

SOON TO GO TO THE JURY

Cusick Case Draws to a Close—Twelve Men Soon to Have It.

ATTACKS TESTIMONY

Lynch Says He Does Not Believe Some of Evidence Taken.

OVERDID THE THING

Doctors, Says Lynch, Are Too Willing to State Cusick's Insanity.

When Assistant County Attorney Lynch staggered back from in front of the jury trying James Cusick for the shooting of Thomas Baggs, after a 40-minute speech, it looked as if the learned and eloquent counsel engaged would permit the case to go to the jury early this afternoon.

Mr. Morrin, for the defense, however, dissipated this belief with a speech which lasted over an hour. Mr. Morrin dwelt closely on the reliability of the testimony for the defense and by means of depositions from which he read extracts set out the claim of hereditary insanity as supported by the ancestral afflictions.

It was immediately demonstrated that the jury speeches would consume the entire afternoon and that the case would hardly get to the jury before 4 or 5 o'clock this evening.

MR. LYNCH DOES NOT BELIEVE THE EVIDENCE

The opening of the case was begun at 10:30 o'clock, when Judge McLernan began reading the instructions to the jury. These were ended at 10:50 o'clock and Assistant County Attorney Jerry Lynch opened the argument to the jury for the state. Mr. Lynch went over the testimony introduced during the trial and ably summarized the evidence which he set up as in preponderance for the prosecution. His speech was succinct and clearly set forth the various proofs which the state was able to produce effectively.

In referring to the great array of witnesses for the defense, Mr. Lynch called attention to the personnel of a large number who swore to Cusick's insanity.

"Most of those witnesses overdid the whole thing," declared the speaker. "I wouldn't believe such men if they'd swear on the highest stack of bibles ever written. When you consider the associations, the environments and the apparent means of livelihood of these men you must consider, as I do, that they are willing to swear to anything to help the defendant."

Mr. Lynch took up the testimony of Dr. Sheeran and compared it with that of County Physician Donnelly and declared his belief that Dr. Sheeran overdid the thing and was too anxious to help out Cusick, whom he had seen but three times and yet declared him insane on June 23, as well as insane at the present time.

Attorney Thomas Morrin began his speech for the defense at 11:30 o'clock and continued to the noon adjournment with a masterly arraignment of the Cusick proofs.

Mr. Booth, whose brilliant cross-examination of the state's witnesses in rebuttal yesterday afternoon has attracted great attention, followed his colleague, Mr. Morrin, with a speech consuming nearly two hours.

County Attorney Breen began his speech for the state some time late this afternoon, after which the jury retires.

Heavy Immigration Expected.

Portland, Ore., Feb. 28.—Lengthening the immigration season will give full opportunity for a large movement of settlers this year. It is believed the travel will be far heavier than ever before, particularly to Oregon.

SEVEN LIVES ARE SNUFFED OUT IN EXPLOSION OF FIRE-DAMP

Mine at Latrobe, Pennsylvania, Driven by Roar of Fire in Which 800 Men Have to Fly for Their Lives.

Latrobe, Pa., Feb. 28.—The Hostetter-Connellsville Coke company's mine near here was the scene of a fire damp explosion yesterday in which it is thought seven men lost their lives. Their names are: Michael Flack, Michael Flack, Jr., William H. Besser, Steve Hooduk, John

Gakish, Charles R. Benny and John Penzerick. About 800 men are employed in the mine. The cause of the explosion is a mystery. It occurred in what is known as No. 7 left flat entry, which is near the eastern end of the mine and about two miles from the main entrance. Most

of the force at work were in the vicinity of the entry in which the explosion occurred. The explosion was not heard outside of the mine, and none except those at work knew anything of it until those who escaped came rushing to the main entry and spread the news of the disaster. For

some time it was thought that 50 or more of the men had been caught in the explosion.

Hopes are entertained that the men may be still living and three rescuing parties have made efforts to reach them. The first party found two men unconscious in one of the workings and they were revived after being brought to the surface. It has been impossible to reach the others on account of dense smoke and after damp.

The mine is owned by Pittsburghers. The loss will be about \$10,000 from flooding.

Only two men, whose names are not known, are now known to be still in the mine and it is thought they are dead.

THREE KILLED—MANY INJURED

Fast Tennessee Express Strikes Spreading Rails and When the Dust Clears Away a Trio of Mangled Remains and Twenty-Four Writhing Human Beings Tell the Tale.

Knoxville, Tenn., Feb. 28.—The fast passenger train, Chattanooga to Salisbury, leaving Chattanooga at 11:46 last night was wrecked by spreading rails about three miles west of Lenoir City, Tenn., this morning about 2 o'clock. Three persons were killed outright and 24 injured.

The dead: John Ribb of Knoxville, engineer; A. J. Tueker of Newport, mail clerk; Alfred Best, Knoxville, colored porter.

