

AT HAYES' TRIAL

EVIDENCE OF STATE'S WITNESSES HEARD THIS MORNING.

MISS PARKER SAW HAYES RUN

Mrs. Keefe and Daughter Said McCaine Shot in Front of Parker House by Hidden Murderer.

When the Hayes murder case was resumed this morning, Judge McClernan excluded the evidence of the witness Wm. Larkin, given yesterday, in which Larkin stated that King, Hayes' roommate, came out of their room where Hayes was; entered the dry-house, where McCaine was, and then returned to the room and rejoined Hayes, just before the shooting.

The theory of the state is that King located McCaine in the dry-room and apprised Hayes of his presence there, and that Hayes watched from his window and saw McCaine come out; and then passed through the hall to the front doorway of the house and shot McCaine through the screen door as he passed.

Attorney English Inquisitive.

The testimony about King was excluded because, in the judgment of the court, King's actions were not sufficiently connected with the murder by other evidence to make them part of the admissible events, at that point in the trial.

Larkin took the stand again this morning and told about being in the dry room at the Parker house the day McCaine was shot. He said he heard a shot, after McCaine, who had been there with him, went out, and he opened the door of the dry-room and saw McCaine staggering back to the dry-room around the Parker house.

"How long was it from the time McCaine left the dry-room to the time he returned shot?" the witness was asked.

"It was somewhere within a minute," the witness replied.

"Are you sure of that?"

"Yes, sir."

"In what direction was the sound of the shot?"

"Northerly."

"How do you know it was northerly?"

"By hearing."

Larkin testified that when he first saw McCaine returning to the dry-room McCaine was at the side of the lodging house. He said he took particular notice of McCaine. The dry-room is south of the lodging house.

King's Testimony Excluded.

"What made you take particular notice of McCaine?" Attorney English asked him.

"Well, I'd heard a shot, and I saw him running and falling," said Larkin.

"He fell, did he?"

"Yes, sir; twice."

"You saw him fall twice?"

"I did. The first time he fell to his knees. The second time his bucket fell."

"You say he had his hand to his breast?" the lawyer asked.

"Yes, sir; when he fell and when he got up he had it there," Larkin replied.

"Didn't he remove his hand from his breast at all?"

"When he fell, he put his hands down to save himself," said the witness.

Mrs. Ellen Keefe lives opposite the Parker house. The state's theory is that McCaine was walking past the front door of the Parker house, or toward it, when Hayes, standing inside the hall, shot him through the screen door.

Seen by Mrs. Keefe.

Mrs. Keefe testified that she saw McCaine come around from the side to the front of the Parker house, and that she heard a shot when he got to the front door.

She thought he was going in, and she thought she heard some one speak to him, just before the shot was fired from the inside.

"What did McCaine do after you heard the shot?" Assistant County Attorney Mackel asked Mrs. Keefe.

"He put his hand to his breast and ran back around the house again," the witness replied.

Mrs. Keefe said she was on her porch opposite the Parker house, and that McCaine had a dinner pail in his hand.

Margaret Parker's evidence was sensational. She was making beds on the floor above the street level.

The hall below is where Hayes was seen with the smoking revolver, and in front of whose front door McCaine got his death wound. Mrs. Parker said:

"I heard some one in the lower hall say 'Hold on,' and then I heard Mr. Hayes say 'I am going.' Then I heard a shot fired. I ran out, and I heard some one say 'Scout.' Then I saw Mr. Hayes run through the lower hall and 'out the front door.'"

Ran Into a Room.

Mrs. Parker said she first put her hands over her ears after the shot, and ran into a bathroom and then into the upper hall, a little time passing between the noise of the shot and when she saw Hayes run through the hall. She did not recognize the voice of the man who said "Hold on," and who said "Scout."

She said she saw a bullet hole in the screen door in the front end of the hall, and that the hole was not there before that time.

Miss Annie Keefe, daughter of Ellen Keefe, ran out of her mother's house in time to see McCaine put his hand to his breast and run back around the Parker house, after she heard the shot.

Both the Keefe ladies testified positively that the glass-paneled wooden door in the Parker house, in front of which McCaine was shot, was open when they saw him. This agreed with the theory of the state that Hayes shot McCaine through the screen door, the other door being open.

Heard a Shot.

Yesterday Peter Nelson, who roomed in the same hall with Hayes, testified that he heard a shot in the hall, and opened the door of his room and saw Hayes in the hall with a smoking revolver in his hand.

