

M'GEARY JURY HAS BEEN SECURED

Trial of Alleged Murderer of Evans Formally Opened in Anaconda Court--Perceptible Sigh of Relief Goes Over Judge, Jury and Attorneys When Tedious Preliminary Proceedings Are Ended.

SPECIAL TO THE INTER MOUNTAIN. Anaconda, Nov. 18.—Anaconda's big murder trial is on at last. After calling 425 men from which to select 12 and consuming nine days in the effort, the court this morning succeeded in getting a jury to try John McGeary for the killing of William J. Evans at the Washoe works on the morning of the 19th of July last.

The 12 men who will try McGeary for his life are Michael Flaherty, Eric Landet, Joseph Cladish, Cyrus Barker, P. J. Maloney, Frank Gordon, Paul Meier, Jan Skelton, Daniel Murphy, Jr., Joseph Jacobson, John Kimmerle and Michael Corrigan.

There was an audible sigh of relief from judge, jury, witnesses, attorneys and court officers when Attorney Trippet in reply to Judge Napton's question whether the defense wished to examine Michael Flaherty, the last juror, made the brief reply: "Let the jury be sworn."

Clerk Thomas stood up as he had done hundreds of times during the last nine days and raised his hand, the signal for the 12 men in the jury box to do likewise.

When he had administered the oath to the jury some of the jurors who have been under the surveillance of the bailiff since the case opened nine days ago show the signs of fatigue of their continued confinement.

Attorney Duffy began the reading of the information and the statement of the case for the state.

There was an almost imperceptible trace of excitement on the face of the prisoner as the story of the tragedy was recited. While he was reading from the information McGeary followed him closely and when the words "with his willful, deliberate and premeditated malice or aforethought did kill or murder William John Evans, a human being," the accused man twisted his clenched hand nervously.

His brother and his attorneys, W. H. Trippet and J. L. Wines, sat beside him, while other members of his family sat back near the rail close to Deputy Sheriff Turner, who brought McGeary into court.

County Attorney Duffy, for the state, exercised his last remaining peremptory challenge on Barney McGeary, while the defense used their two remaining challenges on William Dennis and F. C. Hengell.

When court convened at 9:30 there were the usual number of jurors who wanted to be excused. Several brought certificates from their physicians stating that they were physically incapacitated from service. Judge Napton examined the applicants very closely.

"What's the trouble with you," said the judge to one who came up with an excuse. "I have scarlet fever in my family," was the reply.

AND THEN AT LAST THE TWELVE WERE ALL THERE

"You may go home, sir," said Judge Napton with emphasis.

When the jurors had been excused, the court instructed the clerk to proceed with the calling of the names. Ben Falk was the first. Mr. Falk had scruples against capital punishment and was excused. F. B. Hengell, however, stood the examination and there were 12 men in the box.

"This is your last challenge, Mr. Duffy," said the judge.

"We excuse Mr. McGeary," said the county attorney and Barney McGeary stepped from the box.

Dan Skelton, the next juror called, had all the necessary qualifications for jury service. Nevertheless his examination was the source of considerable contention between the opposing attorneys.

County Attorney Duffy consumed half an hour in examining the witness, making repeated challenges, which were, however, overruled. The juror was passed for cause and Attorney Trippet there exercised his ninth challenge, excusing Mr. Hengell, leaving the defense but one peremptory challenge.

Paul Meier appeared to have all the qualifications of a competent juror and was also passed for cause.

"This was the last challenge for the defendant," said the judge.

"We excuse Mr. Dennis," said Mr. Trippet, and there was a vacancy in the box. Michael Flaherty was the next juror called. Mr. Flaherty went through the examination with ease, and with all the peremptory challenges exhausted the jury was at last secured.

DUFFY GIVES A BRIEF SKETCH OF THE TRAGEDY

Judge Napton said: "You may now proceed on the part of the state."

As soon as the jury had been sworn County Attorney Duffy read the information and gave a brief sketch of the

tragedy. As the narrative proceeded he paced the floor in front of the jury box and told in a graphic manner the story now so familiar to the people of Anaconda, the story of the shooting of one of the state's most prominent citizens, and the many circumstances attending the unfortunate affair.

He began by stating that McGeary had gone to a pawn shop the evening of July 15 and attempted to purchase a revolver; told how he could not get it that evening, how he returned the afternoon of the 17th and purchased the weapon, with a box of cartridges.

Mr. Duffy told of McGeary going to the scene of the tragedy on the morning of the 19th; of his waiting near the buggy shed, his conversation with Mr. Evans and of his shooting the superintendent after a few moments' parley.

The eyes of the spectators in the court room were directed at the accused man as Mr. Duffy told the story of the killing, but McGeary showed no signs of emotion. The county attorney continuing the narrative, told of how McGeary turned and ran down the hill, how he stopped a certain Levegood who attempted to intercept him, how he was brought to a halt by a rifle shot from O'Mara, threw away his gun and surrendered.