Injured: R. A. Tompkins, express messenger, Bristol, Tenn.; G. M. Betty, Knoxville, mail clerk; W. T. Klutz, Knoxville, baggage master; W. S. Overton, Knoxville, conductor; Thomas Mills, Knoxville, colored fireman, severe; J. L. Falcott, Chattanooga, severe; R. F. Wainson, Rogersville, Tenn., severe; P. H. Guice, Fletcher, N. C., severe; Mrs. P. H. Guice, severe; W. B. Holt, Lenoir, Tenn., severe; H. C. Toms, Knoxville; Mrs. H. C. Toms, severe; Mrs. M. Lee, Rogersville, Tenn., severe; two children of Mrs. Lee, one of whom may die; Mrs. Sarah Emery, Rogersville, spine injured, will die; L. A. Hughes, Lone Mountain, Tenn.; J. B. Tropolin, New York, internally injured; J. A. Kelly, Alexandria, Va.; Samuel L. Kelly, Alexandria, Va., severe; F. I. Fisher, Knoxville; William Whitehead, Marysville, Tenn.; J. W. Toohey, Green-

ville, N. C., severe; I. M. Hart, Muskogee; H. B. Sargent, New Orleans.

The wreck occurred on the top of a steep embankment and the train plunged down this. The locomotive went within 30 feet of the Tennessee river. Four of the coaches were telescoped and partially piled up on the engine. Three coaches were burned outright. The Cincinnati Southern train from Chattanooga to Cincinnati was traveling behind the ill-fated train, having to come by way of Knoxville on account of damage to tracks of the Cincinnati Southern between Chattanooga and Harrison last night. The engine of the Cincinnati Southern train ran up to the scene of the wreck and, by pulling two of the rear sleepers back on the track and away from the wreckage, succeeded in saving them from destruction by fire.

It is stated that the wreck was caused by two landslides. In the first it is thought a big boulder came down the side of a bluff and fell on the track. These landslides spread the track and when the locomotive struck the boulder it was thrown from the ties and down the embankment. Several coaches followed.

The scene of the wreck is between London and Lenoir City, Tenn., where the railroad parallels the Tennessee river

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ALARMING RUMORS OF HIS HOLINESS' HEALTH



HIS HOLINESS, THE POPE.

Munich, Bavaria, Feb. 28.—Monsignor J. Macchi, papal nuncio here, has received a report concerning the pope's health of an alarming character.

Rome, Feb. 28.—Notwithstanding a severe cold which affected his voice the pope today received the diplomats who congratulated him upon his jubilee. Dr.

Lapponi was opposed to the pope's participation in the ceremony owing to the probable fatigue of the celebration of his 25th anniversary of his coronation. Rumors were in circulation yesterday.

Yesterday, while the session did not aggravate the condition of his holiness, it did him no good.

DELINQUENT CASES COMING

Number of People Against Whom Charges Rest Are Getting Busy.

The cases against the persons who are delinquent in their taxes are still being pushed by the county treasurer. Three new cases against those of limited memory were filed in Justice Doran's court yesterday afternoon. They were as follows:

John Doe, 57 1/2 West Broadway; merchandise license.

Butte Floral company, 107 West Broadway, \$6.

M. J. Hatter, 701 Utah avenue; merchandise license, \$18.

NELLIE ROWAN DIVORCED

Secures Decree on Grounds of Non-Support by Default.

Nellie Rowan, who wedded Robert Rowan in November, 1901, told Judge Harney this morning that for over a year last past her husband had abandoned her and failed to provide her with the necessities of life. She does not know the whereabouts of her husband.

The latter put in no appearance and Mrs. Rowan was awarded a decree. She was allowed to resume her maiden name, Nellie Buchanan.

COLE'S STATEMENTS CONCERNING HIS CONFESSION

How the Robber Takes His Sentence—Is Angry At Detective Murphy.

When Bandit Cole was returned to the county jail after being sentenced to 20 years this morning a marked change was noted in his demeanor. He seemed to have aged and was distraught. To his fellow prisoners he had little to say and to the sheriff's officers but one request, and that was that he be not taken to the penitentiary until Monday, as tomorrow he desired to see his sister and bid her good bye.

The convict seems very bitter towards Detective Murphy who arrested him. He denies the slench's story that he approached him with the remark: "You are looking for the train robbers and I suppose you want me."

"I gave myself up at the suggestion of my father, who advised it and it was because of the same advice that I decided to confess the crime.

"Why did I plead guilty? Well, I did so because I saw the futility of any one without money fighting a great railroad corporation.

"No; I have nothing to add to or take from my confession.

"I know that 20 years is a long time, but I shall go to the prison with a determination to behave myself and thus shorten my term as much as possible."

FREE DELIVERY FOR RURAL DISTRICTS NOW PROBABLE

Route 25 Miles in Length on the Flats Will Be Provided By U. S.