Nelson said he then went back to the drying room just in time to see McCaine slip out of his chair onto the floor and die.

He said that Hayes, after passing his door, went to his own and knocked and

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Waists of Diagonal Worsted
In all sizes, well made and finished, colors red, royal and black. \$1.25 waists for
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A handsome assortment in all-wool tricot and Henrietta; lined throughout, ruffled and braided; a pretty dress at \$2.50; colors navy and brown. Our sale price, each
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Misses' Golf Capes For \$2.95
Misses' Golf Capes for \$2.95, in all-wool cloth; \$5.00 to \$7.50 qualities; very handsomely and prettily made.

Outing and Shaker Flannel Bargain Prices
8 1-3 colored striped and checked outing and well fleeced cream Shaker Flannel, for
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12 1/2c heavy, colored outing and extra heavy cream Shaker Flannel
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Mixed wool and cotton, neat pink and blue borders, full size for double bed, extra weight and strength. \$2.50 blankets for
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Friday's Prices Make Purchasing Easy in All Departments

Warm Winter Waists Less Than Half Price

French Flannel Shirt Waists Slightly Soiled \$3 and \$3.50 Values
Fitted lining, strapped with cloth or with taffeta, colors cardinal, navy and royal blue, French gray and green. To move them quickly
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French Flannel Shirt Waists \$4.00 to \$4.50 Values
In black, navy blue, royal blue, helio, olive green and French gray; sizes 34 and 36 only; we are satisfied with half-price; they are slightly soiled. Sale, each
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\$5.00 Tea Gowns for \$2.50
Tea Gowns of all-wool Henrietta and ladies' cloth, in dark red, cardinal, navy and black, yoke back and front; separate fitted lining; trimmed with braid; all sizes. \$5.00 value for
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Black Sateen Underskirts for 65c Each
Made of fine mercerized sateen, with 12-inch flounce and 3-inch knife plaited ruffle; three cords. \$1.50 quality for
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Ramona Fleeced Flannel for 10c a Yard
A beautiful make of honeycomb flannel, well fleeced, superior to ordinary outing, as it does not get rough. Is also much heavier. Always sold at 15c yard. Our special price
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Good medium shades, blue and pink borders, a soft wool blanket on a cotton chain, full size and \$3.00 value, for
\$2.40

All Wool Flannel Waists
In red, royal and navy colorings, good fitting and well made. \$1.75 waists for
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Ladies' Dressing Sacques
Dainty garments of elderdown, various colorings. Good \$1.00 values for
50c

Little Lots At Big Sacrifices
Ladies' and Misses' Hats
Plain felt hats for ladies and misses; navy, royal, castor and red. 75c value for
35c

**Ladies' felt Fedora walking hats; some plain, some stitched all over; colors black, navy, brown, castor and pearl. \$1.00 and \$2.00 quality for
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In black and blue only. \$1.50 quality for
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White Window Swiss for Sash Curtains
Close mesh, 4n stripes, well made. 20c value for
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Sheer wave, lace stripe. 25c value for
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Blanket Sheets
Very comfortable bedding for cold nights, cost no more than a sheet and are just as easily washed.
Single bed size, in gray only.
Pair 45c
Full size, gray and white.
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Extra large white, without border. Pair \$1.00
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A Splendid Oak Trunk, containing quantities of elegant, gold-lined sterling silver wares for table use.

- First Tray**
Soup ladle, gravy ladle, cream spoon, jelly spoon, berry spoon, fish knife, sardine fork, olive fork, cold meat fork, butter knife, sugar spoon, two salt and one mustard spoon.
- Second Tray**
Two dozen teaspoons, one dozen bouillon spoons, one dozen butter spreaders, one dozen coffee spoons, one dozen oyster forks.
- Third Tray**
One dozen dessert spoons, one dozen table forks, one dozen dessert forks.
- Fourth Drawer**
One dozen table knives, one dozen dessert knives, and five-piece carving set.

