

THE JURY ACQUIT TUOHY

After Four Hours Deliberation Agreeing Upon a Verdict of Not Guilty.

The Defendants in the Other Cases Pleased With the Verdict.

There Are Some Other Charges Against Tuohy—The Scandal Case Ready for Trial.

The jury and the court listened for four hours and a half yesterday to the arguments of counsel in the Tuohy case. J. T. Ronald, who has been assisting County Attorney Nolan, opened for the state at 10:30 in the forenoon and was followed by Judge McConnell for the defense. Both made arguments for their clients and received great attention from the jury. They made exhaustive reviews of the testimony and brought out every point that could be made use of to any advantage. Mr. Ronald, who has a powerful voice, could be heard all over the court room in spite of the poor acoustic properties of the chamber. Judge McConnell concluded his remarks to the jury at 12:30 o'clock. William Wallace, Jr., commenced the presentation of the defendant's case to the jury at 2:30 in a carefully prepared and ably delivered appeal in favor of his client and made some strong points. He is a rapid and forcible speaker. The jury showed no signs of being tired out while he was before them. Col. Nolan then closed for the state, getting through with his argument at about half past five. The jury were then instructed by Judge Hunt. One point that was clearly brought out in the charge being that if they believed from the evidence that the coat had been stolen by the two men in charge of the yard engine, Fennel and Manker, they could not convict the defendant unless they were satisfied beyond a reasonable doubt that he had knowledge that it was stolen property. They were also admonished to give due weight to the testimony produced as to the character of Tuohy. The instructions were also to the effect that the jury alone were to judge of the credibility of the witnesses who testified, and if they believed that any one of them had sworn falsely it was their duty to take that also into consideration in determining the guilt or innocence of the accused. The state was not allowed to present any evidence until they were satisfied beyond a reasonable doubt of his guilt. The judge also, in an emphatic manner, told the jurymen that they would not be allowed to read any newspaper accounts of the trial, and would not be allowed to separate until they had come to a conclusion. Bailiff James Roddick was placed in charge of the jury and instructed not to communicate with them except to ascertain if they had arrived at a determination. "If any one usual meeting to-night in the Christian Science institute, third floor, Pittsburg block. All cordially invited. On account of the absence from the city of the pastor, there will be no service at the congregational church. Sunday school will be held as usual at 2:30 p. m. First Baptist church, corner Eighth avenue and Warren street. Services to-day, both morning and evening. Preaching by the pastor, Rev. C. H. Allen, Jr. Christian Science—This Sunday evening, at A. C. U. W. hall. Importer business. Mrs. Heathwood holds her usual meeting at Odd Fellows' hall. Subject: "It is the Spirit that Quickeneth the Flesh Frotheth Nothing." All invited. Grand Street Methodist church. Preaching at 11 a. m. and 7:30 p. m. Sunday school at 10 a. m. You are cordially invited to attend these services. D. B. Price, pastor. Rev. M. Boe has Scandinavian Lutheran services to-night at eight o'clock at the German Lutheran church, corner of Ninth and Rodney street. Scandinavians are all invited to attend. The First Evangelical Scandinavian church on Hoback street. Preaching at 10:30 this morning and 7:30 this evening. Sabbath school this afternoon at 2:30. J. F. Frederickson, pastor. Presbyterian church services will be held in the district court room of the court house to-day at 11 a. m. and at 7:30 p. m. Rev. C. R. Compton, of Anaconda, will preach morning and evening. Sunday school at 2:30 p. m. Regular services morning and evening at the usual hours of services, 11 and 7:30. Presbyterian chapel, north of the Northern Pacific depot, corner of Sanders and Poplar streets, Flower Garden addition. Sunday school at 2:30. All are cordially invited to attend these services. P. J. May, pastor. Evangelistic services every Sunday evening at 7:30 in the store room, corner of Ninth avenue and Idaho street. Good singing and speaking. Sunday school at 2:30. Prayer meeting every Thursday evening at 7:30. These are all interesting and profitable services and all are cordially invited to attend them. Oakes street M. E. church, Sunday, Oct. 12, quarterly meeting and communion service at 11 a. m. Preaching at 7:30 p. m. Both services will be conducted by Rev. E. E. Snider, P. E. Sunday school at 9 o'clock p. m.; young people's meeting at 7 p. m. All are cordially invited to attend. U. F. Hawk, pastor. Children's merino vests and pants, bound with silk, pearl buttons, 15c up at Fowles' Cash Store. Children's scarlet and natural wool vests and pants, 15c up, at Fowles' Cash Store. Ladies' all wool hose at 45c, 50c, 75c and 85c, at Fowles' Cash Store. A Bridal Trouseaux. Visiting the prominent business establishments during the latter part of last week I was decidedly gratified with the healthy appearance of every character of trade in Helena. In response to an inquiry at the New York Dry Goods store as regards the preparations being made for the fall and winter seasons the proprietor said: During the past week we received a large lot of ladies' Parisian costumes and wraps, the latest productions of Hornsanz Bros., managers of the Louvre. With characteristic politeness of the accomplished buyer of the New York store he unlocked a trunk addressed to one of Montana's most charming ladies (and as I afterward learned soon to become a bride) he unfolded for my inspection some of the most beautiful costumes ever displayed in Montana's fashionable capital. The first a pearl gray Bombazine, charming in its simplicity, the basque is tight fitting, the sleeves are full at the top but cut-shaped below the elbow, the skirt is slightly draped in front and is arranged in a triple box plait at each side and full back drapery. The second a frozen blue sazeen de lion, extravagantly finished and a most pronounced trimming, exquisite in design, decidedly Parisian, a little lord, but very beautiful. What bride would not look lovely in a costume like this from the most fashionable center of the world? The manager of the New York store, interrupting us, called my attention to the last and, according to my idea, the most important of this elaborate trousseau, more especially as the costume was prepared by their own modistes, composed of a fine quality of broadcloth the new color of golden rod, the basque trimmed with galons of gold and silver lace put on straight, then again in the Greek pattern. The skirt was of the plain style, without drapery, and was made walking length, a beautiful traveling costume. I noticed that each costume had two pair of sleeves, one pair of the same material, the other pair of some contrasting material or color. These costumes seem to be easily changed, and make a variety in the costume. The New York store is the acknowledged authority for the fashionable world of Montana. Use Turkish Myrrh.

