

ED TOBIN'S TRIAL

HE MUST ANSWER TO THE CHARGE OF MURDER.

CASE OPENED THIS FORENOON

Tobin Charged With Killing Henry Foster the Third of Last July—Deed Committed in Mahoney Alley.

Judge McClerman's department of the district court took up another murder trial today. The case was that of Edward Tobin charged with the murder of Henry Foster. The case opened at about half past 10 o'clock.

Crime Charged Against Tobin.

Tobin is the man who stabbed Harry Foster to death in an alley back of the Oxford block on South Main street on the night of the 3d of July. The alley is known as the Mahoney alley and has several other names. It is a locality inhabited by some people of bad reputation.

On the evening when Tobin stabbed Foster, who is also known by the name of Hank Brady, he and his wife were having a dispute about putting out flags to celebrate the Fourth of July, and Foster interfered in the dispute. Tobin is a miner, and Foster was an employee of the gas company.

Foster received two stabs in the back with a butcher knife, and the information against Tobin states that he died from one of them on the 4th of July. The information against Tobin was filed on the 8th day of July, and which time he has been in jail.

Tobin looks to be a man about 35 or 40 years of age, of medium height, and has a black mustache and short-cropped black hair. He has the appearance of a laboring man of ordinary type.

It took all forenoon to get a jury, and it was 10 minutes to 12 o'clock when that had been finally effected. The state used four out of its five peremptory challenges, and the defense used 9 out of its 10. County Attorney Breen and Chief Deputy Makel prosecuted the case, and Attorney Thresher defended the prisoner.

At 12 o'clock the defendant was returned to jail, and the court admonished the jury not to talk of the case or permit themselves to be talked to about it. Then a recess was taken till 2 o'clock.

The jury in the case were composed as follows: Joseph Locatelli, G. T. Camp, James A. Burns, J. C. Freeman, R. Fried, David Bauer, J. L. Fant, R. T. Tretheway, James McManus, James Burns, Johnson Caldwell and J. M. Marks.

Opening Statement.

At 2 o'clock Mr. Makel made the opening statement for the state. He said that the prisoner, Tobin, on the evening of the murder asked his wife for flags to put on the cabin they occupied in Mahoney alley. Mr. Makel said that it was his impression that the anger of Tobin was aroused by the fact that all the flags belonging to him were not forthcoming at his call, and that he blamed his wife for their absence.

He erected what flags he had and when he descended from the roof of his cabin he desired to chastise his wife. At this point Foster interfered. The lawyer said that the butcher knife had been used in the erection of the flags. It was in the house. The prosecution expected to prove, Mr. Makel said, that Tobin took it up and pursued Foster, and while the latter stood with his back turned, stabbed him twice in the back, inflicting two wounds from which he died two days later.

P. J. Cassidy, a police officer, was at the scene of the stabbing of Foster, and saw Foster lying in a cabin in Mahoney alley.

"Foster was lying face down on a bed with his back all over blood," the officer said.

That was all Cassidy knew about the case. A motion to strike out his evidence by Mr. Thresher was denied, and the order was excepted to.

The Stab Wounds.

The first witness for the state was Dr. Leggett, the city physician, who attended Foster when he was stabbed, and who made a post mortem examination on his body after his death. The doctor said that one wound was in the left shoulder and the other slightly left of the spinal column.

"The first wound penetrated the lung tissue and severed the intercostal artery," the witness said.

"How near the shoulder blade was the first wound?" Mr. Makel asked.

"It went right through the shoulder blade," the doctor answered.

The other wound partly severed a rib, the physician said.

"How deep was the wound near the spinal column?" the witness was asked.

"About three and a half inches," he replied.

"What did Foster die of?"

"He died of loss of blood."

"What was the primary cause of his death?"

"The stab wounds," the doctor replied.

On cross-examination the doctor said that the wounds entered Foster's back on the left side of the spinal column and penetrated the chest cavity on the right side.

in installments, the last installment of \$185 to be paid August 25th.

The complaint also says that Harmon sold Fox, on August 15th, the exclusive privilege of selling the goods named at the race track for 13 days in August and September, and that the reasonable value of the right so conveyed is \$168.27. The plaintiff alleges that the last installment, \$185, of the first sum named and the \$168.27 have not been paid.

For that reason he asks the court for a judgment for \$353.27 and costs of suit.

CHASED BY AN IRATE SPOUSE

Mrs. Conick Uses Plate to Good Advantage on Man Who Calls Himself Her Husband.

