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## FIRST CASE IS HEARING

DISTRICT COURT CONVENED FOR THE TERM.

### SHAW PLACED ON TRIAL

Charged With Having Cut Elmer Bentley In Murderous Manner During Saloon Row.

Only four excuses out of the entire number of jurors summoned were noted on the blotter of the clerk of the district court yesterday morning when Judge Loud had heard from all who thought they could not or did not want to serve the state and county during the term of court now fairly under way.

Those who satisfied his honor that it would be working a real hardship on them to compel them to remain were George Spendiff, R. E. Harkness, C. D. Taylor and J. B. Annin.

Charles Spear, L. B. St. John, W. M. Murphy and W. R. Westbrook said they had matters that would have to be attended to during the first day and that it would be almost an absolute impossibility for them to be in court. The judge heard their pleas and excused them for the day.

This left the panel for the term as follows:

Luther Gaines, F. D. McCormick, Oliver Wyman, Frank Kellett, L. H. Stoddard, C. M. Chaffee, A. S. Shannon, C. D. Camp, Fred Awe, B. C. Jacobs, C. L. Jones, Frank O'Donnell, Edward W. Peck, J. N. Comstock, N. McCreary, E. H. Hollister, Floyd L. Farr, W. F. Snyder, John Horn, W. M. Ames, G. W. Snider, Thomas E. Keithley, William Bode, E. P. Searles, Frank Scott, J. M. Hougardy, W. M. Murphy, Charles Spear, L. B. St. John, W. R. Westbrook.

#### State vs. Shaw.

The first case called for trial was that of State vs. Fred Shaw, charged with assault in the first degree, in which the defendant is accused of having inserted a knife into the body of Elmer Bentley a number of times with the intent of ending his earthly career.

The alleged assault occurred at Park City March 3, 1903, and when the combatants were separated Bentley was believed to have been mortally injured. For some time he hovered on the brink, but finally commenced to get better, but it was a number of weeks before he was declared to be out of all danger as a result of the wounds he sustained.

At first Shaw was held without bonds and Sheriff Hubbard had him in his custody. Finally, when it was considered certain that Bentley would recover, he was admitted to bail and has been at liberty ever since.

John Horn, Luther Gaines, F. D. McCormick, Oliver Wyman, Frank Kellett, L. H. Stoddard, B. C. Jacobs, Frank O'Donnell, C. L. Jones, Fred Awe, Floyd L. Parr and A. S. Shannon were sworn as the jurors to try the case.

County Attorney Harris appeared for the prosecution and W. M. Johnston for the defense.

#### Continuances Refused.

After the trial of the Shaw case had fairly begun it was brought out that no transcripts of the testimony heard at the preliminary hearing were available. County Attorney Harris stated that he had sent them to Park City to be signed by the witnesses and that they had never been returned.

In order that the missing testimony might be had Judge Loud ordered a recess until 4 o'clock, as it had been learned that the transcripts would be returned on the Bridger train. When the missing "copy" was finally received it was found that of the different witnesses only one had attached his signature to his statement. The rest had failed to sign.

This left the testimony in such condition that it could not be legally used at the trial. To the defendant this proved a great disappointment, as some of the witnesses who testified in his behalf at the original hearing and whose testimony was considered of

great importance, had left the country.

When court reconvened this morning Mr. Johnston for the defense moved for a continuance on the ground that some very important witnesses for Shaw were missing and that they could not be found in time to have them appear, and that the testimony adduced at the preliminary hearing was not in a condition to be used.

Judge Loud denied the motion and ordered the trial to proceed.

Mr. Johnston excepted to the ruling and was granted 20 days in which to prepare and file a bill of exceptions.

#### Miscellaneous.

F. W. Handel, receiver in the case of Rosenbaum Bros. & Co. vs. the Ryan Bros. Cattle company, the First National Bank of Leavenworth, intervenor, filed his first report. The report was approved and the court signed the necessary order.

In the matter of the estate of W. D. Knight, deceased, a petition for an order of final distribution was granted and the necessary order made.

