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LEWISTOWN, FERGUS COUNTY, MONT., WEDNESDAY EVENING, MAY 1, 1901.

Price 5 Cents.

REPUBLICAN IN POLITICS, AND DEVOTED TO THE MINERAL, AGRICULTURAL, STOCK AND WOOL INTERESTS OF THE GREAT JUDITH COUNTRY.

OFFICER COMPELLED TO KILL

Night Marshal Nielsen Mortally Wounded L. W. Johnson, Proprietor of the "Cowboy's Home" -- Coroner's Jury Exonerated Him -- Johnson's Reputation Was Bad.

L. W. Johnson, commonly known as "Cowboy" Johnson, was shot and killed by Nightwatchman Nielsen Monday evening at 10:30. The killing came as a sequel to a noisy drunk which Johnson was indulging in and during which he discharged his revolver after pulling it on a man who refused to drink.

On hearing the shot Nielsen, who was in that vicinity, went to the saloon and on entering saw Johnson with the gun in his hands. The night watchman immediately ordered Johnson to drop the gun which was pointing in his direction and on his not doing so shot twice, one bullet taking effect in the right carotid artery and causing almost instant death.

Nielsen immediately sent for Sheriff Shaw and Doctor Stone. On the arrival of the doctor Johnson was just breathing his last and the gun which was cocked and loaded lay beside him. The gun was given to Nielsen who turned it over to Sheriff Shaw. A coroner's jury was at once called who viewed the body.

On Tuesday morning at 9 o'clock the following jury was called and an inquest held by Acting Coroner MacGowan, Dr. M. M. Hedges, E. Foster, Al. Hoops, S. B. Grey, J. K. Cross and R. A. Hanke. Witnesses on the case were W. Nichols, B. Morris, Clyde Osgood, W. Gerlich, Dr. R. Hedges, J. White, Geo. Huber, Jim Wilson, Chas. Braunschied, W. D. Deaton, Tom Shaw, J. Pratt, Dr. S. B. Stone, A. B. Lehman, Hugh Bentley. A summary of the evidence, which was extremely tedious and lengthy, is as follows:

Johnson, Geo. Huber, Jim Wilson and others were drinking heavily, during which time Huber, who had been fighting, said he had better go home or the "Big Swede" (meaning the night watchman) would get him. Johnson told him to stay and said he wouldn't allow him to be taken and said he could lick the Swede. About this time J. Pratt made his appearance and Huber asked him to drink. Johnson was swearing and did not serve them, whereupon Pratt started to leave. Johnson pulled a gun from underneath the bar and ordered him to come back which he did, and on getting close to the bar, Johnson again threw the gun down on him whereupon he started for the back door and as he went out the revolver in the hands of Johnson was discharged.

Inside of two minutes the night watchman put in an appearance and throwing a gun down on Johnson, who was standing behind the bar with his six-shooter in both hands, and on his not doing so shot him, ordered him to throw up his hands, and on his not doing so shot him.

T. G. Nielsen, the night marshal, on being questioned, made the following statement: On the evening of the 29th he stayed in the vicinity of the Cowboy saloon as there was considerable noise going on inside and he thought there might be trouble there. While standing close to the door he heard Johnson remark he would "get that G-d-Swede before morning," the expression being repeated several times.

He walked into the Silver Dollar saloon and was not there two minutes before he heard a shot fired in the direction of Johnson's place. He proceeded to the Cowboy saloon and before opening the door pulled his gun. He stepped inside and saw Johnson standing behind the bar with the gun pointing towards the big whiskey barrel which stands near the door. He got the drop on Johnson and told him to "drop that gun" when Johnson turned the gun toward him and cocked it. Nielsen told him to drop it again, and as he didn't shot twice, Johnson falling behind the bar. Nielsen immediately sent Clyde Osgood for the sheriff and another man for Doctor Stone.

He said that when the gun used by Johnson came into his possession it was cocked and loaded. Nielsen stated that Johnson had an old grudge against him and that on one occasion he had laid for him with a gun, at which time he had taken Johnson's gun away and arrested him.