COMING UP A LITTLE.

Registration in Helena New Tools Up Over 2,700.

The two registration offices in Helena got about 180 more names on the list yesterday, seventy-one at the Edwards street office and 109 at the engine house. The total registered to date is 1,224 at the Edwards street office and 1,510 at the engine house, making 2,734 for both offices. The registration is about 500 behind at each office so far, and lacks about 1,800 of the number on the books when the offices closed last year. The republican county committee had wagons out yesterday, trying to get lukewarm voters to come up to register. The only result was that the committee spent a great deal of money, and found the market rather short on patriotism. There will be three more days to get registered. Examine the millinery at Fowles' Cash Store. Scarlet pants and vests, all wool, mated, at \$1.50 at Fowles' Cash Store. HE KEPT HIS OWN BOOKS. Frank Kenck loses a Case With the Man He Claimed to be Helping. Theodora Doere brought suit against Frank Kenck for \$284.20, which he claimed was due him for services rendered. He told the justice that he had been working at odd jobs about Kenck's place for two years, and had only received a dollar or so now and then on account. Kenck said that his sister had pointed out Doere to him as a worthy object of his attention. She had suggested that Doere, for his board and lodging, and a little spending money now and then, would do any little odd jobs there were about the place. On this understanding he had taken Doere in, housed him and fed him, and occasionally given him some money to spend. He did not think he owed the man anything. He had no papers, however, to show that Doere was working under any such agreement. Doere, on the other hand, had a memorandum book, in which he put down everything, from driving a nail to feeding a fence, with the date of the work and other details. His time was estimated at fifty cents an hour, and the wear and tear on the grey matter of his brain was fixed at various sums. He figured up that Kenck owed him \$284.20 with interest. The only thing Kenck could bring to offset this was his claim against Doere for board, and the small sums advanced from time to time. We covered the process, was created Justice Fleischer found that Kenck owed Doere \$289.10, and yesterday he gave judgment according. The case will be appealed. Ladies' Jersey ribbed wool vests, low neck, no sleeves, elegantly finished, with silk trim, at 40c and 50c, at Fowles' Cash Store. Heavy Jersey wool vests and pants, natural wool, at \$1. at Fowles' Cash Store.

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SUNDAY CHURCH SERVICES.

