

# Butte Department.

## THAT VERY BIG NOTE

### Dr. Weyerhorst Is Asked a Long String of Pointed Questions.

## OTHER WITNESSES TESTIFY

### Gordon Sherman Was Not Put Up on the Stand and That Was a Surprise—Blodgett, the Famous, Speaks.

The trial of the suit over the \$25,000 note alleged to have been given Dr. Weyerhorst by the late James Tuohy out of gratitude for medical attendance, was resumed in Judge Spear's court yesterday morning with Dr. Weyerhorst under cross-examination. He was asked by Mr. Corbett if he had not stated to James H. Lynch, in the presence of H. G. Valiton and others, about the time the alleged note was executed, that Tuohy owed him \$250 and that he was going to get even with the old man because he would not give him a note for the amount. The witness denied ever having made such a statement. He was asked if he knew a lawyer named Blodgett and he replied he did and that Blodgett was now in jail for blackmailing. He denied that he asked Blodgett, in Haldorn's office, about a week before the \$25,000 note was signed if a note with a genuine signature was good after the maker's death and denied that he asked Blodgett if it made any difference what a paper contained provided the signature was genuine.

"Do you know Dan Shields, the crippled man who was in the court room the other day?"  
 "Yes, sir. He used to act as nurse for Mr. Tuohy."  
 "Did you offer Dan Shields a sum of money if he would testify that the note is genuine?"  
 "Never."  
 "Did you talk to him about the note soon after Mr. Tuohy's death?"  
 "I did not."  
 "You had no conversation with him of any kind?"  
 "None whatever."  
 "Was the note signed on the same date on which it is dated?"  
 "Yes, sir; about 8 o'clock in the afternoon."  
 "How often did you visit him on that day?"  
 "Three or four times."  
 "Why did you visit him so often?"  
 "As he was sick and asked me to call as often as I wanted."  
 "What called him at that time?"  
 "He had dropsy, but he was walking around at that time."  
 "Was anyone present when he gave you the note?"  
 "No, sir."  
 "How many written instruments did Tuohy ever give you?"

Three—an option on a mine, a note and a written testimonial.  
 "Is Mr. James Lynch of your nationality?" asked Mr. Haldorn, on redirect examination.  
 Objected to and sustained. Mr. Haldorn said he wanted to show the impossibility of Weyerhorst confiding in any one not of his own nationality.  
 "You say that the Blodgett referred to is a convicted blackmailer?"  
 Another objection was sustained, and in answer to another question Weyerhorst said the only dealings he ever had with Blodgett was after Blodgett secured the fraudulent note from Mr. Byers and tried to sell it to the witness. "But it wouldn't work," said Weyerhorst.  
 "That was sometime after you got the note from Tuohy?" said Mr. Corbett.  
 "Yes, sir."  
 "Is it not a fact that you saved Tuohy's life when he was suffering from dropsy?" asked Mr. Haldorn.  
 "Yes, sir."

E. E. Condon testified that he was familiar with the signature of James Tuohy and in his opinion the name to the note was genuine. On cross-examination he said if the note were presented to him he would question the amount, but not the signature. "I would certainly think there was something wrong if I were presented with a note of that size from Mr. Tuohy," said the witness.  
 The plaintiffs announced their case closed and then the defense asked leave to amend their answer to show that the suit had been brought prematurely, that is, before the note was due. The court overruled the motion in that it had been made too late. Another motion was then made for a non-suit and also overruled.

James H. Lynch was the first witness for the defense and was asked about the declaration of Dr. Weyerhorst that Tuohy owed him \$250. The witness said Weyerhorst came into Valiton's saloon on West Broadway, where Mr. Lynch was in charge. Somebody asked him how he was getting along with Tuohy and he replied, "I fix him." Weyerhorst said Tuohy owed him \$250 and that he had asked him to sign a note for that amount, but Tuohy refused to sign the note because Weyerhorst had agreed to absolutely cure him for that sum and had failed to do it. Mr. Lynch said he was sure about what Weyerhorst said because the witness knew Tuohy so well that he paid particular attention to what was said.  
 Mr. Cotter repeated what Dr. Weyerhorst was supposed to have said and asked Mr. Lynch if that was Weyerhorst's language.  
 "That is positively what he said," was the answer, and then Mr. Haldorn asked him to repeat the language of which he was so positive.  
 "I only came here as a citizen in the interest of justice and I don't think I should be persecuted," said Mr. Lynch. "I don't believe there is a man in the room that could repeat the exact language."