Sheriff Shaw on making an examination of the gun used by Johnson found two empty chambers and four which were loaded, the weapon being a .45 calibre Colt's single action revolver.

Dr. S. B. Stone, on being examined, said that he was in Dr. Atchison's office during the evening and was called to the Cowboy saloon, where he found Johnson lying behind the bar in a dying condition. The wound man died in his presence, death resulting from hemorrhage. He said he found the gun lying beside Johnson and handed it to Nielsen.

A. B. Lehman, who was passing at the time of the shooting, was in the saloon when the gun was handed to the night marshal, and stated positively that it was cocked and that he told Nielsen so, who let the hammer down.

James Pratt, who was brought back into the saloon by Johnson at the point of a revolver, said that Johnson was in an extremely violent drunken condition and made the remark that he "was going to kill that G-d-Swede" and flourished his gun and said he was the best man in town with the exception of H. Brooks.

W. Nichols, who was bartender in the Cowboy saloon, said that he was coming out from supper when he heard a shot fired and saw Johnson fooling with a gun. He went over to Johnson and tried to get the gun, when Nielsen came in and said "what are you doing in here" and shot Johnson who said "I'm killed" as he dropped to the floor. He said the first shot went across the bar and lodged in the wall. On being cross examined by the coroner and jurors he said that at the time Nielsen shot, Johnson might have had his gun pointed in the direction of Nielsen. He said Johnson had been drinking but he didn't hear him make any threats as he did not pay any attention to the conversation. He heard Johnson say he could lick the "Big Swede."

After hearing all the evidence which it was possible to obtain the jury returned a verdict exonerating Night Watchman Nielsen.

Miss Florence Newman, who has been a great sufferer from muscular rheumatism, says Chamberlain's Pain Balm is the only remedy that affords her relief. Miss Newman is a much respected resident of the village of Gray, N. Y., and makes this statement for the benefit of others similarly afflicted. This balm is for sale by C. H. Williams.

DEATH OF THE "IRISH LORD."

James D. Bailey, One of the Early Residents of Maldean, Accidentally Killed in Anaconda. (Special to the Great Falls Tribune.) Anaconda, April 27.—James D. Bailey, better known as "Big Jim" Bailey, was almost instantly killed about 3 o'clock this afternoon in the saloon of Walkup & Corcoran, while he and Ed. O'Donnell, the bartender, were moving a barrel of whiskey from the main floor into the basement.

It appears that there was no other way than to take it down the stairs. They had succeeded in getting it part way down, when, in some manner, the barrel got over-balanced and tore its way to the bottom, taking Bailey underneath it, crushing his chest terribly. He made but a few gasps for breath and was dead.

Bailey was a pioneer, coming to Montana in 1879. He once owned a saloon in Miles City. Leaving there he went to Great Falls, where he engaged in the same business. The last few years he had been a faro dealer. Nothing is known as to his relatives, except that he was thought to have a daughter and a sister in Troy, New York.

Deceased was about 48 years of age and a native of Ireland. At one time he was very wealthy, but he lost it all in speculation. At a coroner's inquest held this evening a verdict was rendered that he came to his death accidentally.

Bailey was well known in Great Falls, and throughout northern Montana, as "The Irish Lord." He came to this city about 1889 and was here for a great portion of the time until last fall, when he went to Anaconda. He was, at intervals, a resident of Choteau, Lewistown, Fort Benton, Havre, Kalspell and other towns in this part of the state.

He was, prior to coming to Montana, engaged in the livery business in Minnesota and is believed to have relatives at Redwood Falls who are very wealthy. Friends here are endeavoring to locate the relatives and notify them of his death.

The deceased was one of the early residents of Maldean, where he lived for five or six years. He belonged to the sporting fraternity and at times had interests in saloons of the camp. He always went by the name of "The Irish Lord." He enjoyed a good joke, was generally cheerful and gentlemanly, and though his vocation brought him into hard company he had many friends who will be sorry to hear of his death.