LEYS The Jeweler
Owsley Block. Butte, Mont.

said to his roommate King. "Open the door quick, Tommy."
Then, he said, Hayes went into the room where King was. Before doing that, however, Hayes stepped to the back hall doorway and looked out through the screen door.
Hayes' room was near the back hall-door and Nelson's near the front hall-door. Both doorways had screen doors, which closed with springs.
Front Door Open.
Nelson said that the screen doors were always closed but that he thought the front wooden door was open.
The shot was fired between his door and the front door in the hall. He was sure of that. He fell back as Hayes passed his door.
When Hayes had gone into his own room Nelson went down the hall past Hayes' door and out the back hall door; and then across an open space, behind the house, into the dry-room, where he saw McCaine die. He saw King in the room later.
McCaine was shot in front of the house, and Attorney Wines, for Hayes, brought out very clearly that Nelson did not know whether the wooden door at the front end of the hall was closed or not.
Nelson saw Hayes with the smoking pistol, and he did not stop to make an examination of the door.
THOUGHT SHE WAS DIVORCED.
Misunderstanding of Requirements of Law Causes a Bad Mistake.
George R. Horton and Mrs. Minnie Kuinders, the former 24 years old, and

the latter 21, were to have been united in marriage last evening or today, but a postponement of the proposed event was found necessary because of the fact that Mrs. Kuinders is the wife of Pierce Kuinders, although she supposed until yesterday that the law had annulled the marriage contract existing between Mr. Kuinders and herself.
Mr. Horton attempted to secure the license for himself and Mrs. Kuinders on Wednesday.
He gave the name of the lady as Minnie Greek, which was her maiden name, and stated that she had been married and divorced, he having understood that the decree had been signed only a few days ago.
He told the clerk her former name and the clerk examined the record with the result that it was discovered that no further proceedings than the filing of the complaint August 8 had been taken; that no proofs had ever been presented and that the proposed bride was still the wife of Pierce Kuinders, to whom she had been married in Spokane on December 18, 1899.
Mr. Horton was taken by surprise and requested that the matter be held in the balance until he could investigate. Yesterday Mrs. Kuinders called on B. S. Thresher, her attorney, and asked him if she was not divorced. She was told she was not.
The case was explained to her. Then she was surprised, for she supposed that the simple filing of a complaint was all that the law required to sever the ties that bound Pierce Kuinders and herself together.
The divorce proceedings are to be carried out and the woman will doubtless secure her decree, as she alleges in her

complaint that her husband drove her from home with a gun and told her to get a divorce.
FAITHFULNESS IS REWARDED.
Alex J. Johnston Presented With a Watch by Senator Clark.
Alexander J. Johnstone, cashier at Clark & Bros' bank, has been presented with a handsome watch by his employer, Senator Clark.
The timepiece was made in Paris, cost \$750 and was presented to Mr. Johnstone in recognition of the fact that the recipient has rendered Mr. Clark 25 years of very faithful service.
The quarter century period expired on the 18th of last month and on that date Mr. Clark ordered the watch.
Mr. Clark and the Johnstone "boys" hail from the same town, Connellsville, Penn.
When Alexander first arrived in Butte he went to work for Mr. Clark in the old Dexter mill and remained there until the senator transferred him to the bank, where he has since remained.
The timepiece is a beauty and Mr. Johnstone is very proud of it.
SET FOR HEARING.
Case Involving Payment of \$40,000 Worth of Warrants.
On the application of Attorney C. M. Farr, Judge Harney this morning set for hearing the order to show cause in the injunction suit of John Powers and others against Mayor Davey and other

city officers, involving the payment of the electric light company's warrants for city arc lights.
The suit involves about \$40,000 worth of city warrants, held by the electric light company.
Powers and his co-plaintiffs are citizens, who contend that the contract for the lights is illegal and void, and hence that the claim for putting in the lights should not be paid.
An injunction was issued about six months ago restraining the city officials from paying the warrants issued to the light company to pay its claim.
The warrants then amounted to about \$26,000. Something like \$2000 of those warrants were paid, reducing the unpaid balance to \$24,000.
Since that time \$12,000 or \$14,000 worth of warrants have been added to those already held. So the amount involved now approximates \$40,000.
The hearing is on the question whether or not the court shall make the injunction prohibiting their payment perpetual.
The defendants are to show cause why the injunction shall not be made permanent.
The hearing was set for December 20.
Married This Week.
Among the quiet but pleasant weddings on the hill this week was the marriage of Joseph Hocking and Alice Davey. They were united in holy wedlock by Rev. John Hosking of Trinity M. E. church Thursday evening in the presence of a few acquaintances at the cozy home provided for themselves at 102 Mullins street, Centerville.