

IMPOSES SEVERE FINE ON GAMBLER

JUDGE McCLERNAN REQUESTS JOHN VALENTINE TO HAND OVER \$150 AND COSTS.

CASE DATES BACK TO FORE PART OF WINTER

Defense Awaited Time for Sentence and Paid Amount Solicited Without Demur—Cases Against John Hubble, J. J. Bill and Ernest Nelson Are Dismissed for Lack of Evidence.

Conducting a poker game and getting caught at it is not exactly what it has been cracked up to be by those who have been there and profess to know what they are talking about.

In Judge McClernan's court this morning John Valentine was tried and convicted of having acted as the chief of a game in the attic of No. 12 West Park street, on the 22d of last November, and fined \$150 and costs.

Although represented by J. L. Wines, he practically made no defense, not even telling the court or jury how the play came up. There was only one witness for the prosecution, but he told a good story, and it went with the court and jury.

Deputy Walsh's Testimony. The witness was William Walsh, a deputy sheriff, who said that on the night of the date mentioned he had gone to the saloon conducted by Frank Walker at No.

WILLIAM WALSH,



Dep. Sheriff Who Testified in Gambling Cases.

12 West Park street, and demanded admission to the gallery overhead. Walker had not admitted him and he had then asked the "booster" on guard at the foot of the stairway leading above to open up and let him in. The "booster" would not yield, but Walker procured a key.

He had found two games of gentleman horsepoker in progress with Valentine in charge of the chip rack in an apartment separated by a curtain from the playing room. After watching the game a few minutes he had placed Valentine under arrest and escorted him to the county jail.

At the close of the direct testimony Mr. Wines moved for a dismissal of the action on the ground that the state had failed to show the nature of the game in progress or whether it was a game in which money was being wagered.

County Attorney Breen informed the court that he had overlooked a few questions in that respect and asked permission to recall the witness. The request was granted.

Money Paid for Chips. The officer said there were 15 or 20 persons in the room where the games were in progress and that he had seen a man get a stack of chips from Valentine, carry it to one of the tables, receive the money for it and return to Valentine with it.

He was cross-examined, but his testimony was not shaken. He said he knew nothing about the game of poker, but Valentine had told him on the way to the jail that it was poker and that he was in charge of the games.

No argument for the defense was made, but the county attorney spent about five minutes in presenting the matter. The jury deliberated only a few minutes, and when the verdict was returned the defendant waived time for sentence and accepted the \$150 edict. He paid.

Three Cases Dismissed.

Three more men accused of having violated the anti-gambling law were turned loose upon the surface of a cold earth. They are John Hubble, who is alleged to have gambled upon the green in the Palace saloon at No. 14 East Park street November 20 of last year; J. J. Hill, said to have performed a similar trick in the Montana saloon at No. 22 West Park street November 22, and Ernest Nelson, charged with having a little play in the Palace on November 16.

In the case of Nelson the county attorney stated that the man who bought the chips in the game had not been found and no testimony against the accused could be obtained.

Failure of officers to find witnesses in the other cases were responsible for their dismissal.

ASSOCIATED CHARITIES MEET

Butte's Charitable Organization to Hold Monthly Gathering Tomorrow. At the Auditorium building tomorrow afternoon at 2 o'clock the Associated Charities will hold its monthly meeting. Reports of officers will be received and the usual business transacted. The association is engaged in active work along the lines laid down by the purposes of the organization. A number of the members are out of town this week and tomorrow afternoon's meeting will not be attended by a full corps of officers.

FOURTH OF JULY FISHING RATES

Via Oregon Short Line Railway. Divide \$1.00 Melrose \$1.50 Glenn \$2.00 Tickets available on 2:05 a. m. and 4:50 p. m., Friday; good to return following Monday. H. O. WILSON, General Agent.

Souvenirs with each dollar and over spent. Meyer, 65 West Park.

