

BUTTE NEWS.

THE DAVIS WILL CASE

Depositions Taken of Colonel Sanders and J. B. Clayberg.

THE CHARGES ARE FALSE

Colonel Sanders Denies the Truth of the Accusation of Fraud and Collusion—There Was Nothing to Excite Suspicion.

Considerable time has elapsed since the public has heard of the Davis will case and its many variations and connections. The last part of the court played in the case was some weeks ago when testimony was taken before Special Referee Blair in the United States court in the bank stock case.

Colonel Sanders, in his deposition, states that he was connected in a professional way with the contest for probate of Davis' will in 1891 and 1892. He was one of the attorneys for the contestant, J. A. Davis.

Colonel Sanders understood that he was to do all he could to recover for the estate everything belonging to it. The deponent recollects conversations he had with parties concerned in the suit before the trial, touching A. J. Davis, Jr.'s claim to the stock.

"State if you remember how the testimony of J. R. Boyce, Jr. given you on the witness stand in the bank stock case, compared with the statements he had made to yourself and other counsel before as to what he would testify to?"

"In detail I cannot re-state and contrast that which he said to us in consultations with him during the recess of the court at the trial, but this I know: That his statements to us of facts which he said he knew, caused the expectation that he would testify to them on the witness stand."

In regard to absence of the transcript of Blair's testimony at the trial, the colonel explains: "The reason it was not put in evidence was because counsel were of the opinion that it was likely to be decided that he could explain those statements orally on the stand if they were introduced, whereas if they were not introduced, he was an incompetent witness and there was likely to be more harm done from their introduction than by omitting them."

Mr. Corbett testified to as to Mr. Clayberg making a remark to the effect that you did not know how you could introduce the evidence of A. J. Davis, Jr. in the bank stock case if your client would not let you?"

"There never was such a remark made in my presence by Mr. Clayberg or any one else. Such remark would have startled me, because it was so contrary to all our relations with Mr. Talbot, and I am certain it would have induced me, and I am satisfied, the other counsel, to take steps to emancipate ourselves from any limitation of that kind."

Generally speaking of the trial, the colonel said: "Speaking for myself, every item of testimony was introduced within my knowledge that I deemed material and helpful to the estate and no circumstances occurred during the trial, which lasted a week or so, induced a belief that my colleagues omitted anything. It will sometimes occur during the progress of a trial that the trial itself will reveal testimony not in recollection of this case is that nothing of material importance was so revealed during the trial."

"In your experience as a lawyer, is it not frequently a serious question of not certain evidence had better be offered or left out with a view to the success of your client in the case?"

"It is. Every lawyer has to determine from his view of the materiality of the evidence and its probable influence upon the court."

In conclusion, the colonel has this to say with reference to the charges of collusion and fraud alleged in the bill, and speaking for himself, the charges are wholly false. Speaking for the two gentlemen who assisted me in the trial of the case, no event occurred and nothing was omitted to excite a suspicion in my mind that there is any truth in these allegations."

The testimony of John B. Clayberg in the main was similar to that offered by Colonel Sanders.

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Slaves of the Dust Rag. From the New York Sun. "When, the other day, after the junior lizard," said Mr. Hillman, "I saw Mrs. Hillman struggling to open a window that was banked up on the outside with snow and ice I wondered what under the canopy she wanted to open it for; why she wanted to open any window, for that matter, with the thermometer the way it was."

"She had performed what she regarded as a bonder duty. She does a certain amount of dusting and shakes the dust rag out of certain windows at specified hours daily. When she comes to a certain window she dusts, raises the sash, shakes the dust rag out, closes the window and goes ahead on the circuit of the room. And she wouldn't be satisfied unless she had done these things, and in just this way. They are a part of her daily routine of life, which must not be neglected. She can't let anything go."

A HOME FOR NEWSBOYS

Joe Sampson's Efforts Are Being Rewarded.

PLANS NOT COMPLETED

Accommodations for Twenty-Five Secured—Business Men Have Entered Themselves in a Worthy Enterprise.

In a little 24 by 12 frame house at No. 28 West Quartz street, the yellow curtains closely drawn, crevices and cracks calked with snow, no smoke issuing from the chimney, and no positive evidence of life under the roof, slept a dozen or more little boys nearly all of yesterday. So they do every day. On the front door are written the words "Newsboy's Home." About 3 o'clock, the little fellows emerge from their warm nests and then pandemonium reigned until the start was made for the newspaper offices.

