

ANACONDA NEWS.

DEUE TO CARELESSNESS

An Inquest Held on the Body of John Johnson.

CONTRARY TO THE RULES

The Victim of Saturday's Powder Explosion Found to Have Acted in Violation of the Regulations at the Tunnel.

John Johnson, the man who was blown up through his own carelessness in thawing out some giant powder at one of the tunnels north of the city on Saturday, died late Tuesday night. He had been hovering between life and death for four days. At times he seemed to be slightly improved, but no time did the surgeons have any hope of his ultimate recovery.

Death occurred on Tuesday night at St. Ann's hospital, to which institution Johnson was removed after his accident. The body was removed to Ehret's undertaking rooms and Coroner Hardenbrook notified of the death.

The evidence brought out at the inquest was unimportant and contained nothing further, so far as essential details go, than was contained in the account published in the Standard.

Frank Jones, a carpenter in the employ of the Anaconda Company, was the first witness. He said that he had just come from the west end of the big tunnel to the east end. He was standing about 50 feet south of the blacksmith shop, facing the shop. He saw Johnson with a can in his hand standing at the forge. He held the can over the forge and was looking at the powder.

Johnson seemed to be dazed and his face was black with powder. Johnson was in such a state that he placed him upon the timbers.

"What was in that can?" "That was all that Jones heard him say. Some men came up then and they picked up some powder. Jones did not know what the can contained. It looked like a can used for thawing out powder. All at once there was an explosion and he ran to where Johnson was. He picked up the powder and placed it in a sitting posture. Jones was the first one to reach Johnson.

Johnson seemed to be dazed and his face was black with powder. Johnson was in such a state that he placed him upon the timbers. "What was in that can?" "That was all that Jones heard him say. Some men came up then and they picked up some powder. Jones did not know what the can contained. It looked like a can used for thawing out powder.

The jury after a short time spent in deliberation returned a verdict to that the said John Johnson came to his death through thawing powder contrary to the rules of the contractors, and further, that the contractors are exonerated from any blame in the matter.

The remark of Johnson, as Jones ran up to him, "What was in that can?" would seem to indicate that Johnson was not aware of the fact that the can contained powder. It is thought, however, that Johnson, at that time thought there were caps or black powder in the can, and that the explosion was caused by these. Johnson must have known that there was giant powder in the can, as he was heating the contents of the can in a hard to explain.

Johnson was an old hand in the handling of powder. Mr. Jennings, one of the contractors, said that he had known Johnson for a number of years and that he had always considered him to be a very careful man. He thought that Johnson had been handling powder for 10 or 12 years, and his carelessness was a surprise to him. Nothing was brought out at the inquest relative to Johnson's condition in life, whether he was a married or single man, or whether he had any relatives in this section of the country.

Real Estate Transfers. Deeds in the following real estate transfers were filed for record yesterday in the office of the county clerk and recorder:

Mary C. Finn, administratrix of the estate of Luke Finn, deceased, to J. W. Blair, the southeast quarter of section 33, township 12 north of range 9 west, comprising 160 acres; consideration, \$400.

United States patent to Anders Christofferson, to the north half of the northeast quarter, the southwest quarter of the northeast quarter and the northwest quarter of the southeast quarter of section 28, township 8, north of range 9 west.

Sara S. Harris and Ben E. Harris to Henry L. Frank, an undivided one-eighth interest in the Holdfast lode claim in the Georgetown, unorganized, mining district; consideration, \$1.

W. H. Kerwin and Lissa Kerwin to William K. McLaren, the northeast 1/4 of 33-1-3 feet of lot 3 in block 108 in the city of Anaconda; consideration, \$1,000.

The Anaconda Copper Mining Company to Matthew Honohan, lot 2, in block 6, city of Anaconda; consideration, \$900.

Plumbing done by Young & Desell gives best of satisfaction.

AN OPPORTUNITY. Market Lake Invites the Local Coursing Club to Help Itself.