Mrs. Conick, who resides on South Utah street, appeared in Judge Boyce's court this morning to answer to the charge of disturbing the peace by fighting.

Mrs. Conick's case is somewhat peculiar. According to her story, she is not Mrs. Conick at all, but plain Millie Moulton. She says she has lived in several places west of the Mississippi, but has never been arrested before she came to Butte, where twice she has been an inmate of the city jail. For this she lays the blame to Conick, who she says she never met before coming here, but who persists in calling himself her husband, "when he is no more my husband than a jack rabbit, sir," asserted the accused.

Mrs. Conick is a comely, well-appearing woman, but can exhibit plenty of fire when aroused. She says the first time Conick had her arrested was for adultery, and then started a suit in the divorce courts. She has been laying for him ever since, but failed to find him till yesterday, when he showed up at her home and started to make himself at home. She sent him out after a paper, and while he was gone purposely broke a dinner plate in halves, one of which, on his return, she proceeded to jab in his scalp and any nice, soft place she could find. Conick ran down the street, with the woman after him, yelling like a Comanche, till he found an officer, when he had the woman taken into custody.

Conick will likely look for another wife without waiting for such a slow proceeding as a divorce, when his face gets well enough for him to look in a mirror and recognize himself.

CAUGHMAN FINED ONCE MORE

He Gave Grace Goodman a Slap in the Face For Throwing Coal and Language at Him.

Charles Caughman is having more trouble than anybody just now. A few days ago he was tried in Justice Arnold's hand as witness. It was shown that degree on O. D. Spellhorse, found guilty and fined \$5 and costs, and today he was fined another \$5 for having struck Mrs. Grace Goodman. In both cases notice of appeal has been given.

The trial today was not without its interesting features. The trouble having had its origin in a neighborhood quarrel, sympathizers of both sides were on hand as witnesses. It was shown that Mrs. Goodman had fired a few chunks of coal, wood and choice invective at Mr. Caughman and that the latter had given her "heat" in the face for it.

The defense sought to show that Attorney Michael Donlan, who represented Mrs. Goodman in conjunction with Daniel Yancey of the county attorney's office, was prejudiced against Caughman because the latter had lived in one of his houses, but Mr. Donlan made a statement in which he said he had not the slightest ill feeling towards the Spellhorse family, as his wife handled all of the house renting business and he new nothing about it. He said he had been paid \$10 by Mr. Spellhorse and \$10 by Goodman to prosecute the case and expected more from both; that he had not solicited the business, and, further, he did not solicit business on the outside, but when anything came his way he accepted provided the pay was in sight.

The statement was made under oath. In rendering his decision the judge said Caughman had no business to strike a woman and he would fine him \$5 and costs.

"We give notice of appeal," said Attorney Gilchrist, who represented the defendant.

"Say, Mr. Gilchrist," said the judge, "You must not think this is a kangaroo court. Your client will either have to pay that fine or go to jail."

"But we have given notice of appeal," said Gilchrist.

"Well, that other fine has not been paid yet."

"But we have given notice of appeal in that case, too. I know my place and am not trying to hoodwink the court and am not trying to settle the matter and all hands adjourned to the sidewalk, where the whole matter was discussed in subdued tones.

BOUND FOR SAN FRANCISCO

The Cheap Rate Strikes a Popular Chord With Seekers of Recreation.

The following persons took advantage of the \$50 round trip rate to San Francisco via the Northern Pacific today: Mrs. Sarah Medin, A. J. Medin, Mrs. John Holland, Mrs. Sophia Bailey, Henry Burt, Mrs. J. Thomas and Mrs. A. F. Carpenter and daughter. The tickets will be on sale until the 25th; will be good going until October 2 and good to return until November 15. About fifteen persons bought tickets over the Oregon Short Line.

Amended Complaint Filed.

In the suit of the Crown Distillers company against E. J. and L. J. Daily, before the district court, the plaintiff filed an amended complaint today. The document says that the plaintiff is a California corporation, and that the defendants owe it \$797.25 for goods, wares and merchandise and asks a judgment for that sum and interest at the rate of 8 per cent per annum.

COPPER MINING QUOTATIONS

(Special to Inter Mountain.)

Boston, Mass., Sept. 20.—The copper mining shares closed today as follows:

OLD TIMER IN BUTTE

FRANK ABT OF LEAD CITY IS IN TOWN TODAY.