A hot argument between the attorney and the witness followed and it was some time before order was restored and then Mr. Haldorn again asked Mr. Lynch to repeat the language used by Mr. Cotter, and of which the witness had been positive was the language used by Dr. Weyerhorst. Mr. Lynch repeated that he was testifying in the interest of justice.  
 "I saw this scheme coming up and I determined it was my duty to tell what I knew."  
 "You have got a little animus in this matter, have you not?"  
 "No, sir; only as a citizen."  
 "When you spoke of this suit as a 'scheme' that does not show animus, does it?"  
 "I spoke to several citizens the other

day about this matter and they told me it was my duty to testify and tell what I knew about it."  
 Mr. Haldorn asked Mr. Lynch why he paid so much and such particular attention to a matter that did not personally concern him, and could remember the exact language used by Weyerhorst.  
 "Well, I knew something about his past record and knew that he pretended to be a sort of a God-cure doctor by the laying on of hands. I know that he offered to cure Johnny O'Farrell about an hour before he died and went to his room and if Dr. Hough had caught him he would have broken his neck for his unprofessional conduct."  
 "Now, Mr. Lynch, what has that to do with this case?" interrupted Mr. Haldorn.  
 "You wanted details and I am giving them to you."  
 Fred Bergold dropped the witness and he was excused.

Dan Shields, a cripple, was the next witness and testified that he had known Tuohy for a long time and acted as nurse for him in March, 1893, at the time the alleged note was signed. Weyerhorst was attending Tuohy and the latter got a little better. On the 24th of March Mr. Tuohy signed a certificate or testimonial and also gave Weyerhorst a power of attorney to sell a mine. The power of attorney was a large piece of paper, folded up, and was signed at the request of Dr. Weyerhorst. The witness thought the matter looked suspicious and afterwards spoke to Tuohy about it.  
 "Did Dr. Weyerhorst ever speak to you about this note, after Mr. Tuohy's death, and offer you money to testify?" asked Mr. Corbett.  
 "Yes, sir. On the second day of October, 1893, I met Mr. Weyerhorst on Park street and he stopped me and promised me \$5,000 if I would swear that Mr. Tuohy signed the note. He asked about Mr. Tuohy's will and said he didn't want to present the note against the estate until he knew the date of the will."  
 Shields said he suggested to Weyerhorst, for the purpose of getting proof against him, that he get some other persons to testify also, but Weyerhorst said that if the witness would swear that he saw Tuohy sign the note that would be sufficient. Before Tuohy's death Weyerhorst called the witness out so often, to talk to him, that Tuohy became suspicious.

On cross-examination by Mr. Haldorn the witness said he was a beneficiary under the will and admitted that his chances for getting something would not be so good if other claims against the estate were allowed. An option given by Tuohy on some mines was shown the witness, but he said it was not the "power of attorney" he had spoken of. The testimonial of good health was also shown him and he said it bore no resemblance to the one signed by Tuohy on March 24. Shields said that when he spoke to Tuohy about the suspicion he had, Tuohy told him to look out for that paper and said that when he was a beneficiary under the will he might sue for \$100,000 or more. The witness said Weyerhorst wrote the option, or power of attorney, and then folded it up and had Tuohy attach his signature to the bottom, some distance below the end of the option. "There was room enough between the signature and the writing for the body of a note," added the willing witness. Shields folded a piece of paper to show how the option looked when Tuohy signed it and, after he got through, the alleged Dr. Weyerhorst was shown to him and asked if there ever had been any creases, from a fold, in the note. Shields then said the option had been rolled up instead of having been folded, and Tuohy signed the rolled paper. Tuohy held the paper as it was rolled and signed it without opening it. Shields admitted that after the case had been set for trial the parties to the suit went to his room to take his deposition, and he said he knew nothing about the case, and his deposition was not taken. He denied that he told a man named Bergold that he knew nothing about the note and didn't know why they wanted to take his deposition. He said that when Weyerhorst offered him \$5,000 in cash he told the witness that they would go into business together.

"In the doctor business?"  
 "No; I guess in the forgery and perjury business."  
 Before Tuohy's death Weyerhorst often spoke to the witness, said the latter about getting up a bogus will for Tuohy. On redirect examination by Mr. Corbett the witness said that on May 4, 1895, the date on which he was alleged to have had a conversation with Bergold he was either at Gregson Springs or confined to his room.  
 "What was your condition of health at that time?"  
 "My health was good, but I was paralyzed and rather weak."  
 O. J. Blodgett, a "lawyer" and a convicted blackmailer, was brought out of jail and testified that he came to Butte about the first of March, 1893, and was often at Mr. Haldorn's office, as he had a letter of introduction to him from an attorney at Missoula. On one occasion he met Dr. Weyerhorst at Mr. Haldorn's office and Weyerhorst asked him if a paper with a genuine signature to it, and which became a note after the signature was attached, could be collected after the man's death. Weyerhorst told him that he was doctoring Tuohy and was going to make \$20,000 or \$30,000 in the next few days.

On cross-examination by Mr. Haldorn the witness was asked something about his idea of professional ethics, but such a matter was evidently beyond the fellow's comprehension and he replied that he had not thought of it.  
 "Are you not now serving a sentence in jail for extortion from a client?"  
 "Yes, unjustly."  
 "Why unjustly?"  
 "Well, I think so, anyway."  
 "Did you take an appeal from that judgment?"  
 "I did not."  
 "Prior to your coming to Butte from Missoula, with a letter of introduction to me from Colonel Marshall, how often had you been indicted in Flathead county, and how many indictments are now pending against you there?"  
 Mr. Corbett objected to the question and the court came to Blodgett's rescue by sustaining the objection.  
 "Were you not sued in this court a few months ago, and a judgment obtained against you, for obtaining a \$500 note by fraud of Mrs. Byer?"  
 The court sustained another objection. Blodgett said he had forgotten all about what Weyerhorst had told him until a few weeks ago, while he was in jail, and then he decided to tell about it purely out of love for justice.