Yesterday's mail brought from Market Lake, Idaho, a letter to the Standard in which is contained an open invitation from the people of Market Lake to the Anaconda and Butte Coursing Club to come to Market Lake and help themselves to the jack rabbits that will be gathered at the drive on Saturday next.

The local coursing club has always had trouble in getting jacks. The only day of coursing that was given in summer was more of a slaughter than a coursing match. The hares were puny, weak little things with about as much chance of escaping from the hounds as they had of being snared. A half a dozen times has the announcement gone forth that on such and such a date there would be coursing. Matches would be arranged and everything gotten in readiness to pull off the races, when it would invariably be found that it was an impossible thing to secure rabbits.

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The drive at Market Lake will be a monster affair. There will be hundreds of thousands of rabbits driven into the corral. It is the chance the coursing club wants—nothing should prevent the drive at Market Lake.

The drive at Market Lake may be needed during the coming year at this drive, and it is now large enough for good coursing. The rabbits could be turned into the field and left there, if wanted. The cost of building what little fence is necessary to prevent their escape is of small account. If the local club does not take advantage of the present opportunity to secure hares, it is likely that another year will pass without coursing.

The invitation of the Market Lake people is as follows: "Anaconda Standard, Jan. 31, 1898. 'Anaconda Standard: Gentlemen—The general committee on our rabbit drive, which takes place Saturday, Feb. 5, have decided to let your sporting club and the other clubs have the rabbits, if they will come down and receive them. If they will send a committee of one here on Thursday night to be with us when we feed the rabbits on Friday, we will show them where they are, Yours, etc. M. PATRICK, 'Field General'."

McBryer whiskey is pure and wholesome. Sold by Devine, Third and Alder.

When in Butte lunch at Sherman's.

ACTIONS BEGUN. Mrs. Huber Sues Her Husband for Divorce—Cruelty Charged.

Julia Huber yesterday commenced an action in the district court for divorce against her husband, Mr. Huber. The complaint in the case sets forth that the parties were married at Helena on April 20, 1890. Three grounds for action are alleged, viz., extreme cruelty, habitual intemperance, and failure to provide. Mrs. Huber alleges specifically several instances of cruelty and states among other things that in June, 1895, while the couple were living at Marysville, Idaho, she assaulted her with a heavy rope, at the end of which was a huge knot. The couple have four children, M. D. Kelly is attorney for the plaintiff.

The Copper City Commercial company vs. John Allan and August Heimbeck; debt amounting to \$484.27. Leary & Maiden are attorneys for plaintiff.

Henry P. and Andrew Leck vs. Frank Stickfaden; the suit is brought to recover \$561.40, alleged to be due for labor and material furnished by Huber upon a certain building, and property of the defendant. Sawyer & Walsh are attorneys or plaintiff.

R. C. Phint, et al. vs. Michael Lyons. The action is brought to foreclose a mechanic's lien amounting to \$125.95. Sawyer & Walsh appear for plaintiff.

Henry P. Leck and Andrew Leck vs. R. B. Peckham and John W. Frinkle. The action is brought to recover \$561.40 upon a mechanic's lien. Sawyer & Walsh are plaintiff's attorneys.

Meyer's piano store, 117 East Park.

POLO GAME SUNDAY. The Local Players Will Go Against the Butte Team.

At a meeting of the polo club it was decided that the team should go to Butte next Sunday for a game with the smoke-eaters. The following members will constitute the playing team: Hammond, Hasley, Ryan, Sullivan, Phint, Andrews, McCoy, Kunkel, and O'Brien.

The game will be played at the rink known as the Butte skating rink, and will begin at 3 o'clock.

The members of the local team are putting in as much time as they possibly can at practice. While they are not overconfident of winning the game from the Buttes, they believe that they can have a good account of themselves. The uniforms of the team not yet having arrived, arrangements have been made with the baseball men to use their uniforms. They have been cautioned that they disgrace the colors of the Pirates they need never show their faces in Anaconda again.

Awarded Highest Honors—World's Fair. DR. WALKER'S CREAM BAKING POWDER. MOST PERFECT MADE.