The efforts of the people on the flats to secure a free rural delivery have at last been crowned with success. At least there is now little or no doubt about the establishment of the route. A petition addressed to the first assistant postmaster general has been signed by the heads of 106 families along the proposed route. When all the names are secured the list of signatures will amount to 150 or more. All together from 250 to 400 people will profit by the establishment of the delivery.

The route as planned is about 25 miles in length, starting from the postoffice, going in almost a direct line to the reservoir, thence to the Nine Mile house and from there circling around by the Home-stake road. Persons at Burden Park and Little Basin will receive their mail at the reservoir. The people along the route will be able to get their mail and daily papers almost as soon as if they lived in the city, though some of them are 15 miles from the newspaper offices.

Nothing in It.

Vienna, Feb. 28.—A dispatch received here from Sofia denies the rumor circulated by the Zeit here Thursday that the Russian consul at Mirovitzka, Macedonia, had been murdered.

SIX CANDIDATES FOR SACRED COLLEGE AT ROME

New York, Feb. 28.—The belief that new members of the Sacred College of Cardinals will be proclaimed at the consistory to be held in Rome on March 3 rests upon the fact that there are 24 vacant titles, and that a new pope may have



MONSIGNOR GAETANO BISLETI.



MONSIGNOR MERRY DEL VAL.

to be chosen at any time, says Harper's Weekly.

In regular lines of promotion to the college are four classes of prelates: Archbishops or bishops of Italian sees, archbishops or sees outside of Italy, diplo-

mats in nunciatures of the first rank, and members of the Curia not already in the college. There are four Italian archbishops who are not now cardinals. They are Mistrangelo of Florence, who may be named; Velluti-Zati of Pisa, who may be



MONSIGNOR DIOMEDE PANICI.



MONSIGNOR NOCELLA.

of Florence is not; Conforti of Ravenna, who might be advanced had he not succeeded to his see only last June; and Pulciano of Genoa, who stands little chance, because Genoese Catholics are of the liberal kind not much in favor at Rome. Of archbishops outside of Italy it may safely

be said that no Frenchman will be honored, because of the French educational difficulties, and no German, unless it be Pritzen of Strasburg, named to spite the French government because of its hostility to the associations. Archbishop Walsh



MONSIGNOR RINALDINI.



MONSIGNOR DE AZEVEDO.

of Dublin may be named, for the Irish metropolis has generally had a cardinal archbishop. Four other possibilities are the archbishops of Grenada, Madrid, and Valencia, Spain, and of Warsaw, Poland

TWENTY YEARS IN THE PEN

Confessed Train Robber Is to Go to Deer Lodge for His Crime.

IS JAUNTY IN COURT

Cole Assumes Defiant Attitude and Refuses to Have Attorney.

DENIES THE SHOOTING

Says He Did Not Try to Kill Any One But Fired Over Their Heads.

George C. Cole this morning, in Judge McLernan's court, pleaded guilty to the charge of robbing Express Messenger A. F. Devoe of \$3, the property of the Northern Pacific Express company. Judge McLernan, upon the prisoner waiving the statutory time in which judgment would be passed, immediately sentenced Cole to 20 years at hard labor in the state penitentiary.

Cole appeared in court without an attorney, John R. Grice having withdrawn through filing notice of such intention just before court adjourned yesterday evening. Cole refused the offer of the court to appoint another attorney and defiantly stated that he would go through with the whole thing this morning.

When County Attorney Breen arose to announce that this was the date set for the pleading of George C. Cole, who participated in the attempted robbery of the Northern Pacific train near Home-stake, Cole immediately stepped forward to the center of the vacant space behind James Cusick's chair and in front of the spectators.

COLE ASSUMES VERY DEFIANT ATTITUDE

He assumed a defiant attitude and in his answers to questions spoke emphatically and in a loud voice. His whole bearing

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FORSYTH IS CLOSED

Gambling Shut Down by Sheriff Davis in the Rosebud Town.

Forsyth, Feb. 28.—Forsyth is a "closed town" so far as gambling is concerned, and is likely to be for some time unless the new bill passes the senate which makes a gambler a professional man, along with doctors, merchants, lawyers and editors. The change occurred yesterday afternoon, Sheriff Charles Davis serving notice on the many gamblers that he had orders again from the county attorney to close all gambling.

FROM THE JUSTICE COURTS

Big Batch of Cases Is Called Before Judge Clancy.

In Judge Clancy's court this morning another batch of cases on appeal from the justice courts, involving amounts from \$3 to \$75, were called and set for trial. These cases are so numerous that they promise to keep the court and jurors busy for a good portion of the coming month.

The calling of the law and motion calendar, during which demurrers and other ex parte pleadings were submitted, followed the setting of cases.

The law and motion calendar was also called in Judge Harney's division of the district court and orders made on several minor cases.