Rev. J. M. Gugel will hold German Lutheran service Sunday, at 11 a. m. All are cordially invited to attend. The Hebrew Benevolent society will hold a meeting Sunday, Oct. 12, at three p. m. at A. C. U. W. hall. Importer business. Mrs. Heathwood holds her usual meeting to-night in the Christian Science institute, third floor, Pittsburg block. All cordially invited. On account of the absence from the city of the pastor, there will be no service at the congregational church. Sunday school will be held as usual at 2:30 p. m. First Baptist church, corner Eighth avenue and Warren street. Services to-day, both morning and evening. Preaching by the pastor, Rev. C. H. Allen, Jr. Christian Science—This Sunday evening, at A. C. U. W. hall. Importer business. Mrs. Heathwood holds her usual meeting at Odd Fellows' hall. Subject: "It is the Spirit that Quickeneth the Flesh Frotheth Nothing." All invited. Grand Street Methodist church. Preaching at 11 a. m. and 7:30 p. m. Sunday school at 10 a. m. You are cordially invited to attend these services. D. B. Price, pastor. Rev. M. Boe has Scandinavian Lutheran services to-night at eight o'clock at the German Lutheran church, corner of Ninth and Rodney street. Scandinavians are all invited to attend. The First Evangelical Scandinavian church on Hoback street. Preaching at 10:30 this morning and 7:30 this evening. Sabbath school this afternoon at 2:30. J. F. Frederickson, pastor. Presbyterian church services will be held in the district court room of the court house to-day at 11 a. m. and at 7:30 p. m. Rev. C. R. Compton, of Anaconda, will preach morning and evening. Sunday school at 2:30 p. m. Regular services morning and evening at the usual hours of services, 11 and 7:30. Presbyterian chapel, north of the Northern Pacific depot, corner of Sanders and Poplar streets, Flower Garden addition. Sunday school at 2:30. All are cordially invited to attend these services. P. J. May, pastor. Evangelistic services every Sunday evening at 7:30 in the store room, corner of Ninth avenue and Idaho street. Good singing and speaking. Sunday school at 2:30. Prayer meeting every Thursday evening at 7:30. These are all interesting and profitable services and all are cordially invited to attend them. Oakes street M. E. church, Sunday, Oct. 12, quarterly meeting and communion service at 11 a. m. Preaching at 7:30 p. m. Both services will be conducted by Rev. E. E. Snider, P. E. Sunday school at 9 o'clock p. m.; young people's meeting at 7 p. m. All are cordially invited to attend. U. F. Hawk, pastor. Children's merino vests and pants, bound with silk, pearl buttons, 15c up at Fowles' Cash Store. Children's scarlet and natural wool vests and pants, 15c up, at Fowles' Cash Store. Ladies' all wool hose at 45c, 50c, 75c and 85c, at Fowles' Cash Store. A Bridal Trouseaux. Visiting the prominent business establishments during the latter part of last week I was decidedly gratified with the healthy appearance of every character of trade in Helena. In response to an inquiry at the New York Dry Goods store as regards the preparations being made for the fall and winter seasons the proprietor said: During the past week we received a large lot of ladies' Parisian costumes and wraps, the latest productions of Hornsanz Bros., managers of the Louvre. With characteristic politeness of the accomplished buyer of the New York store he unlocked a trunk addressed to one of Montana's most charming ladies (and as I afterward learned soon to become a bride) he unfolded for my inspection some of the most beautiful costumes ever displayed in Montana's fashionable capital. The first a pearl gray Bombazine, charming in its simplicity, the basque is tight fitting, the sleeves are full at the top but cut-shaped below the elbow, the skirt is slightly draped in front and is arranged in a triple box plait at each side and full back drapery. The second a frozen blue sazeen de lion, extravagantly finished and a most pronounced trimming, exquisite in design, decidedly Parisian, a little lord, but very beautiful. What bride would not look lovely in a costume like this from the most fashionable center of the world? The manager of the New York store, interrupting us, called my attention to the last and, according to my idea, the most important of this elaborate trousseau, more especially as the costume was prepared by their own modistes, composed of a fine quality of broadcloth the new color of golden rod, the basque trimmed with galons of gold and silver lace put on straight, then again in the Greek pattern. The skirt was of the plain style, without drapery, and was made walking length, a beautiful traveling costume. I noticed that each costume had two pair of sleeves, one pair of the same material, the other pair of some contrasting material or color. These costumes seem to be easily changed, and make a variety in the costume. The New York store is the acknowledged authority for the fashionable world of Montana. Use Turkish Myrrh.

PRETTY COSTLY DUCKS.

Four Domestic Fowl Which Have Stood Cascade County About \$2,000 Each.

And Sent James W. Gibbs to the Penitentiary for Seven Years.

A Little Hunting Expedition, a Case of Perjury and a Term at Dear Lodge.