This little "home" is the result of the efforts of Joe Sampson, the well-known newsboy, to establish a comfortable abiding place for his fellow workers in Butte who are fighting the battles of the world single handed and alone. This is only a preliminary to what the promoter hopes to accomplish. Three months ago Joe started out to enlist the sympathy of the business men in his enterprise. He has been quite successful inasmuch as he has secured a temporary lodging place for his friends, the destitute newsboys and bootblacks. Joe said yesterday: "Our home is a success. We have provisions for the accommodation of 25 boys. We have no systematic method of raising funds as yet, but expect to in a short time." He hoped to interest the labor organizations in the enterprise. The little waifs take great interest in the home and willingly assist one another in keeping the rooms clean and cheerful. In this connection Joe said: "They not only take interest in it, but they are greatly improved in their habits by having some place to go where they can get instead of hanging around saloons and other undesirable resorts. We hope to soon have a supply of books and magazines. We will also have games—not gambling devices, but games that will serve to teach as well as amuse."

Butte is not the largest place on the map, but there are many, many young boys, bright boys, here who, sad to relate, have not the advantages of a good home. They seem to be satisfied with but little, and it is possible that with elevating influences, many good men may emerge from the army of ambitious little boys in Butte who to-day are encouraged only by a firm will and ambition. There are some good boys in Butte, but the fact is patent that they are in the minority. It may be said right here that the proportion of incorrigibles is greater among boys whose parents are their guardians.

In nearly every large city in the union are homes for newsboys and bootblacks, and time has proved them to be institutions worthy of the consideration of the best citizens. It has been shown that

ETHER WAS ACQUITTED

Tried for Burglary Before Judge Clancy.

A GAME LEG AND A WIFE

This is the Only Excuse for His Acquittal. "Toot-Toot" Informed the Court How He Came by His Nickname.

Ferdinand Ethier was tried for burglary in Judge Clancy's court yesterday afternoon and the jury acquitted him. Why they acquitted him was not entirely clear, unless it was because he had a game leg and a wife, both of which were put in evidence at the trial. The state made a strong case against Ethier, but the jury evidently came to the conclusion that the witnesses for the prosecution should not be believed. The evidence of the state was to the effect that on the night of the 27th of last September, Police Officer Lowmy was passing the tailor shop of Fass Brothers at 62 East Broadway and saw a man on the inside taking a bolt of cloth out of the window and then run down Wyoming street. The officer called on him to stop and the thief dropped the cloth but kept on running. The officer went after him and gained on him until the thief reached the barn of August Ethier, a back driver known as "Toot Toot." The thief ran into the barn and closed the door in the officer's face. Lowmy pushed the door in and found the defendant, Ferdinand Ethier lying on the floor on the inside. He was sound asleep or pretending to be so, and the officer succeeded in arousing him only after he had handled him a bit roughly, and then took him to jail.

While chasing the thief the officer passed a drunken man by in the alley near Ethier's barn, and after Ethier had been arrested, the drunken man was sent to his home. Lowmy was positive that Ethier was the man he had seen taking the cloth out of the tailor shop, but Sam Golden, proprietor of the shop, who is a friend of Ethier, expressed the belief that Ethier was not the thief, and said that he had seen several hoboes hanging around the shop during the daytime. For the defense, the defendant's father, "Toot Toot," testified that he slept in the barn and that his son, who lived with his wife near the Colorado smelter, also slept in the barn frequently, and on the night he was arrested, he came in about 1 o'clock, more than an hour before the burglary was committed. The witness said that after his son had been taken away, he went out and saw the man lying outside the door and the man greeted him with the remark "Toot Toot, it's all right." The witness insisted on telling Mr. Connelly how he came to be called "Toot Toot." He said about 18 years ago somebody in a saloon invited him to have a drink, and he asked him "Toot, toot," which in French meant whether everybody in the room was included in the invitation, to which the other man replied, "Toot, toot, no; I only got four bits." After that, Ethier was called by those who did not understand French, "Toot Toot,

USED A BULLET

But It Was Not Sufficient to Stop a Street Car.

PARIS OF TO-DAY

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From the New York World. Here is a new way to stop a car, or to try to stop a car: A third avenue cable car bound up town passed the corner of Sixth street at 4:45 o'clock a. m. yesterday. On the car were several men, one of whom is employed on the World. On the corner were two young men and a woman and another young man. As the car passed the two young men who were with the woman noisily hailed it, but it did not stop.

The young man who was alone ran out and jumped on the car as it sped by. The woman and the two young men chased the car, shouting after it. The car stopped and changed cables. The conductor looked around, but the three chasing it were yet some distance away. He pulled the bell. The car started again.