A pure Grape Cream of Tartar Powder. Free from Ammonia, Alum or any other adulterant. 40 Years the Standard.

IN POLICE COURT. Frank Normandy and John Ashbin Contribute to the Fund.

In police court yesterday Frank Normandy and John Ashbin were fined \$15 and \$20 respectively. These two men were charged with having become obstructive in Bruno Maineville's saloon in the northern addition, and threatening to fight any of the things that walk. Officers Stebbins, Mayhew, and Powers arrested them. During the hearing yesterday there were about 10 witnesses. When Officer Powers took the stand and told about treating the men, he was dressed in citizen's clothes, and Ashbin did not apparently recognize the big policeman. Ashbin said to the court:

"I was not arrested by that fellow; I was arrested by a policeman."

William Hayes pleaded guilty to a charge of assault in the second degree, in having engaged in a fight with Fred Craig. He paid \$15.

NEAT QUESTION OF LAW

Mr. Duffy Springs a Technicality in the Lavelle Case.

WHAT IS A "FALSE TOKEN"

A Section of the Montana Codes Taken From the California Laws in Which There is an Omission—Under Advisement Till Monday.

The case of the state against William Lavelle and his wife was concluded yesterday in Judge Donoghue's court. The Lavelles are charged with obtaining money under false pretenses in having defrauded J. H. Bonenberger out of something like \$250.

Yesterday was devoted to hearing the arguments of counsel in the case and the attorneys talked for nearly five hours. During the progress of the arguments Attorney J. H. Duffy raised a technical point of law which will have the most important bearing on the case.

The Montana codes, with reference to this crime, have been taken from the California statute, but a most important clause has been omitted, either intentionally or by an oversight. In view of this fact Judge Donoghue, at the conclusion of the arguments, took until next Monday to read up on the law before rendering a decision.

When court convened at 1:30 o'clock, Mr. Winston, for the state, opened the argument. He was followed by Attorney Balliet of Helena, for the defense, who made the legal argument in a general way. J. H. Duffy, the leading counsel for the defense, then made his argument. He made a most eloquent appeal in behalf of his clients and before he had concluded half the men and women in the court room were crying. Mr. Duffy spoke about two hours, after which Mr. Winston closed for the state.

During the introduction of testimony it was brought out that at the time the Lavelles and the Bonenbergers entered into the partnership in the restaurant business, an agreement was drawn up by Lavelle. The agreement is as follows:

"Anaconda, Mont., Jan. 25, 1898. 'Know all ye men by these presents that I, William Lavelle, have this day, 25th of January, sold half my interest in the business known as the restaurant Anaconda. One-half the good will of the same for the sum of \$250 to J. H. Bonenberger, and each to have one-half the profits and each to pay one-half the expenses of the same. J. H. Bonenberger to have one-half the fixtures and stock that belongs to William Lavelle. 'We seal our hands this 25th day of January, 1898. 'WILLIAM LAVELLE, 'J. H. BONENBERGER.'"

At the time this agreement was made Mr. and Mrs. Lavelle and Mr. and Mrs. Bonenberger were present. According to the state's witnesses, Bonenberger asked Lavelle what fixtures he meant. Mrs. Lavelle spoke up and said "All these you see here, back through the kitchen." Lavelle supplemented this remark by saying "Everything you see here except a few old chairs." The defense, of course, denies having specified any fixtures, or having obtained any of the fixtures in the room.

The section under which the Lavelles were arrested and tried is as follows: "Section 523. Every person who knowingly and designedly, by false or fraudulent representation or pretenses, defrauds any other person of money or property, or who causes or procures others to do so, or who obtains any real or mercantile character and by thus imposing upon any person obtains credit and thereby fraudulently gets into possession of money or property, is punishable in the same manner and to the same extent as if he had obtained the money or property so obtained."

That section is clear enough, but now comes another section which relates to the evidence upon which a conviction may be had. It is section No. 2088 and reads:

"Upon a trial for having, with an intent to cheat or defraud another, designedly or by any false pretense, obtained the signature of any person to a written instrument, or having obtained from any person any money, personal property or valuable thing, the defendant cannot be convicted if the false pretense is expressed in language unaccompanied by a false token or writing, unless the pretense, or some note or memorandum thereof be in writing, subscribed to or in the handwriting of the defendant."