WILL MEET WITH PIONEERS

Great Changes Noted in the Early Day Scenes—It's Been Twenty-Five Years Since Mr. Abt Went Away.

Frank Abt, a Montana pioneer, who is at present mayor of Lead, S. D., is in Butte on business and for the purpose of visiting his son, John Abt, this being the first time the old gentleman has visited this state since he left it twenty-five years ago.

The city of Lead, which has become famous because the Homestake mine is located there, is preparing to make some improvements in its fire apparatus and Mayor Abt is spending considerable time with Chief Sanger of Butte to get ideas for the proposed improvements in his city. Mr. Abt, who does not look at all like a person approaching 62 years of age, was seen this afternoon and talked freely about his Montana experiences.

"I came to Virginia City in 1863," said Mayor Abt. "Later I went to Silver Bow and mined there until 1865, when I went to Helena. I lived in Helena for eleven years. Butte was not in existence when I went there. In 1876 I went to the Black Hills and a short time ago returned to Montana for the first time. While I was in Helena I met Colonel Sanders and he got me to sign the pioneers' roll of this state, so I am going to stay here long enough to take in the old-timers' reunion at Missoula."

"It is wonderful how this country has changed since I saw it in the early days. Butte is a wonderful city and I am free to say, that though I heard much about it, the place surpasses all my conceptions of it before coming here. I have met some men I used to know when I was here years ago. I used to know Senator Clark, but have not been able to see him yet. I expect to have an enjoyable time shaking hands with old friends at Missoula."

The engagement of Hal Reid's "A Home Spun Heart" will be for four nights and Saturday matinee instead of three days as has been announced. Matinee at 2:30 Saturday. All reserved prices 25 and 50 cents.

WANTED—GOOD, STRONG BOY, 18 to 20 years old; one living at home; 60 West Park.

ANNUAL STATEMENT OF THE KRUEGER HALL LIQUOR COMPANY.

September 18th, 1901.
Capital stock \$2,500.00
Capital stock paid in cash 2,000.00
Liabilities 1,000.00
HARRY KRUEGER, President.

J. HALL, Director.
State of Montana, County of Silver Bow—ss.

Harry Krueger being first duly sworn on his oath says: That he is the president of the Krueger Hall Liquor company, making the foregoing statement; that he has read the foregoing statement and that the same is true of his own knowledge.

HARRY KRUEGER, Subscribed and sworn to before me this 18th day of September, 1901.

(SEAL) JOHN N. KIRK, Notary Public, in and for Silver Bow County, Montana.

ANNUAL STATEMENT OF THE THOMPSON COMPANY.

We, the undersigned, constituting the president and a majority of the directors of the Thompson company, a corporation, pursuant to the provisions of section 451, civil code of Montana, certify as follows:

Amount of capital stock \$50,000.00
Amount actually paid in 15,000.00
Total indebtedness on the 1st day of September, 1901 13,283.78
JAMES R. THOMPSON, President and Director.

ALBERT G. CORBETT, J. E. THOMPSON, ARTHUR SMITH, Directors Constituting a Majority.

State of Montana, County of Silver Bow—ss.
Arthur Smith, being first duly sworn on oath, says that he is an officer of the Thompson company, to-wit: The treasurer of said company; that he knows the contents of the foregoing statement and that the same are true to the best of his knowledge and belief.

ARTHUR SMITH, Subscribed and sworn to before me this 20th day of September, 1901.

(Seal) O. L. BISHOP, Notary Public in and for the County of Silver Bow, State of Montana.

ANNUAL STATEMENT OF THE BUTTE CONSOLIDATED MINING COMPANY.

We, the undersigned, constituting the president and a majority of the directors of the Butte Consolidated Mining company, a corporation, pursuant to the provisions of section 451, civil code of Montana, certify as follows:

Amount of capital stock \$16,000.00
Amount actually paid in 16,000.00
Total indebtedness 18,638.83
Witness our hands this 18th day of September, 1901.

DAVID J. CHARLES, President and Director.
E. H. RENISCH, Secretary.
HENRY MUNTZER, ED WRIGHT, A Majority of the Board of Directors.

State of Montana, County of Silver Bow—ss.
O. H. Renisch, being first duly sworn, on oath, says that he is an officer of the Butte Consolidated Mining company; to-wit: the secretary of said company; that he knows the contents of the foregoing statement and that the same are true to the best of his knowledge and belief.

E. H. RENISCH, Subscribed and sworn to this 20th day of September, 1901.

(Seal) ARTHUR SMITH, Notary Public in and for Silver Bow County, Montana.