A Minister's "Don'ts." A New York minister says marriage is not a failure, and that more than 2,500 of the 3,012 couples he has united are happy. His advice to those who would wed and be happy is largely summed up in the following half-dozen don'ts: Don't marry when too young. Don't marry until you can support a wife. Don't marry a girl who can't cook and sew. Don't live in six rooms when three are enough. Don't marry unless you suit each other. Don't come to me for a divorce. With these simple rules to guide them thoughtful young people should be able to render divorce courts well-nigh needless in the years to come.—Indianapolis News.

What the Railroads Pay. The stock association of the Canadian northwest has just arranged a schedule of prices which will be paid by the Canadian Pacific for stock killed by its trains. It will be seen that these figures are considerably lower than those agreed upon between the Great Northern and North Montana association. The lists are as follows:

Table with 2 columns: Canada, Montana. Rows include Steers, four and up; Three-year-old steers; Two-year-old steers; Yearling steers; Cows; Yearling heifers; Bulls; Calves.

The Canadian rate for bulls applies only to thoroughbreds, while the Montana rate embraces all classes. Try the new remedy for costiveness, Chamberlain's Stomach and Liver Tablets. Every box guaranteed. Price, 25 cents. For sale by C. H. Williams.

ROBINSON IS HELD FOR TRIAL

Charged With First Degree Assault for Which the Penalty May be Ten Years.

SAID "ONE OF US MUST DIE"

Kennedy Likely to Recover and Be Able to Appear Against His Assailant.

The preliminary examination of John Robinson, accused of assault in the first degree, and who stabbed and severely wounded John Kennedy at Knerr Bros.' ranch on Coyote creek the 17th prox. was held before Justice MacGowan last Thursday. The defendant entered a plea of self defense. The following witnesses were called for the prosecution: Jake Knerr, Joe Lock, I. Lyons, Jim Sheldon.

The evidence of the several witnesses was almost identically the same and was as follows.

Robinson and Kennedy were working together building a fence on the morning of the 17th on Wolf creek. Robinson complained of not feeling well and Kennedy told him to go to the house and rest up. Joe Lock, who was hauling poles to where the boys were working, offered to take Robinson's place and let him take the team and go home. This Robinson did and when he arrived there Jake Knerr was in the house. A conversation took place between Knerr and Robinson in which Knerr said that Kennedy told him that he (Robinson) had said "that he never went with a woman very long without sleeping with her."

Robinson denied saying this and made the remark that he would cut Kennedy's throat that night or shoot him. He said that on account of his not feeling well that evening he would flush Kennedy in the morning. He then went upstairs and took a gun which was standing in the corner of the room with him. On being asked to come down to eat supper he refused, saying he was too sick.

About 8 o'clock, when supper was in progress, Robinson came down stairs, and walking up to Kennedy, who was eating his supper, asked him what he was telling lies about him for. Kennedy denied it, the lie was passed between the two men and an altercation ensued, during which Robinson made the remark that either he or Kennedy had to die and dared him to strike him, whereupon Kennedy struck Robinson a slight blow on the face.

Robinson immediately clinched with him, putting his left arm around Kennedy's neck and stabbing him repeatedly with a knife which he held in his right hand. Kennedy said he had had enough and asked Robinson to quit. The boys tried to stop Robinson but could not. The wounded man wilted and Robinson seeing this let go of him, whereupon Kennedy leaned against the wall holding his intestines, which were protruding from a five-inch wound in the abdomen.

Jake Knerr went for the doctor and Robinson and Shelton tried to put the entrails back in place, but could not. Robinson stayed around for half an hour and then went to Geo. Knerr's ranch two miles distant, where he stayed all night, returning in the morning to get his check, and then left the ranch, being caught later by Sheriff Shaw in the bad lands on Arrow creek.

