

OPENING OF THE GARDENS

MAY DAY WILL USHER INTO USE THE ATTRACTIVE PLEASURE RESORT.

WORK ON GRAND STAND IS TO BEGIN NEXT MONDAY

New Time Schedule on the Street Car Lines to Be Put in Tomorrow When the Half Hour Service Begins—Arbor Day to Be Gala Event at Butte's Park.

Grading for the ball grounds at Columbia Gardens will begin Monday. A half hour service on Sundays will be inaugurated the coming Sabbath day.

These two announcements were made by Manager Wharton today.

The opening of the gardens will take place May 1. The warm weather which is making Butte a pleasant place to live in at present, is favorable to the green things and promises well for the green things when the time for the flowers and plants which beautify the attractive summer resort arrives.

Besides the grading for the ball ground, work on the grand stand for it will also begin Monday. The contract for the grading was let to Winters & Parsons yesterday.

During the summer the management of the summer resort will add other grounds for different games and sports. The ball grounds will be finished first and then the other facilities for sports will be provided.

The grounds of the resort will be more beautiful this year even than last, when thousands of brilliant flowers bloomed all over the place. The first plants to be put out this year will be transplanted from the green houses to the beds in the grounds about May 15. The hardy plants will be put out first. Among these the modest pansy is a most robust, but lovely representative. It will be first to greet the eye of the visitors to the gardens.

The animals at the gardens will be added to as fast as Mr. Wharton can conclude deals with animal owners with whom he is negotiating now. There are a good many representatives of the fauna of Montana at the resort already, but there will be more there as the season advances. The zoo at the gardens is one of the most interesting attractions, the lynx and the big wildcats there at present being handsome specimens of feline carnivora.

Warmer This Year.

This spring season is much warmer than that of last year, Mr. Wharton says, and in that much more favorable to the growth of plants at the gardens. Last year the average temperature at 6 o'clock in the morning was 18. This season it is 32, a difference of 14 degrees of warmth.

The first spring festa at the beauty spot in the mountains east of the Meadeville smoke belt will be on Arbor Day, May 12. On that day the children of Butte will be given a grand free entertainment and free rides to and from the gardens.

Manager Wharton has just received a letter from Senator Clark suggesting this. The senator authorizes Mr. Wharton to give the children rides to the gardens on that day gratis, and expresses the hope that the occasion will be successful and exempt from accidents, and says that he has no doubt the entertainment will be well managed.

The grading of the new street car line to the Bell smelter will be completed this evening. The rail laying will not be started until the last of May, because the rails cannot be secured until that time. But the line will be constructed as soon as the material can be brought to Butte. The talk that this line will lead to a big Monte Carlo to be built on the flat continues to be heard, and many people believe that a magnificent sporting place will be put up there.

"BOB" SHADWELL DEFENSE BEGINS ABSENT WITNESSES ARE BARRED

G. R. Shadwell, better known as "Bob" Shadwell, was the center of attraction in Judge McClellan's court today, but no one in the room envied him his position. His old mother sat near him, and when an occasional ray of sunshine shot through the windows and illumined the interior of the room her hopes seemed to be buoyed and she gave a faint smile.

"Bob" Shadwell is being tried the third time for the murder of Martin J. O'Connor, in a rear room of Kelly & Egan's saloon, at No. 19 East Park street, in the early morning of January 11, 1898, the day on which Thomas J. Riley shot and killed Patrick A. Largey.

Shadwell does not look bad after his long confinement. At the time he committed the crime he was as pale as the proverbial ghost, his condition being due, it is said, to the excessive use of opium, or morphine, but his system is evidently free of the drug now, as he looks much better than ever before. He takes a

Jailer, said that Shadwell was brought to the city jail shortly after the murder.

"Policeman Handlan brought him in," said the jailer, "and turned him over to me. The officer also gave me a revolver with which, he said, the killing had been done."

Mr. Levy examined a large revolver handed him by the county attorney and said it was the one Policeman Handlan had turned into the city jail at the time of the murder. The gun, five loaded cartridges and one empty shell were offered in evidence, but an objection was made on the ground that neither the gun nor the cartridges had been identified as the ones used by Shadwell.

The objection was sustained so far as it related to the cartridges, but overruled on the other point, and the gun was handed to each jurymen for inspection. The state asked permission to submit the depositions of Patrick M. Kelly of



"BOB" SHADWELL. Sketched in the Courtroom Today by Inter Mountain Artist.

great interest in the proceedings, apparently never missing a point either for or against him.

This morning the state finished its side and the first witness for the defense was testifying when the noon hour arrived.