Hennessy's Big Store

Black Dress Goods

Best Values in Butte

In Hennessy's Dress Goods Department

Goods well bought are half sold. Never was there a time when we were able to offer such high values as we do to-day. Being in New York City at the time an importer wanted to close out some big lines of Fine Blacks, our buyer fortunately secured some unusually good bargains. For years our Black Dress Goods stock has been the best in Butte, now our supremacy is without question. We have every wanted style, every desirable quality at the lowest possible figures.

- Watch Hennessy's Window Display**
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| Black Dress Goods
40c Values for 25c
Ten pieces fine black seeded armures and granite cloths, neat effects and only 25c a yard.
\$1.25 Values for 75c
Ten pieces fine black English perolas, armures and small silk figured designs, width 44 inches; \$1.25 and \$1.50 values for 75c a yard. | Black Dress Goods
60c Values for 39c
Five pieces fine all wool black canvas suitings, 42 inches wide, regular 60c values for 39c yard.
\$1.75 Values for \$1.00
Ten pieces fine quality fancy black dress goods, all dust proof, styles particularly neat and nobby, values \$1.50 to \$2.00 for \$1.00 yard. | Black Dress Goods
75c Values for 50c
Five pieces fine all wool black canvas suitings, 46 inches wide, regular 75c values for 50c yard.
All Wool Serges at 75c
Here's a line of the nicest black all wool serges you can find anywhere, thoroughly dust proof and wear well. Price is but 75c yard.
At \$1.50 a Yard
Fine quality heavy weight cloth for skirts without linings, width 58 inches, price only \$1.50 yard.
Black canvas suitings, nobby texture, width 50 inches, only \$1.50
Black Tuni cloth, stylish and scarce, sponged and shrunk ready for use, width 54 inches, price only \$1.50 yard. |
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Bargains in Notions

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| Fancy Buttons
Hundreds of dozens of fancy buttons for dresses, all styles and colorings; regularly worth 25c to \$2.00 dozen.
Only 10c dozen
About ninety dozens large, fancy buttons, suitable for coats, wraps and dresses, rich styles worth from \$1.00 to \$1.00.
Only 25c dozen | Embroideries
We bought at a bargain about 1,000 yards fine embroideries direct from the maker in Switzerland, such values you never saw.
Fine nainsook embroidery, four to six inches wide; values from 35c to 60c.
Only 25c yard
Fine Swiss and nainsook embroidery, new designs, deep work, widths from six to nine inches.
75c values for 35c
Fine Swiss Hamburg, nainsook and imitation Irish point; widths from eight to ten inches.
\$1.00 values for 50c | Dress Buckles
The newest designs and shapes in cut steel, rhinestones and enameled effects.
10c to 75c each
Hose Supporters
Fancy belt hose supporters, satin belt with silk elastic in all colorings.
75c to \$1.50 each
New Garters
The latest in fancy frilled elastic garters with dainty and attractive buckles.
50c to \$1.50 each
Corset Steels
The straight front corset steels, with hose supporters attached, in white.
Only 50c each |
| Black Belts
About 100 nice new belts, straight fronts and plain bands, in velvet, plaited satin and fancy braid effects; values from 75c to \$1.00.
Only 35c each | Veilings
The latest chiffon veilings in white, blue, brown and black, with chenille dots; prices 50c, 65c and \$1.00 yard.
Handkerchiefs
Fancy embroidered and lace edged handkerchiefs. Our 15c and 20c values.
Three for 25c
Initial hemstitched handkerchiefs, worth \$ 1-3c and 10c.
Only 5c each
Pure all linen handkerchiefs good size; 10c quality.
Only 5c each
Very fine quality pure Irish linen handkerchiefs.
Only 20c each | Allovers
Here is a handsome line of fine allover embroideries and tuckings which our buyer secured in New York at most favorable terms.
Fancy tuckings and open-work designs, will make up prettily for waists and yokes, widths from 22 to 28 inches; values from \$1.00 to \$1.50.
Only 50c yard
Fine laces and embroidered stripes, tuckings, allover and fancy embroidered insertion effects; values to \$2.00.
Only \$1.15 yard
Belt Buckles
The latest styles in the dress front buckles of cut steel and in fancy jeweled effects.
75c to \$2.00 |

Mme. Idaline's Face Cream

Is a cream and powder combined, it beautifies at once and is invincible. Price 50c Each. Free Demonstration This Week.