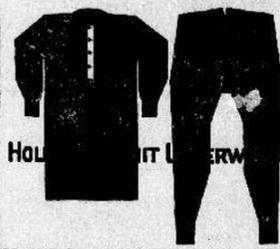
Four little tame ducks have cost the county of Cascade about \$2,000. On the twenty-second day of August last year, Jas. W. Gibbs and Frank Gray, with Lottie Moore and George St. Clair, went in a boat from Great Falls up the Missouri river to Sand Conlee. They had a gun along and were loaded for duck. Wild duck were rather scarce, however, so, seeing four tame ones on the place of Neils P. Loburg, Gray shot them. Loburg came along and protested, whereupon Gray threatened to shoot him also. Complaint was made by the owner of the ducks and Gray was arrested and tried for the offense. On the trial Gibbs swore that he and Gray had been in Great Falls all day on Aug. 22, and that neither of them had been up the Missouri river. This evidence secured the acquittal of Gray. Gibbs was tried on the same charge and acquitted. But the trouble was not yet over. The grand jury, on January 24 last, found an indictment against Gibbs for perjury on account of his testimony on the Gray trial. The case came up on May 7, and as Gibbs said he had no money to hire a lawyer, the court appointed counsel to defend him. After a trial lasting several days Gibbs was found guilty. A motion for a new trial was made and overruled, and Gibbs was sentenced to seven years in the state penitentiary, and to pay the costs of prosecution. An appeal was taken to the supreme court, where Attorney General Haskell moved to dismiss it. The court yesterday did dismiss the appeal, and Gibbs must serve seven years at Dear Lodge. If you want to vote for Dixon, register. Last year's registration is a back number. The largest stock of yarns and worsteds in the city at Fowles' Cash Store. Only first-class outfit parlors, motor office. A MINER HURT. James Sullivan Badly Injured by a Fall of Rock Near Diamond. James Sullivan, of Diamond, was brought into the city yesterday in a badly bruised condition. He is a miner, and on Thursday was at work in his placer claim washing out some pay dirt. While standing under an embankment of rock and gravel for the purpose of caving it, a large portion of the bank fell before he could get away and buried him nearly out of sight, but his head was free. His partner came to his rescue and released him from his painful position. He lifted Sullivan to one side and cared for him as best he could. It was three miles to Diamond, the nearest habitation, and the partner hastened there as fast as he could and got three men to carry Sullivan home. One of his legs was broken and he was otherwise badly injured and is now at the Sister's hospital in this city. Agnes Booth. Ladies' heavy ribbed Jersey vests, with sleeves, at 40c and 50c, at Fowles' Cash Store. Found at Last. Yes, the people of Helena have at last found a place where they can purchase their groceries at way down prices. The majority of the people did not believe that we could do a strictly cash business. But three months' trial has fully demonstrated to us that it can be done very successfully, and no one can dispute the fact that by doing a strictly cash business any firm can sell at greatly reduced prices to what a credit house can. And it is not only the people of Helena that have found that we are selling groceries way below the other houses, but the people from the surrounding country are catching on. Saturday we had buyers from several outside camps, Boulder, Rimini, Baso, Marysville, and if there was such a precinct as 34 we would have their trade, and all go away fully convinced that all we advocate is true. Mr. Gates is now in the eastern cities and will purchase anything that he can find that will tickle the palate. We will carry as full and as complete a line of groceries as can be found in any eastern city and at greatly reduced prices. A. R. GATES & CO. Register at once. Wednesday is the last day, and there will be a rush then, and somebody will be shut out. Attend the Infants' opening next Wednesday, at Fowles' Cash Store. Turkish Myrrh, the very best preparation for the teeth, gums and breath, at the Paynter Drug Co. Agnes Booth. Fine perfumes at the Paynter Drug Co's. Society Even Elects Officers. The Society Even, at its semi-annual meeting last Wednesday evening, elected the following officers: President, C. A. Donnelly; vice president, John H. Swanson; recording secretary, S. N. Holmquist; financial secretary, Aaron Anderson; treasurer, D. L. Nelson; marshal, P. Benson; trustees, Martin Benson, Fred Sandeen and John Skoglund. All the officers are prominent citizens of Helena and the society is in a good financial standing. It meets in its hall in the Merchants National Bank block, the quarters having lately been fitted up in the most elegant style. Prescriptions carefully compounded at the Paynter Drug Co's. Turkish Myrrh for the teeth, gums and breath at the Paynter Drug Co. The Sanges sold by Starrock & Brown are the best on the Helena market. Agnes Booth. The Scandinavian Republican Club Will meet Thursday evening, eight o'clock sharp, at room No. 1 in the Electric Light building. All Scandinavians are cordially invited. Starrock & Brown have the handsome line of Chandelliers in the state. Agnes Booth. Go to No. 11 Warren street for switches, wigs and fronts. Hair cut, curled and dressed. Home for the sick. Mrs. J. E. CLAYTON, 725 Spruce St. A new and complete stock of chest protectors for ladies, gentlemen and children last received at the Paynter Drug Co. Rushford & Schuttler farm, quarts and logging wagons at T. C. Fowles & Co. HELENA IN BRIEF. Jackson's annual store, Battle block. Dinner from 12 to 5 at the Bon Ton. Board and rooms at Miss Nagle's, 113 Clark street. Schupp, the artistic piano tuner. Cap City Music Co. James W. Barber, merchant tailor, Main street, opposite First National bank.