Just as it did so a pistol shot sounded and a bullet struck the rear dashboard. The startled conductor turned; the two men and the woman were running away as fast as they could. The conductor angrily asked the young man who had jumped on: "Were you with that party of three?" "No," said he, and he seemed to be telling the truth, "but I was on the corner when they were some time waiting for this car. The two young fellows were drunk."

Being drunk, they tried to stop the car with a bullet and then repented.

THE POINT OF VIEW

Theaters and Street Car Traction Discussed by a Man and Young Woman.

TURKEYS TRACKED BY DOGS

From the Chicago Record. Fort Scott, Kan., Jan. 1.—The wild turkey in the Ozarks is now hunted with a slow-tracking dog, and whole flocks are often killed in this way. The trained dog was employed to follow up the wary bird this game fowl could baffle the most skillful hunter. Now when a flock of turkeys is found the sportsman has little difficulty. A good dog will follow a turkey track that is three or four hours old and set the birds when overtaken, just as the pointer does the quail. After the turkey has been chased awhile it hides in a tree or under a log, and stays there until the hunter, guided by his dog, comes within close range.

It is astonishing what fine instinct a good turkey dog will develop after a few months of training in the woods. He will follow a flock of turkeys for hours just ahead of the hunter and indicate by unmistakable signs when the game is near. After a turkey has received a fatal shot it may fly half a mile or more. A trained dog will go straight to a wounded or dead turkey with the same precision with which he tracks the game.

of a thoughtful answer that she tried him on two more plays, each of which was worthy of discussion, and although he had seen them both he merely commended himself to the assertion that they were "first rate," without any qualifications. Evidently he knew his companion well, for he talked to her in a brotherly sort of way about the foolishness of injuring her health by going out to the theater night after night or to dancing parties. She said that she got lots of sleep because she did not get up until late, and then she said: "Do I look like a physical wreck?" Here was his opportunity. Without glancing at her he said: "Why, no; you look all right—first rate, in fact."

"Then, so long as I do, don't read me lectures on my health."

"Silence for three minutes, and then he said: "Electricity works wonders, doesn't it?" This cable is also a fine thing. See how easily it draws this car. Now, the power house develops so many horse power and then distributes it all along the line of road. It costs a certain sum to run cars pulled by horses, and it costs much less to run the cable or electricity. What do you think of that?"

The young woman looked puzzled, but she replied bravely: "That's lovely, isn't it?"

"Now, the cable is operated in such and such a manner, etc.," he continued and then he wound up with "What do you think of that?"

"Perfectly lovely!" said the young woman.

Her escort looked as if this reply did not satisfy him, but the subject interested him, and he explained simply and accurately just how the cable system was operated and how the underground trolley system worked, and then he went into the subject of stocks and showed to a fraction of a cent how much the various street car lines had increased or decreased in value, etc., winding up with the question: "Now, what do you think of that?"

"It's lovely, isn't it?" she replied, and as the car stopped at Chambers street she and her escort left it.

"What a stupid dolt of a man that fellow was!" said the woman to her husband.

"Why, he seemed to me to be level headed," said the husband, "but I thought that the girl, though she was good looking, was perfectly insane," and the other passengers who had overheard the conversation and the subsequent comments seemed to be thinking hard.

"What is your opinion of it?" "What, the play? Oh, it's first rate."

"Yes, but what did you think of it?" "Why, it seemed to me to be all right, first rate, you know."

The young woman's face indicated that she was disappointed, and at least four men in the car looked as if they would like to shake her unsympathetic opinion, which seemed to be the only eye for the fair questioner beside him.

"Did you see So-and-So in her new play?" she asked.

"Yes."

"How did you like her?" "What, So-and-So? Oh, she's first rate."

"What did you think of the play?" "Why, it struck me as being first rate."

"It didn't seem to me that the third act was justified by anything which had developed in the previous acts. Now, if So-and-So was the sort of woman indicated in acts one and two, I don't believe that she could have reached that conclusion in the last act. What do you think of it?"

The stout man rolled uneasily in his seat and the other passengers waited with interest for his reply.

"I thought it first rate," he said; "in fact, all right."

This silenced the young woman for two blocks and then she said: "I was much interested in reading Blank last night. Have you ever read him?"

"Yes."

"What do you think of him?" "He is first rate."

"Do you agree with his theory?" "Yes; I thought it was all right."

The young woman seemed so anxious to arouse her escort to make some sort

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