There are several other preparations which we want you to see and appreciate. Mme Idaline's Face and Lip Salve, 25c; Mme Idaline's Creme de Pomme, 50c; Mme Idaline's Famous Shampoo and Hair Tonic, 25c; Mme Idaline's Eyebrow Aid, 35c; Mme Idaline's Peru Lip Salve, 25c; Mme Idaline's Phyrne Hair Tonic, \$1.00; Mme Idaline's Scarfskin Bleach, 75c; Mme Idaline's Lilac Balm, 25c; Antiseptic Tooth Powder, 25c, and Mme Adaline's Beauty Masks—Linen Masks, \$1.00, Chamols Masks, \$2.25. If you can't come, send order by mail; we pay postage.

Domestic Snaps

Bargains For Housekeepers In Sheets, Towels, Etc. Rear First Floor, North Side.

This list gives but a few of the many good things that Butte's famous Housekeepers always find it to their interest to buy at Hennessy's. This department is the most complete of its kind in the state, and we can and do give our customers the biggest values possible. Look over this list and note the low prices quoted on staple goods.

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| Muslin Sheets
Bleached cotton sheets, made from the best New York mills muslin; size 63 by 90 inches; only 50c.
Bleached cotton sheets, made from the famous Peppercorn muslin; strong, even thread and heavy; size 72 by 90 inches; only 50c each.
Bleached cotton sheets, made from the well-known Lockwood sheeting, of good weight and free from dressins; size 81 by 90 inches; only 50c each. | Towelings
18-inch glass toweling, red and blue checks, only 3c yard.
18-inch loom dice linen crash toweling; extra quality, 6 1/2c yard.
Stevens' celebrated all linen brown crash toweling, 18 inches wide; wears well; only 8 1/2c yard.
16-inch all linen glass toweling, red and blue checks, 8 1/2c yard. | Spatchel Work.
Dresser scarfs; cut out and braided designs; size 20 by 54 inches; only 25c each.
Dresser scarfs, better quality, same size, only 50c each.
Pillow shams in very pretty designs; size 32 inches; only 60c pair. |
| Cotton Towels
Bleached towels of the best absorbent cotton; size 16 by 32 inches; price 15c a pair or 75c a dozen.
Bleached cotton towels, closely woven, with red borders in fast colorings; size 23 by 46 inches; price 10c each.
Heavy brown cotton honeycomb towels, soft and satisfactory; size 25 by 46 inches; 12 1/2c each.
Double warp bleached Turkish bath towels; size 18 by 46 inches; only 12 1/2c each.
Brown Turkish bath towel; good, heavy quality; double warp and warranted satisfactory; size 24 by 46 inches; only 16 1/2c each. | Bed Spreads
Fine white crochet bedspreads; 10 1/2 size; nice Marseilles patterns; good spreads for the money; only 75c each.
A better quality at \$1.00 each.
Fine crochet bedspreads; extra heavy quality; full 11 1/2 size; extra good values; only \$1.35 each. | Table Linens
Extra heavy table linen, loom dice, silver bleach, 60 inches wide and the most serviceable linen made for the money; only 50c yard.
Unbleached loom damask table linen, floral designs, with 72 inches; price 50c yard.
70-inch grass bleached satin damask table linen; floral designs and plain centers with heavy borders; all new patterns; price 75c yard.
60-inch oil boiled Turkey red table damask; good designs, fast color; only 30c yard.
15-inch oil boiled Turkey red lunch doilies; good patterns and fringed; 25c a dozen.
Fancy checked linen doilies; fast colors, with fringe; size 16 inches square; only 45c dozen.
5-8 grass bleached satin damask linen napkins; good designs; only \$1.00 dozen.
Fine and heavy satin damask linen napkins, 5-8 size, floral design, only \$2.00 dozen. |

Address Letters to Hennessy's Butte, Montana

PEANUT BUTCHER IS SUED

Man Who Had Race Track Privileges Alleged to Have Failed to Pay Up.

Joe V. Harmon has sued J. F. Fox for the sum of \$351.27 which he alleges the latter owes him in payment for privileges granted the latter in connection with the operation of the Butte race track in July, August and September. The complaint in the suit was filed in the district court today.

The complaint says that on July 1st the plaintiff sold the defendant the exclusive right to sell fruits, candies, peanuts popcorn and gum at the race track for 45 days in July, August, and that Fox agreed to pay Harmon \$550 for the right,