BABCOCK'S WINTER UNDERWEAR



Dr. JEAGER'S SANITARY UNDERWEAR.

And all the Leading and Best Brands of Medium and Fine Underwear.



BABCOCK & CO., HELENA and BUTTE.

J. R. STEELE & CO.

Houses for sale from \$1,500 upwards, easy terms.

Lots in all parts of the City.

Houses to rent from \$10 to \$50. Six-room house and large stable, only \$25.

Money to loan on short time.

John R. Steele & Co., ROOM 13, PITTSBURGH BLOCK.

3,000 ACRES

In Different Tracts, Near Helena, From \$30 Upward.

LOTS, BLOCKS, ACRES.

FINEST LIST IN THE CITY

W. E. COX, GOLD BLOCK.

SOMETHING NEW. SOMETHING NEW.

Something New! Cottonwood Park

Call for Particulars.

WM. MUTH, SOLE AGENT.

SOMETHING NEW. SOMETHING NEW.

BIG BARGAIN!

200 FEET OF

Syndicate Addition Lots

AT \$14 PER FT.

Includes Two Corners.

TERMS EASY.

R. H. FLOYD-JONES,

Atlas Block, Helena, Mont

WHAT AN ADVERTISEMENT SHOULD BE ITS USE AND ABUSE.

As this is intended for the prospective purchaser, not for the instruction of the advertiser, we shall limit our remarks to a few questions and answers suitable to our purpose.

That judicious advertising pays is a fact no longer doubted by the wide-awake merchant. But what is judicious advertising?

An advertisement that is not a statement of plain facts—that lacks the impress of unvarnished truth—that borders on the realm of fiction—such an advertisement is not only soon detected but as certainly avoided—no matter how adroitly the advertiser seeks the ear of the public.

To gain the confidence of the public, simply to advertise will not suffice; the merchant must keep faith with his customers; he must do what he advertises, and have what he advertises. Such advertisements are sought out by the reader in the hope that it may contain an announcement of a special bargain offered, or to ascertain the price of something he contemplates purchasing.

We do not pay out our money for printers' ink because it is a custom—we calculate its effect, and estimate the outlay to a proportionate gain.

THE EARLY DEMAND FOR

Fall Overcoats

Has caused us to open our new goods much earlier than usual. The lines we offer this season are more extensive, more varied, and handsomer than ever. The new conceits in style, finish and general elegance, are calculated to make eager and early purchasers. The box coat will be the favorite. We have them in all grades and kinds of fabric. Ulsters and cape coats will come in for their share of popularity.

OUR CHILDREN'S DEPT.

Here the mother can satisfy her fastidious tastes or her economical inclinations. Chevoits and worsteds predominate. Our school suits cannot be excelled in durability, nor surpassed in neatness and design. In short, we are prepared for the wants of all classes of purchasers.

Knox Hats! Imported Derby's! Knox Silk Hats!

Black Cashmere Underwear! Fisk, Clark & Flagg Neckwear! Mother's Friend Waists! All New Fall Goods!

GANS & KLEIN, Leading Clothiers - of - Montana.

C. B. LEBKICHER, 2d Floor Herald Building,

BLANK BOOKS

To Order. Books Neatly Ruled and Printed. Call

DANCING.

Prof. A. Thelin guarantees to teach any one to dance in fifteen lessons. Class meets every Monday night at Electric Hall. Regular dance night on Thursday evenings. Music by PROF. G. W. DUNCAN.

ARMITAGE & PIATT.

Bargains In

ACRES, LOTS AND HOUSES.

INFANTS' OPENING.



Bring the Babies And get a Present

THURSDAY, OCT. 16.

We will display the largest stock of INFANTS' goods ever shown in the city. As the day is devoted to the babies, we will give an elegant present to all infants under two and a half years old that visit our store on opening day.

FOWLES' - CASH - STORE

The Leading Millinery and Fancy Goods House of Montana.