. O. Young, H. C. Groff, Dr. Reed; Darby, Milton Hammond, W. B. Harlan, W. J. Tiedt; Corvallis, Rev. Mr. Lewis, B. S. Chaffin, W. A. Bado.

### Committee Organizes.

Following the general meeting the committee met at the Ravalli hotel and perfected an organization. J. E. Totman was elected chairman and A. J. Breitenstein, secretary. The following committee was appointed to draft bylaws: Dr. Reed, Victor; John McLaughlin, Stevensville; A. J. Breitenstein, Missoula; W. A. Bado, Corvallis; W. M. Noble, Hamilton; W. B. Harlan, Darby; J. E. Totman, Hamilton. It was decided to call a meeting of the committee at Missoula for the morning of Thursday, February 15. The general meeting went on record by resolution as favoring the employment of convict labor in building the road into the Big Hole country, it being voted that the sentiment of the meeting be delivered to Governor Norris. There was much enthusiasm over the building of the road, the many advantages which would come to the

valley through its construction being recited by several. John McLaughlin, during this discussion, delivered a message from Amos Buck which was "Don't forget to boost for the Big Hole road."

Following the meeting the guests of the evening were entertained at a banquet at the Ravalli hotel. J. O. Reed pleasing the crowd with one of his best of spreads. Those attending the meeting from out of town were: Missoula—S. R. Inch, J. M. Evans, Sid Coffee, J. E. King, Frank Keith, A. M. Burt, C. L. F. Kellogg, F. T. Sterling, F. S. Lusk, A. L. Stone, J. M. Rhoades, A. J. Breitenstein.

Stevensville—E. S. Reinhart, Frank Burrough, J. C. Showell, R. C. Friabee, John McLaughlin, Clyde Slagle, A. W. Phannigan, William Matt.

Corvallis—Sid Chaffin, W. A. Bado, A. B. Stryker, J. S. Hopkins, B. S. Chaffin.

Darby—Milton Hammond, W. J. Tiedt, Al Rissman, W. B. Harlan.

Victor—R. G. Young, H. J. St. John, H. A. Briggs, H. C. Groff, T. H. Sherman, W. B. Wiles.

### DUNIWAY IN LIVINGSTON.

Livingston, Feb. 6.—President Duniway of the University of Montana

spoke on the arbitration treaties here today before the students of the Park county high school. Mr. Duniway urged the students to write to Montana congressmen asking them to vote for the ratification of the treaties.

### BADEN-POWELL SQUELCHED.

Des Moines, Feb. 6.—Des Moines boy scouts definitely decided today that they will dispense with the presence of General Baden-Powell, the English founder of the order, on February 29, the date originally set for his engagement here. The local organization declined to put up a \$500 guaranty.

### An Epidemic of Coughing

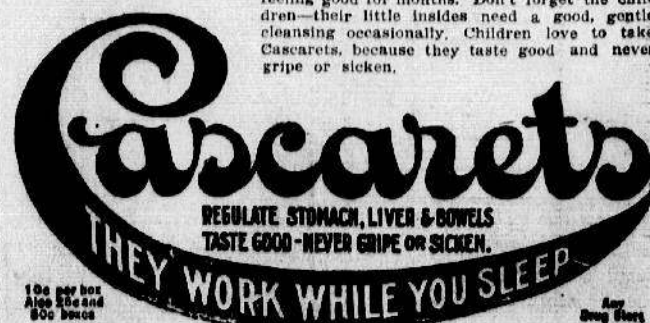
Is sweeping over the town. Old and young alike are affected, and the strain is particularly hard on little children and on elderly people. Foley's Honey and Tar Compound is a quick, safe and reliable cure for all coughs and colds. Contains no opiates. Smith Drug Store.

### THE TAFTS ENTERTAIN.

Washington, Feb. 6.—President and Mrs. Taft received in the White House tonight in honor of the members of congress.

## BILIOUSNESS, SALLOW SKIN, HEADACHE, SLUGGISH BOWELS—TAKE CASCARETS

You're bilious, you have a throbbing sensation in your head, a bad taste in your mouth, your eyes burn, your skin is yellow with dark rings under your eyes, your lips are parched. No wonder you feel ugly, mean and ill-tempered. Your system is full of bile not properly passed off, and what you need is a cleaning up inside. Don't continue being a bilious nuisance to yourself and those who love you, and don't resort to harsh physics that irritate and injure. Remember that every disorder of the stomach, liver and intestines can be quickly cured by morning with gentle, thorough Cascarets. A 10-cent box will keep you and the entire family feeling good for months. Don't forget the children—their little insides need a good, gentle cleansing occasionally. Children love to take Cascarets, because they taste good and never gripe or sicken.



10c per box. Also 50c and \$1.00 boxes.

REGULATE STOMACH, LIVER & BOWELS. TASTE GOOD—NEVER GRIPE OR SICKEN.

THEY WORK WHILE YOU SLEEP.

Any Drug Store

## Missoula Mercantile Co.

### Special Today



GOLD BAND

## Tumblers

### 5c each

Only 18 dozen of them and they are the same as you ordinarily pay \$1.00 a dozen for—thin blown glass with triple gold band. Today only.