Dr. T. J. Murray was called as a witness and testified that he had attended the witness, Shields, and that the latter was suffering from a spinal trouble and could not walk without assistance. The doctor did not recollect the time he attended the man.  
 Patrick McDonald testified that Dr. Weyerhorst's reputation for truth and veracity was bad, but he could not name a single person who had ever questioned his reputation.  
 Mr. Haldorn secured leave from the court to talk to Gordon Sherman, who had been brought up from the penitentiary by the defense. Sherman was expected to give some startling testimony against Weyerhorst, and it was therefore a surprise when Mr. Corbett announced that Sherman would not be called at all and that the defense had no further evidence to offer.  
 Fred Bergold was called as a witness in rebuttal and testified that he had a conversation with Shields in South Butte on the 4th of last May. He asked Shields what he knew about the case and Shields said he knew nothing about the note and did not know what they wanted his testimony or deposition for. On cross-examination the witness said he went to see Shields at the request of Dr. Weyerhorst, and that he was directed to him by some one. Shields was out doors and appeared to be in good health. He had no crutches or a cane at that time.  
 Mr. Haldorn, a stenographer, was called in the employ of Mr. Haldorn, testified that he was present during some conversations between Blodgett and Weyerhorst. An objection was made to the testimony before the witness could say that he had not heard the conversation testified to by Blodgett and the objection was sustained.  
 Mr. Lloyd, however, was permitted to testify that Blodgett's reputation for truth and veracity was bad. Attorney Seth B. Smith and Colonel Jenks also testified that Blodgett's reputation was anything but good.  
 Dr. Weyerhorst was recalled and denied that he ever made a proposition to Shields to have Tuohy removed to the hospital, and draw up a will for him, stating that it could be made all right whether Tuohy signed it or not. He denied that he ever talked to Shields about the will. The witness identified an option given him by Tuohy on some mining property for \$100 and said it was the only option or "power of attorney" ever given him by Tuohy. He denied writing any paper except the note and was the only thing Tuohy signed on the day in question and the paper was not folded up when it was signed. The testimonial and option were signed the following day in the presence of Shields.  
 Mr. Haldorn offered the deposition of D. G. Bricker to show that he saw the alleged forged note on the very date it was executed, March 24, 1893, and long before the date on which Dr. Weyerhorst made the alleged threat to Mr. Lynch to get even. The deposition was objected to, but the court admitted it and it was read to the jury.  
 Christian Jacky was called to testify as to Dr. Weyerhorst's reputation for truth and veracity, but he only knew him so far as his own dealings with him went, and an objection to the testimony was sustained.  
 Adolph Pincus testified that Weyerhorst's reputation was good and then the testimony was announced closed and court adjourned until this morning.

The reason for this sudden ending of the case for the defense and their failure to put Gordon Sherman on the stand was not brought out in court, but was fully explained in a letter written by Sherman to Dr. Weyerhorst on Sunday. The letter was dated in the county jail and said that Blodgett was at the bottom of a conspiracy and was going to testify to some concocted story against Weyerhorst and had informed the attorneys for the state that Sherman knew something about the note. Blodgett told Sherman, according to the latter's letter, that he was going to help to beat the note and that he expected to get out of jail through it in about two weeks and he would secure the release of Sherman if he would assist in the case. Sherman wrote that he hoped they would put him on the stand so he could expose Blodgett's conspiracy and said he would remain in the penitentiary 14 years before he would go into the scheme.

**HIS MONEY RETURNED.**  
 May Templeton Held It for a Time, Then Handed It Over.  
 May Templeton, who is said to be one of the smoothest of Butte's coterie of "grafter," noticed a well-known mine boss into a room in the Leland block in East Park Sunday night and when he woke up yesterday morning he found that he had been robbed of a roll of bills amounting to \$70. He informed the police of the affair, although he said he would not appear against the woman, as he feared it would lose him his job to have his name published in such a connection. Chief Tebo concluded that it might be a good idea to run a bluff on the fairy anyway, and he made it so strong that she returned all the money except a portion of it, which she had spent for beer in the meantime. The money was turned over to the mining man and he went away with increased admiration for Butte's police force.

**COUNTY BUSINESS.**  
 C. G. Bradshaw and G. C. Fitcher Delegates to the Omaha Congress.  
 The county commissioners yesterday appointed C. G. Bradshaw and George C. Fitcher to represent the county at the Transmississippi congress, which will meet at Omaha on the 25th of this month.  
 The last two quarterly reports of Sheriff Reynolds were received and approved.  
 An order was made transferring to the emergency fund \$250 from the road and \$250 from the poor fund.

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 The largest and best stock is here. We keep most of the finer grades, but if a good quality at a low figure is wanted, see our ladies' Jersey ribbed vests and pants, regular 50c goods; price only  
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