FOR DISSOLUTION OF PARTNERSHIP

O. M. McINTOSH, OF LOCAL DETECTIVE BUREAU, ASKS COURT TO RESTRAIN C. R. WAYNICK.

SLEUTHS FALLING OUT THIEVES MAY THRIVE

McIntosh Alleges That His Former Partner Not Only Failed to Keep Up His End of Current Expenses, but Also Misappropriated Money Belonging to the Firm of Vidocqs.

Whist! Two of Butte's sleuths have fallen out and seek the appointment of a receiver and accounting and a dissolution of the partnership that has existed between them since the 22d of April of this year.

They are O. M. McIntosh and C. R. Waynick, and the action by which the affairs of the two are to be straightened out was commenced by the former today in the district court.

In his complaint he alleges that on the 22d of April he and the defendant decided to open a detective bureau in this city and that the latter agreed to pay all of the expenses incident to getting the business under way; that he was to pay for the license, square the telephone company for three months, satisfy the cravings of the landlord on the rent proposition for two months, buy furniture and bear all of the other expenses for 60 days.

Failed to Fulfill Agreement.

The plaintiff says that in consideration of the promises made by the defendant he put up \$400 for the purpose of helping him do it, but the defendant paid only \$115 on a furniture bill of \$400, and failed to keep his part of the agreement in regard to the other expenses.

McIntosh also alleges that the defendant has collected various sums of money belonging to the firm and appropriated them to his own use; that he is still at it and will continue unless restrained by the court.

He asks that Waynick be restrained from further inroads on the money due them as partners; that the court order the dissolution of the partnership and that a receiver be appointed to take charge of the business pending a settlement of the difficulty.

Judge Harney has cited the defendant to appear in his department at 10 o'clock on the morning of the 12th and show cause why the plaintiff's prayer should not be granted.

WELL OFF HE GOES TO COUNTY POOR FARM

Mike Clarkin Was Reported to Be in a Dying Condition—Fred Snyder May Recover.

Mike Clarkin, an old man who was taken from the county jail to the poor farm yesterday suffering with delirium tremens, was reported to be dying at the latter place this morning. A telephone message was received at the county jail to that effect.

After the report nothing further was heard, so it was decided at the jail that he had not died.

Clarkin was brought into the jail a day or so ago, in a bad condition from drink. He was kept there till the county physician ordered his removal to the poor farm.

Clarkin is said to be well provided with this world's goods, but to have no relatives in this city. He is an old man, and when over-indulging in liquor unable to care for himself.

Fred Snyder, the man who cut his throat in jail several days ago while demented from drink, was also sent to the poor farm at the time Clarkin was taken there.

Snyder was committed to the jail under a charge of insanity, but it is believed at the jail that his aberration is temporary and the result of drink. He had a hard time with his cut throat in jail.

Now that he has been removed to the county hospital it is possible that Snyder may recover.

DISTURBERS OF PEACE ARRAIGNED IN COURT

Several Appropriate Fines Are Handed Out by Police Judge to Petty Criminals.

J. W. Kelly disturbed the peace of the denizens on East Galena street early this morning. Kelly was arrested by Officers Yutz and Ingraham and locked up on a charge of disturbance. This morning he was given 24 hours in which to plead.

Fred Swan was fined \$5 for failing to drop the distance flag before he imbibed too much.

George Peoples was arraigned on a charge of driving on the sidewalk and was given until tomorrow to bring the persons who told him he had the right to interfere with pedestrians.

Grace McGinnis, arrested on a charge of stealing the money carried as his own by Swan Yulsens and which amounted to \$45, asked for further time in which to make up her mind what to say to the court.

Mike Sullivan admitted to the judges that he had done things in the shape of disturbance and was fined \$10.

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FASHIONED HUMAN SIEVE OF CAPRARA

RANCOROUS ROBERT RAND FILLED ITALIAN FULL OF BIRD-SHOT AND LIVER PILLS.

VICTIM IS LIKE UNTO A COFFEE STRAINER

Incomputable Number of Projectiles Have Been Picked From His Anatomy—Trouble All Arose Over a Water Right Near Elk Park—Italians Will Prosecute to the Limit of the Law.