He concluded with the mention of the statement made by the prisoner and the dying declaration of Mr. Evans, saying he believed the state would present such facts to the jury that would justify a verdict of murder in the first degree.

As such a few of the witnesses were present in the forenoon an adjournment was then taken until 1:30 p. m.

STATEMENT MADE BY EVANS ON HIS DEATHBED

Both the statement of McGeary and that of the dying man will constitute an important portion of the testimony. Following is the statement of Mr. Evans, made on his dying bed in St. Ann's hospital:

"I, William John Evans, knowing I cannot live and having no hope of living, do hereby declare that the defendant John McGeary, told me this forenoon the concentration was no good and he wished to know why I did not adopt his improvement. I told him to go to the concentrator superintendent, Mr. Esterbrook and the foreman and that any arrangements made by them would be satisfactory. I turned and went toward the office when he fired.

"I fell when he fired the first shot and as I lay on the ground, he shot me again. I dropped from the first shot. It took effect, I can't say where. I had no weapons with me at the time."

The statement bears the signature of the dying man and of J. H. Duffy, county attorney, and J. H. McMillan, a newspaper man, and J. N. McIntosh, in whose presence it was given.

Immediately after the opening of court in the afternoon the witnesses for both the state and the defense, about thirty in all, were called to the front of the railing and sworn.

Dr. J. T. McKenzie was the first witness. He testified from a professional standpoint as to the nature and cause of the wound which occasioned the death of Mr. Evans, describing them graphically to the jury.

He was followed by Dr. J. F. Spellman, whose testimony was practically the same. He described the wound in the neck and in the right side, either of which would prove fatal, he said.

M. Millner, proprietor of a pawn shop on Main street, was next called. He told of McGeary's coming to his place to purchase a gun on the evening of the 15th, and of his securing one two days later, together with a box of cartridges. He

noticed McGeary closely because of his peculiar appearance. He said the prisoner handled the revolver very awkwardly and was apparently unfamiliar with firearms.

M'GEARY DID NOT SAY WHAT HE WAS GOING TO DO

To Attorney Duffy, Millner said he did not remember that the defendant made any mention of his purpose in purchasing the revolver.

The weapon was brought from the sheriff's office. Millner said it was exactly the same in appearance as the one the defendant bought.

Joseph McIntosh was called to the stand. He said he was employed at the new works in the capacity of a civil engineer. Two maps, showing the spot where Mr. Evans lay, submitted by attorney Duffy, were prepared by Mr. McIntosh, who testified as to their accuracy. Upon them was displayed the spot where Mr. Evans fell at the time of the shooting and the route his assailant took immediately afterwards.

After describing the map Mr. McIntosh testified that he was in the draftsman's room at the time of the shooting, together with numerous others. When he went out he saw Mr. Repath, Mr. Marshall, Mr. Connel and several men in a group and saw a man running in the distance, but could not say whether it was the defendant or not.

Dr. Murray of Butte was next called to the stand. He said he was summoned to attend Mr. Evans July 19, last. Mr. Evans was in the hospital suffering from a bullet wound in the right side about the region of the liver and one in the back of the neck. The witness stated that the wounds were gunshot wounds and that the patient suffered much from the shock. He thought at the time that Mr. Evans was seriously injured. In his opinion death was caused by the gunshot wound, which of them he could not say.

GERARD SAW M'GEARY AT TIME OF SHOOTING

William Gerard was the next witness. He was employed at the New Works as assistant engineer. On the morning of July 19 he went to work at the usual time and found McGeary about 10 minutes before he arrived at the office. This was about 20 minutes before 8 o'clock. He saw McGeary outside the draftsman's room, about one hour and 15 minutes later.

This was just after the shooting, as near as the witness could recall. The shooting took place at 10 minutes after 9 o'clock a. m. He was then working facing the window towards the west. When he heard the first shot he looked out of the window and after the second shot he saw McGeary, who was about 30 feet from the stable. He had a revolver in his right hand which he was holding in a threatening manner. He turned and walked slowly down the mill and out of Gerard's sight.

Witness ran and got his saddle horse and started in pursuit. He next found McGeary near the bicycle shed at the foot of the hill going towards Anaconda at a rapid rate when they were met by Under Sheriff Morgan, who took him in charge. On cross-examination the only point brought out was that Gerard heard the prisoner ask where they were going to take him. He said that McGeary waved his pistol in the direction of several men just after shooting.

O'MARA SHOT AND THEN M'GEARY THREW UP HANDS

O'Mara, who had a rifle, took a shot at McGeary. The latter then threw down his revolver and threw up his hands. Emerson ran up and seized the prisoner and another man came to his assistance.