#### HOW TO DO IT.

Dave Van Horne Writes Interestingly of Montana Trout Fishing.

D. P. Van Horne of this city is a contributor to the September number of Sports Afield, and in "Ethics of Western Trout Fishing," gives some decidedly valuable hints to the men who would lure from their home some of the speckled dentizens of the streams of the state. The article is characteristic of the author and only the odor of a cigarette that has been permitted to become extinguished a dozen times or more while "Dave" has been expatiating on his favorite subject is needed to bring him before the reader and complete the illusion of his presence. Of course, "that" pole—Dave always calls it a pole; his father did—figures in the contribution—it would not be from him if it did not—also the fact that some creature in the guise of a man appropriated it, and only the dashes are omitted to indicate the remarks that in parenthesis way are generally interlarded when he tells of it. As Sports Afield is read in the household the editor probably thought it best to leave them out and permit the imagination of the reader to supply them at appropriate points. But "that" pole was a wonder and Dave's constant companion for years. Its record is one to the credit of but few rods and its owner is to be pardoned for entertaining a feeling of resentment toward the arch villain who deprived him of it.

Dave does not have anything to say about grasshoppers as bait, but has much to say of flies, of which he uses only five different varieties. He gives their names in the order of his preference. The royal coachman is at the head as the main killer on the western slope, with the captain occupying the same place for fishing in the streams on the east side. In conclusion he offers a little advice as to the proper way of manipulating a fly after it has reached the water and tells the eastern fisherman that if he will only come out and turn himself loose in any stream in the mountains of the state, or even after it has traveled some distance toward the prairie, he will find sport such as the average whipper of streams in the east has no idea exists in the world.

#### FAMOUS SUITS ENDED.

Custer County Settles With Two Cattle Companies.

The county commissioners have accepted the proposition from the Western Ranches company (limited) that if the county will pay or permit judgment to be taken for the sum of \$250 in the case of the Western Ranches vs. Custer county, now pending in the district court of Custer county, says the Yellowstone Journal, and will dismiss the appeal taken by the county in the "penalty case," now pending in the supreme court, the company will accept such payment or judgment as settlement of the claims or demand made the basis of the action against the county.

A similar proposition from the Matador Land & Cattle company with the indemnity placed at \$500 was also accepted. The cattle companies were represented by their attorney, M. S. Gunn.

#### Ranch For Lease or Sale.

Good range for 3,000 or 4,000 sheep. Good sheep sheds and corrals. Hay furnished. For particulars address E. H. MESSENGER, Alpine, Mont.

## IS KIDNAPPED BY OFFICERS

PRISONER REMOVED IN DEFIANCE OF COURT'S ORDER.

### VERY MUCH LIKE CONTEMPT

Despite Writ of Habeas Corpus Issued, Carey Snyder is Not Produced by Chief Morse.

After the arguments of the lawyers retained in the case of Carey P. Snyder, alias George W. Savage, arrested in this county last week at the instance of Missouri officers, who held a warrant from a Missouri court for his arrest on the charge of highway robbery, Governor Toole decided yesterday afternoon to honor the requisition of Governor Dockery.

The case from its inception has been an interesting and at times exciting one. After the prisoner's arrest and return to this city his father was communicated with and sent money on to defray the son's immediate expenses and also wired that an attorney was en route to Billings to see that the young man's rights were duly observed. Before the Missouri lawyer arrived young Snyder had retained W. M. Johnston of this city and the latter applied to Judge Loud for a writ of habeas corpus. The writ was granted and Chief of Police Morse, who had the prisoner in custody, produced him in court. When the answer of the respondent was submitted the court held that the detention of Snyder was wrong and ordered his release.

Still determined to hold the man until the requisition from the governor of Missouri, which they had been informed was on the way, could arrive, the detectives, in anticipation of the outcome of the writ, had filed an information in a local justice's court charging Snyder with being a fugitive from justice. On this a warrant for his arrest was issued, and within a few minutes after his release by Judge Loud, Snyder was a prisoner once more, having been arrested by Chief Morse. He was locked up again in the city jail and on the following day an application for his release was made to Justice Mann. The judge fixed the amount of bail at \$2,500. This Snyder was unable to give, although arrangements had been made to furnish security in the sum of \$2,000.