After a jury was secured yesterday evening and Deputy County Attorney Yancey had made the opening statement, Henry Hochman told his story of the shooting. He said O'Connor had been drinking and was abusive towards Shadwell—he had taken Shadwell to task for not shuffling the cards at the bottom of the pack.

A. M. Anderson said he had heard O'Connor say to Shadwell: "You— shuffle those cards from the bottom or I'll hit you on the head with a chair. I have spoken to you like a gentleman, but I'll take a chair to you from now on."

"Shadwell said nothing in reply," said Anderson, "but played a few more hands and went out of the room. When he came back he asked for his checks, but O'Connor refused to give them to him. Then Shadwell unbuttoned his vest and drew his gun. O'Connor tried to get under the table and in so doing tipped it over. Just then Shadwell fired the shot that killed O'Connor."

City Jailer Testified. This morning Solomon Levy, city

Victor, Col., and Martin McDougall of Mullan, Idaho, but the defense objected to the granting of the request on the alleged ground that the depositions had not been taken according to law. It asserted that the court had neither ordered the absent witnesses to give a bond for their appearance nor directed the taking of the depositions, and therefore they could not be made a part of the testimony.

Deposition Ruled Out.

The county attorney produced a letter from each of the men in order to show their absence from the state, for it was only by proving such absence that the depositions could become a part of the testimony.

"The objection to the submission of these depositions is sustained," said the judge, at the conclusion of the argument.

"The state rests," said Alexander Mackel, one of the attorneys for the state.

Attorney Thresher, who has represented Shadwell since the murder was committed, told the jury what the defense expected to prove, and called upon Flynn Herbert, a saloonkeeper of Billings, to open the testimony in behalf of the prisoner. Herbert said that two or three nights before the murder he was playing poker with Shadwell and others

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in the O'Connor quarters, and while the game was going on O'Connor and Shadwell had some words over the cuttings of the cards.

O'Connor told Shadwell to cut the cards properly and punctured the request with an epithet. Herbert said he did not want Shadwell to cut the cards and spoke of it to O'Connor.

"The night of the killing O'Connor was abusive," said Herbert.

FREDERICK WARDE TONIGHT

Frederick Warde presented "The Mountebank" to a large and appreciative audience at Sutton's Broadway theater last evening.

"The Mountebank" is a mixture of mirth and sorrow, probably more of the latter than the former, and when presented by such clever artists as those who comprise the Warde company, is always in demand by the theater-going public. Last evening some of the most enthusiastic members of the audience were touched to tears during the rendition of the sympathetic parts of the play.

Mr. Warde is surrounded by a company of first-class actors and actresses, and no part of the play was weak.

"The Mountebank" was written by D'Enery, author of "The Two Orphans," and, although it has been presented in Butte many times, the public never tires of it.

Tonight Mr. Warde will present "Othello" and portray the part of the Moor of Venice, the principal character. Charles Herman will take the part of Iago and Miss Antonette Ashton will assume the role of Desdemona.

MORPHINE USERS EXCLUDED

No morphine or opium users need apply for admission at the poor farm. An order has been given excluding all people addicted to the use of drugs from that institution.

County Physician Donnelly explains the order on the ground that victims of drug habits spread the vice to others when housed with them in the poor farm, and that beside that they are likely to kill people by giving them overdoses of morphine and opium.

William Parsons, also known as "Two-Bit-Billy," a recent victim of the morphine habit, is the first unfortunate to feel the effect of the order. He was excluded from the poor farm yesterday. He applied to the commissioners for relief temporarily, and probably something will be done for him. He says he is waiting for money from Idaho relatives and will not be a charge on the county very long.

Some provision for the permanent care of indigents addicted to drugs will have to be made if the order excluding them from the poor farm is maintained.

The commissioners today instructed County Superintendent of the Poor Crossman to consult with County Physician Donnelly concerning the future disposition of indigents who use narcotic drugs.

Monday the county physician will examine the patients at the county poor farm and determine whether the three known users of morphine there shall be allowed to remain or not.

If the victims of opiates have to be removed from the poor farm for the safe-

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DEATH OF MRS. MENDELSON

Mrs. Julius Mendelsohn died last night at her home, No. 103 South Washington street. Mrs. Mendelsohn was a bride of but three weeks. She was taken ill with typhoid fever four days before her death. Her mother in San Francisco was notified when she was first taken

ill and is expected in Butte today. Julius Mendelsohn is one of Butte's pioneer business men. He has many friends throughout the city who will sympathize with him in his bereavement.

Reasoning for Elimination.

Colonel Bryan must have a room full of scrap books, unless his scrap editor has eliminated all that is unappreciative of the colonel.

Necessity is not only the mother of invention but the divorced wife of plenty.