Again has the perennial question of the water-right, the most fruitful source of litigation in the great Northwest—a source which enables Montana lawyers to wax sleek and fat and build brick houses wherein they do sit and puff at meerschaum bowls, while the irate client shivers in a log hut and pulls away at a clay—become the cause of serious conflict.

This time the courteous Italian, meekest of men, has been drawn into the maelstrom, and, disregarding his beloved stiletto as useless, not only at long range but against the pachydermal cuticle of the sun-baked rancher of the foothills, has seized upon his trusty blunderbuss, and, as much by good fortune as merit, has been merely sieved in the interchange of shots that must follow.

(This is all about the shooting match which was pulled off Monday afternoon between Robert Rand and one Randolph Caprara, at Elk Park.)

The Italian hot blood is aroused for gore. Caprara lies in St. James hospital, his olive complexion ruined by the puncturing disfigurements of an innumerable number of bird-shot. Deponent saith not whether these do predominate most in the front or rear, but some must have penetrated to the gall, for Caprara thirsts for revenge. His version of the late lamentable encounter, as related by Signor G. Spagetti Visetti, a cousin and confidant, runs somewhat to the following effect:

How It All Came About.

Caprara and Rand own property adjoining on Sonori creek. Naturally the water-right is a matter of paramount interest; which brings to mind the remark of a prominent attorney from New York, who, noticing on a recent visit to Butte, how great a percentage of the legal revenue is derived from litigation of this character, could not understand why so much interest is taken in aqua pura in Montana. "because," he said, "I have never seen anybody drink water since I left St. Paul."

Caprara and Rand own ranches adjoining on Sonori creek. Rand says he located his water-right in 1888. Signor G. Spagetti Visetti declares that he has been to Boulder and can find no such record on file. Be all this as it may, Caprara, disregarding Mr. Rand's emphatic warnings to be good, attempted to divert a suitable proportion of the gallons total of the gurgling Sonori to his own fields.

Rand dug a trench in a nearby kopje and lay behind a huge boulder, intent on sniping an Italian. Either because his eye is not what it once was, or because, as some claim, he had lent his trusty Winchester to his uncle for the time being.

G. S. VISETTI,



(Picture by Inter Mountain.) Relative of the Italian Who Was Shot by Rudolph Rand.

Bob Rand's clear gray eye, which, according to the novelists, is the sort of an eye all crack shots have, was running along the barrel of a large and lovely shotgun, when the Italian contingent, emerging from the shadow of the over-hanging forest, just as rosy-fingered Aurora, refulgent in the glow of early day, arose from her golden couch in the glowing East, made his way down to the sparkling Sonori, and mindful of the homily saying as to how the early bird secured the coveted fish-bait, set straightway to divert to his claim the aqua pura Robert Rand claimed.

Rancorous Robert Roared.

Whereupon the rancorous Robert, from behind his battlement across the water-way, roared to the Signor to forbear, on penalty of being made like unto a coffee-strainer. Count Caprara, with the blood of the Caesars boiling in righteous wrath within his veins, took a hitch of his pantaloons, spat upon his dukes and went on with his work without a word.

That is, for a minute. They say the only part of Caprara that did not get it was that portion of his anatomy which happened to be in line with the shovel. At the latest hearing, 365 shot had been picked from the unhappy man. Eastern museum managers should play him up as the human sieve. Not only bird-shot, but other and more novel projectiles, heretofore unknown in guerrilla or other warfare, were hurled into the dark Caprara hide. Half a dozen bottles of a well-known aperient belched forth from Robert's bellowing blunderbuss when that worthy laid finger on the trigger. Rand had been to Butte to purchase some liver-pills, and seeing no other safe place to deposit them, when on his way home the evening before, had shoved three bottles of pills down each of the barrels. Thus it was that Caprara was inadvertently dosed with 600 aperients at once, sufficient, in the minds

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