Meantime Lawyer Cooper, the attorney sent from Kansas City by Snyder's father, and Mr. Johnston had not been idle. A case in the district court occupying his time, Mr. Johnston arranged with F. H. Hathorn to act in his place in assisting Mr. Cooper. The requisition from Governor Dockery was received a few days ago and the flight was transferred to Helena. Yesterday it came up in the governor's office with Mr. Cooper and Attorney T. J. Walsh on one side and Detective McAnany and Attorney Odell W. McConnell on the other side.

For the defense it was alleged that Snyder was not a fugitive from justice, as charged, and that he could not be legally extradited, being a citizen of Montana, and that no offense was charged against him, and that he had been dismissed from custody on a writ of habeas corpus issued by a court of this county. All these things it was held, acted as a proper bar to any requisition that might be made by the governor of Missouri.

Governor Toole said he felt constrained to comply with the request of the governor of Missouri and that if a mistake had been made and Snyder was really innocent and not the person who committed the offense with which he stood charged, it would no doubt be brought out on his trial. In addition, the governor said it had always been his policy to honor such documents, unless great and grave cause should exist for contrary action.

#### Busy At This End.

The fact that Governor Toole had granted the requisition was telegraphed to this city and the two attorneys at this end became busy again. They appealed to Judge Loud for another writ of habeas corpus and last night, between 8 and 9 o'clock, he

made the necessary order. The writ was made returnable at 1:30 o'clock this afternoon and directed S. F. Morse to have the body of Carey P. Snyder in court at that time.

Sheriff Hubbard was entrusted with the duty of making service on the chief of police and at once started to look for him. Although he made a careful and diligent search he was unable to find the chief and was compelled to make service by posting. He posted a copy at the home of the chief and also a couple of copies at the city hall, first, however, trying to make service upon Sergeant Hanna and some of the police officers, as representatives of the chief. None of these would accept service, all declaring that they had absolutely nothing to do with the case, as Snyder was not in their custody and that they knew nothing regarding the matter.

#### Snyder is Kidnapped.

By this time it was almost 11 o'clock and soon thereafter the train from the west arrived. On board was Detective McAnany and he had the requisition, together with Governor Toole's vice, at least it is said he had. Before anything could be done to stop the proceedings Snyder was taken from the jail and led toward the depot where he was held in the shadow of the library building until the train was about to leave for the east. Then he was placed in one of the rear cars and in a few minutes was headed for somewhere, supposedly Huntley, where it is believed he was held until this morning, and then was placed on the Burlington train and is now on his way to Kansas City.

Although they claimed to know nothing about the case and are said to have professed ignorance in every respect, yet the officers were not wholly without some knowledge, especially as to where the keys of the jail could be obtained, for they are said to have been of considerable assistance to the detectives in getting Snyder to the depot and holding him until the time arrived to place him on the train.

#### Hearing On the Writ.

Although the writ issued last night was made returnable at 1:30 o'clock this afternoon, Judge Loud was not in court at that hour, probably having taken cognizance of the fact that Snyder was no longer within the jurisdiction of the court. At 2 o'clock court convened as usual and the matter of the writ was called to his attention. In reply he said that he would not take it up until after the Shaw case, then on trial, had been submitted to the jury.

Chief Morse was on hand ready to make answer. What that answer was to be can only be surmised. It was said, though, that his plea would be ignorance of the law and ignorance of the issuance of the writ, not having been duly served. It is also said that he claimed to have been in his place of business when the sheriff was making search for him and that he did not willfully conceal himself or attempt to evade service.

This may all be true, but there are many who believe that his ignorance is not so great as he would now like to have it appear and also that he made it convenient to be where the sheriff could not make personal service on him and that throughout the entire proceedings, from the start to the end, he was determined to help the Missouri officers get possession of Snyder and place him beyond the jurisdiction of the courts of the state.