They started toward the city with the prisoner when they were met by Under Sheriff Morgan, who took him in charge. On cross-examination the only point brought out was that Gerard heard the prisoner ask where they were going to take him. He said that McGeary waved his pistol in the direction of several men just after shooting.

As the testimony is almost entirely direct it is expected that the trial will last more than two or three days. Testimony is being taken at a late hour this afternoon.

CLANCY IS DISMISSED BY O'CONNOR

Walkerville Justice Decides That There Is Not Sufficient Evidence to Convict Judge of the District Court of Libel and He Is Once More a Free Man--Little interest is Manifested in the Proceedings.

A visitor to Justice O'Connor's court this afternoon would never have dreamed that a judge of the district court was about to have judgment pronounced on him for a charge of slander that had been made against him by one of the most reputable citizens of Butte. As it was Justice O'Connor of Walkerville acquitted Judge William Clancy of the charge and he is once more a free man in the eye of the law.

There was no formality in the proceeding whatsoever and but little interest was manifested. Only a few of the village loungers were present to hear the justice

give his decision, for it had gone abroad that Judge Clancy would be acquitted and the people did not care for a foregone conclusion.

At 2 o'clock Jerry Lynch, representing the county attorney's office and B. S. Thresher for Judge Clancy, alighted from the car and entered Justice O'Connor's court.

"Do you represent the county attorney's office, Mr. Lynch?" questioned the court of Walkerville.

"Yes, your honor," replied Lynch, "and I would like to get your decision so as to catch the next car."

"Well," proceeded Justice O'Connor,

"that will be simple for I have examined the evidence carefully and do not find it sufficient to bind William Clancy over to the district court for trial. If you want to have him prosecuted it will be necessary for the county attorney's office to drum up more evidence. I, therefore, discharge him."

Lynch hastened to the door, but as there was no car in sight the little crowd discussed the decision while O'Connor wrote in a big book.

The complaining witness, D. J. Hennessy, who brought the charges against Judge Clancy, was not represented at the pronouncing of judgment.

BRIBERY TRIAL IN JUSTICE COURT

Professor Griffiths, the hypnotist, gave a public exhibition of his powers of mind-reading this afternoon. Griffiths is at the Broadway tonight and tomorrow night and the test given this afternoon was in the form of a demonstration of what he will do in the performance.

A committee was chosen from the post-office, police department and the different newspapers of the city and these were given seats in a carriage driven by Griffiths.

The hypnotist was blindfolded and connected with the committee by means of a copper wire which he used to communicate mentally with those who had driven over a route mapped out.

The drive began from in front of the Finlen drug store on Main street where Griffiths has a subject in the show window in a hypnotic sleep.

A dozen blocks were traversed, the drive finally ending at the city hall, where a knife had been hidden up on the stone coping over the employment office.

Without removing the bandage the hypnotist and mind reader leaped from the carriage with one of the committee and walked straight to the place where the knife was concealed and secured possession of it.

There were several hundred people on the streets to witness the test and the feat was loudly cheered. The first of the performances will be given at the Broadway

this evening when even more difficult feats of hypnotism and mind reading will be given.

Charles E. Alsop was the only one of the defendants present and the complaint was anted by consent and a separate trial demanded. After long arguments by the attorneys it was decided to proceed with the case against Mr. Alsop.

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Montana Souvenir Postal Cards. Send a few of them to your friends. A large assortment of new ones just received at the P. O. News Stand, 57 West Park street.

Appointed by the Pope. BY ASSOCIATED PRESS. Rome Nov. 18.—The pope today signed the brief appointing Mr. Sharetti apostolic delegate in Canada.

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Sutton's Family Theater Popular Price Play House Dick P. Sutton Mgr. Commencing Sunday Matinee, Nov. 16 Now get wise, lest you forget the forever favorite musical comedy. Peck's Bad Boy Will St. Auburn, manager. All laugh! No cry! The best acting company, the best singing company, the funniest comedians, the best dancers. Come and laugh with us. Prices—\$1.00, 75c, 50c, 25c. The Broadway Butte's Leading Theater Phone 25. DICK P. SUTTON, Manager Two nights, commencing Tuesday November 18 THE GRIFFITH Hypnotic Specialty Co. Bigger, Better, Brighter, than Ever Before. Wild Blindfold Drive Tuesday at 7:30 p. m. AN UNQUALIFIED SUCCESS. The Salt Lake papers say Griffith gives an astonishing performance. See the 72-hour hypnotic sleep in the window of the Finlen drug store. 1000 Good Reserved Seats at 50c Thursday, Friday and Saturday, November 20, 21 and 22. SPECIAL PRICE MATINEE SATURDAY. MR. THOMAS JEFFERSON In Rip Van Winkle PRICES—\$1.00, 75c, 50c and 25c. Box and Lodge Seats, \$1.50. MATINEE, 50c; CHILDREN, 25c. Seats on sale Tuesday at 9 a. m.

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