

BUTTE NEWS.

EN MASQUE IN COURT

A Detective Dons the Footpad Garb for Witnesses' Benefit.

TRIAL OF JAMES CLANCY

The Judge Overrules Objections of Defense Made on Technical Grounds—Incriminating, though Silent, Testimony.

Judge Clancy yesterday morning overruled the objection that was raised Thursday evening by the attorneys for James Clancy, the supposed expert highwayman, to the introduction of any testimony, for the reason that the wrong information had been read to the jury, and the trial of the defendant was proceeded with. In deciding the matter, the judge stated that he had informed himself on the question and that he would overrule the motion of the defense for the reason that the reading of the information was a mere formality and was not required by the statutes, and for the further reason that the rights of the defendant had suffered no injury from the fact that an old information had been read in place of the one on which he was being tried, when they were exactly alike. He therefore ordered the motion overruled and the old jury retained to try the case. The defendant's attorneys were so confident of securing his discharge on the technicality that was raised, that they accepted the jury with less scrutiny than usual and when the court overruled the question which they had raised, Mr. Newton objected to the jury because he had not closely examined the qualifications of those composing it. The objection was also overruled and another objection was then made. Mr. Thresher objected to any testimony on the ground that the defendant was being tried without having entered a plea to the information. The judge overruled the motion with the statement that Clancy had refused to plead to the information and that he had ordered a plea of not guilty entered for him, and that if the records did not show such to be the case it was simply an oversight. The trial was then proceeded with.

Peter Carroll, who was on the stand when the objection was raised on Thursday evening, was recalled and related the story of the hold-up, which was such recent occurrence that it is still well remembered. Three masked men entered the boarding car with drawn revolvers and compelled the members of the bridge building crew to throw up their hands and face the side of the car. Their hands were then tied behind them and their feet pinioned and they were all tied together. The thieves then went through them and broke open their trunks and made a thorough search of the car for valuables. The witness said that the robbers addressed each other by numbers and that they could hear more of them on the outside of the car. The leader of the gang who directed operations in the car had revolvers and he was about the size of Clancy.

While Carroll was giving his testimony City Detective Meiklejohn brought in a gunny sack full of stuff which was found in the cabin occupied by Clancy and his friends in East Park street. There were four loaded revolvers, varying in caliber from a 28 to a 44, all Colt's guns, a lot of black masks and handkerchiefs, two or three slouch hats and a sack full of watches and jewelry. The guns were laid on the table with the muzzles pointing towards the attorneys for the defense and they promptly made an objection which was sustained by the court, and the cartridges were taken out of the guns. At the request of Mr. Connolly, Mr. Meiklejohn donned one of the masks and slouch hats and Carroll said that the makeup was like that worn by one of the robbers on the night of the hold-up. The stuff that was taken from the gunny sack was all dumped on the table in front of the county attorney and it contained seven watches, chains and charms.

One Thalgog related his experience, which was similar to that of Carroll. He identified one of the watches and a chain as having been stolen from him. He said that the largest gun in the collection was like the one carried by the leader of the gang and that the masks were like those worn by the highwaymen. Meiklejohn dressed up in footpad garb for the benefit of Thalgog and the latter said his general appearance answered that of the leader except that the latter was taller than the detective.

Frank Nelson gave similar evidence. He identified his watch from among the stolen property and gave the number of it. He said that it was taken from him by a tall young fellow whose face was covered with a black mask.

Antone Brassburg, who was the first witness called at the afternoon session of court, was the most important witness up to that stage of the proceedings and was the only one up to that time who identified Clancy as one of the hold-ups. He repeated the story of the hold-up as it had been given by previous witnesses and swore positively that he identified Clancy as one of the robbers by the peculiarities of his hands. He was standing near Clancy while the robbery was going on and noticed his hands particularly. He said that they were peculiarly freckled and that two fingers of one hand were turned in. He gave it as his opinion that Clancy was the leader of the gang and that he was sure the defendant was the man he saw with the freckled hands and the two fingers turned in. The witness said that he lost \$75 in cash, two promissory notes and a watch, and he identified the watch in the collection on the table.

Martin Gleason was then called and the state offered in evidence the proofs

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of Clancy's former conviction for robbery. It was shown that he had been sent to the penitentiary for a year in 1895 for a robbery committed in Beaverhead county, and a certified copy of the records of the court and his commitment to the penitentiary were introduced in evidence. An objection by the defense to their introduction was overruled. Mr. Gleason testified that he was now a deputy sheriff of Deer Lodge county and that in 1895 he was a guard and deputy warden at the state penitentiary. He identified the commitment and said that Clancy was received at the penitentiary on Sept. 20, 1895, and was discharged on Aug. 8, 1896.

Advertisement for 'DIVORCE INSTITUTED' by Delia Barnaman against her husband, including details of the legal proceedings.

Delia Barnaman instituted divorce proceedings yesterday against Charles L. Barnaman, and if the statements that have been made by the complainant are true, the trial of the case will probably develop some interesting features. The complaint in the case sets forth that the plaintiff and defendant were married in Montana on April 25, 1891, and alleges that for more than two years past the defendant has neglected and refused to provide his wife with the common necessities of life, although he has been well able to do so. The defendant is also charged with having treated the plaintiff in a cruel and inhuman manner, and with having called her vile names and repeatedly inflicting and threatening to inflict upon her grievous bodily injury.

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