Chief of Police Morse's explanation to Judge Loud for disobeying a writ issued out of the district court will be awaited with a great deal of interest. The decision of the court in respect to Morse will close the Snyder incident in Montana.

#### A Boy's Wild Ride for Life.

With family around expecting him to die, and a son riding for life, 18 miles to get Dr. King's New Discovery for Consumption, Coughs and Colds, W. H. Brown of Leesville, Ind., endured death's agonies from asthma; but this wonderful medicine gave instant relief and soon cured him. He writes: "I now sleep soundly every night." Like marvelous cures of Consumption, Pneumonia, Bronchitis, Coughs, Colds and Grip prove its matchless merit for all Throat and Lung troubles. Guaranteed bottles, 50c and \$1. Trial bottles free at Chapple's drug store.

#### For Sale.

Six room house, three corner lots, near northside school house; \$1,600 on easy payments. E. B. CAMP, Real Estate and Live Stock Broker.

## POOR PIECE OF FORGERY

FRED BISSETTE ARRESTED AS THE PERPETRATOR.

### HE TELLS A FLIMSY STORY

Attempts to Pass Bogus Check Bearing the Alleged Signature of Thomas McGill.

Unless he can tell a better story than he has told so far, and substantiate it in a proper manner, Fred Bissette will probably find it hard to escape punishment for forgery. He was arrested last Sunday by Chief Morse and given a place in the city's free lodging house, pending an investigation of his case.

Bissette was about town last Saturday and Sunday trying to induce different parties to cash a check for him that purported to have been drawn on the First National bank by Thomas McGill, the well known stockman of Huntley. The body of the check was filled in with a lead pencil and alleged to be for the sum of \$40, made payable to the order of Fred Bucher. So poorly was the thing done and so very apparent the fraud that none of those to whom it was presented would take the risk and advance the money. Finally the matter came to the knowledge of Mr. Morse and he arrested Bissette.

When questioned as to how he came in possession of the check, Bissette told the old, old story—some one had given him the check for the purpose of having it cashed. The man who thus trusted him was named Brown and Bissette gave a very accurate description of him and also stated where he would most likely be found. A search of two days convinced the police that Brown was a myth and only strengthened their suspicion that Bissette had told an awkward tale to extricate himself from a serious predicament.

At the request of the chief the prisoner wrote his name on a piece of paper. Comparison of the signature and the writing of the body of the check makes it seem tolerably certain that both are the chirography of the same person.

Mr. McGill was in the city yesterday and as soon as he saw the check pronounced it a forgery. He said that Bissette had worked for him a few days earlier in the season and gave him anything but a good reputation. He said he had attempted to induce the other men employed by him to quit without notice and in other ways had deported himself in such a manner that he was glad to get rid of him.

One of his men told him that Bissette had robbed a shepherd, but this was merely hearsay and Mr. McGill could not vouch for the story.

#### EVIDENTLY GUY LANDER.

Forger Who Operated Here Killed by Texas Sheriff.

Edna, Texas, Sept. 13.—Three men were shot and killed here this afternoon at the city jail. Sheriff George Wharton and Deputy Brugh arrested a man known as McAgley of Philadelphia, but believed from papers found upon him to be W. T. Lander of Atlanta, Ga., on a charge of attempted swindling. Lander was conveyed to jail without trouble, but when the officers attempted to search him the prisoner drew a revolver and opened fire. The first bullet struck Sheriff Wharton and the second mortally wounded the deputy. The sheriff, while falling, drew his revolver and fired at the prisoner, killing him instantly.

Wharton when picked up was dead and Brugh died an hour later.

The above undoubtedly has reference to W. Guy Lander, who was arrested here last spring for forgery and who broke jail. Lander was known to hail from Georgia and Sheriff Hubbard and others who became acquainted with him here are satisfied that the fellow killed by the Texas officer was none other than the smooth young man who attempted to victimize the Billings State bank and various other persons in the city.

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