The above section is identical with section 1116 of the California penal code, from which it was undoubtedly taken, with the exception that in the California code the words "or unless the signature of any person to the testimony of two witnesses or that of one witness and corroborating circumstances." These words in the California code follow immediately after the words "handwriting of the defendant." The defense contends that no false token was given by Lavelle and therefore he cannot be convicted. The state on the other hand maintains that the statements of Mr. and Mrs. Lavelle with reference to the fixtures pointed out by them, as quoted above, must be considered as a false token.

Whatever the contentions of the attorneys may be, Judge Donoghue has a neat question of law on his hands, and with reference to the fixtures pointed out by them, as quoted above, must be considered as a false token.

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At the Hotels. At the Montana—A. J. Burns, Chicago; W. Tallchal, Milwaukee; George

H. Mendell, Jr., San Francisco; Ed J. O'Neill, Butte; John A. Krona and wife, Helena; H. D. Luff, Chicago; J. E. Dawson, Horace J. Craft, Butte; K. S. Harbaugh, Portland; E. B. Hank, Omaha; Charles E. Potts, New York; W. E. Sleeper, Chicago; J. J. Hayes, Wallace, Idaho; Ed S. Hayes, Missoula; B. F. Brown, Garrison; James W. Geary, Gold Creek; John Dunning, Helmsville.

Anaconda Steam Laundry, 305 E. Park.

1898 diaries for sale at L. A. King's book store, Main street.

ABOUT THE CITY.

Bicycles repaired at Greig's.

Baths—Montana hotel barber shop, 30c.

H. J. Croft of Butte is in the city.

Ed S. Hayes of Missoula is in the city.

All kinds of bicycle repairs at Greig's.

John Dunning of Helmsville is in the city.

E. J. O'Neill of Butte is at the Montana.

J. J. Hayes is over from Wallace, Idaho.

Rev. W. T. Euster paid Butte a visit yesterday.

Major J. E. Dawson came down from Butte yesterday.

County Attorney Trippet went to Butte yesterday.

Buy wall paper where you get a fair deal. Mahan Bros.

Alderman J. V. Petrutz was in Butte on business yesterday.

For Rent—Front hall of Standard Building. Apply at office.

Attorney B. F. Maiden was in Butte on business yesterday.

Latest styles of engraved calling cards at the Standard office.

Sisson's Business college, Davidson building over Baker's grocery.

Public Administrator E. F. Brown of Garrison came in last evening.

H. N. Black, architect, has temporarily removed his office to room 15, Bank building.

For Sale—Con O'Connor restaurant, on Commercial avenue. Call at C. C. C. Co. for particulars.

The Lowland club has been reorganized and will give a dance at the Montana next Friday night.

There is an undelivered telegram at the Rocky Mountain Postal Telegraph office for Guy Hankins.

Toole & Walsh have removed the old reliable harness shop from Main street to 304 East Park avenue.

Dr. F. Gattan has his office in the Beaudry building. Office hours: 11 to 12 a. m., 2 to 4 and 7 to 8:30 p. m.

County Commissioner James W. Geary came in from Gold Creek last evening in order to be on hand for to-day's special meeting of the board.

Yesterday was ground hog day, and as the foxy little animal perceived a lengthy shadow of himself, cold weather may be expected for six weeks to come.

The county commissioners will be in session to-day for the purpose of canvassing the vote cast at the late election, and also to transact other business.

In the district court yesterday a jury tried the case of Geo. Robertson vs. William Lorenz, an action to recover \$108.60 due as wages. The defendant set up a counter claim of \$124. The jury rendered a verdict for the plaintiff for the sum sued for.

Delny. Among the wise maxims which we wrote in our copybooks there is none more valuable and none more neglected in practice than this: "Never put off until to-morrow what you can do to-day." A pyramid, mountain high, might be reared of the bones of those who have proven that delay is not only an ignominious, but a fatal, and the commonest manifestation of the danger of delay is found in the neglect of the slight cold or little cough. It fastens on a very stronghold of life, and overthrows it. No stronger argument can be urged for the keeping of Ayer's Cherry Cure, than the fact that it is a neglected cold. One dose in time prevents a fever and preserves health. There is no better medicine for coughs and lung troubles. Send for Ayer's Cherry Cure. A story of cures told by the cured. Free. J. C. Ayer Co., Lowell, Mass.

How Rails Are Injured. While on steam roads the tracks are not injured by locomotives running at high speeds, as they are by heavy iron wheels, their tracks are torn to pieces by the electric cars. The reason for this is that the plunging and rearing of cars mounted on four-wheeled trucks pound the track and loosen the joints. Cars on single-track single tracks often plunge sufficiently to throw practically all the weight on the front and rear wheels alternately, and the wearing effect of this can easily be realized.

Securities Sold. The Sale Was Stopped When \$3,300,000 Was Sold, Enough to Pay the Notes.

New York, Feb. 2.—Pursuant to the order of the federal court, the sale of the securities under the Union Pacific collateral trust took place here to-day. After \$3,300,000 had been bought, \$3,300,000 of securities the sale was stopped, as the money having been received to pay off the outstanding notes. Kuhn, Loeb & Co. represented the reorganization committee.

This purchase was made in one parcel, embracing the schedule previously sold in lots as follows: The Montana claims in two lots had been sold for \$6,000 each to William N. Cromwell; the \$4,800,000 Union Pacific Coal company first mortgage bonds had been sold to Kuhn, Loeb & Co. for \$1,600,000; the reorganization certificates for \$5,000,000, and the Union Pacific Kansas division an collateral trust is also to Kuhn, Loeb & Co. for \$1,820,000. C. H. Coster, a member of J. P. Morgan & Co., then made an announcement that sufficient money had been received to pay off all outstanding notes. That it was that Kuhn, Loeb & Co. purchased the entire amount previously sold, the price being \$3,300,000.

The Wire Trust. It Owns All the Establishments in the Country.

Cleveland, Ohio, Feb. 2.—The Leader says the American Steel & Wire company, in other words, the consolidation of the American wire industry, seems to be an accomplished fact. One of the strongest indications in support of the conclusion is the sudden and marked stiffening in prices of wire and nails. The price was put up Monday over a dollar a ton beyond what it was previous to the recent temporary drop, and as much as \$1.44 an \$1.45 a ton over the prices for wire last week. This huge concern, with a capitalization of \$87,000,000, owns all establishments in the country with which wire rod mills are connected.

Sheep Perish From Cold. Cheyenne, Wyo., Feb. 2.—Thousands of sheep are reported to have perished from cold and starvation in Western Wyoming. The cold has been intense for 20 days and old timers say that it is the hardest winter they have seen for the past 19 years. Carion counts have 500,000 sheep, and stockmasters there fear the loss will amount to \$10,000,000. Losses among cattle will not be so heavy as owners had been preparing for several years to feed their stock during severe weather.

A TORNADO EVANGELIST

Rev. J. H. Weber Begins the M. E. Revival Meetings.

A BIG AUDIENCE PRESENT

The Reverend Gentleman Outlines His Work for the Coming Series—Expects to Make Many Converts. What the Press Says.

The Rev. J. H. Weber, the evangelist who has just come from Milwaukee to hold a series of meetings in the M. E. church of this city, opened his series of meetings last night under very auspicious circumstances. A very fine congregation was out to hear him. His mode of getting the audience to join in song was unique and pleasing. Mr. Weber is a young man of pleasing address and very earnest in his speech. His remarks last evening were largely introductory to his work during the coming revival. He told the congregation what his plans were and what he expected to do. He said that before he left Milwaukee he would have the young men of the city studying the Bible and saying their morning and evening prayers. He would drive the devil out of their hearts and bring them back to the fold. He would make them an introductory to his work during the coming revival. He told the congregation what his plans were and what he expected to do. 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