Doctor McCoy arrived at the Knerr ranch at 4 o'clock Thursday morning and found Kennedy lying on the floor with his stomach and about ten feet of intestines protruding. The doctor at once gave the wounded man anesthetics and replaced the entrails, having to take ten stitches on the inside and eight on the outside to sew up the aperture. There were five other wounds in the back, one on the right thigh and a cut across the fingers of the left hand. The man's condition was such that the doctor telegraphed to Kennedy's father, telling him that his son was at the point of death.

It was only after extreme care and attention that the wounded man showed signs of ultimate recovery and is now practically out of danger. The evidence went to show that Robinson was a heavier man than Kennedy and though he had been suffering from an attack of grip was in a fair physical condition. No witnesses were examined for the defense and the charge was allowed to stand.

Bail was fixed at \$5,000, to which the defendant's attorney, Frank Smith, raised an objection, which was overruled by the court. The prisoner was taken back to jail to await the trial at the district court.

GEN. CASSIUS M. CLAY

Has Been in the Vortex of Battle for a Quarter of a Century.

(St. Louis Globe-Democrat.) Back in 1835 a man then 25 years of age entered the Kentucky legislature who immediately attracted the attention of the whole state by some speeches which he delivered and tracts which he wrote in favor of the emancipation of the slaves. Thesame man, four years later, in the Whig national convention at Harrisburg in 1839, took a leading part in the advocacy of the claims of Henry Clay for the nomination for president for 1840. He began the publication of an anti-slavery paper in Kentucky in 1845; one year afterward he was a gallant officer in the war against Mexico; he joined the Free Soil party in 1852; became one of the pioneers in the Republican party, founded in 1854; was on the stump for Fremont and Lincoln, and subsequently held one or two posts under the government.

The man whose career began so far back in the century which has recently closed is Cassius M. Clay, who has just figured in a fight with a sheriff's posse in Kentucky. This particular representative of the Clay family, now in the ninety-first year of his age, has been a familiar personage to several generations of Americans. As an anti-slavery man in a slave state he led a stormy life for many years. As an active and aggressive figure on the unpopular side in a state whose politics has always been violent, and which was peculiarly volcanic during his early days of prominence, he has passed through more "battles, sieges, fortunes," and has had more "disastrous chances, of moving accidents by flood and field, of hair-breadth scapes," than any other American who has appeared during the lifetime of almost any person now living.

We are accustomed to think that though men may come and men may go the great parties run on forever. Here is a man, however, who was an earnest and intelligent observer of politics, and about twenty years of age, when the oldest of the great parties, the Democracy of today, reorganized and adopted its present name. The Whig party has been dead so many years it is scarcely a memory to anybody now alive except an insignificant number of persons. Yet Clay was elected to the

Kentucky legislature in the year when that party was founded, and he was active in its councils during the years when it was a power in the state. The Free Soil party disappeared so long ago that its name sounds as remote as do the designations Whigs and Tories, which figured in the America of the colonial days. He was a member of it at the time when it was merged with the other anti-slavery elements into the Republican party, and was in public life a dozen years before it was founded. For forty years the Republican party has given the law to the country. This man, who was one of its founders, was close to the half-century age mark, and bore the scars, some of them not altogether metaphorical, of a hundred political battles before the Republican party was born. Generations have passed off the stage, scores of eminent public men have been born and have died, burning political issues have appeared and disappeared, more than one million square miles have been added to the territory of the United States and more than sixty millions have been added to its population, and the whole face of society throughout the world has changed since the time when Cassius M. Clay first became a public figure.

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CELEBRATING THE PUBLIC LANDS.

The Proposed Policy is Impracticable, Un-desirable and Wrong. The theory of state cession grew out of the old idea that the National government never would do anything for the reclamation of the arid public lands. Nothing is more certain now than that the Federal government will inaugurate a policy for their reclamation, and the necessity for state cession is thus withdrawn. The reclamation of the arid public lands could not be accomplished by their cessions to the states for many reasons.

The rivers are mostly interstate streams. Those rising, for instance, in Colorado and Wyoming flow into or through seventeen states and territories. The states have have not the financial resources. They will not provide the necessary capital by direct taxation. It cannot be raised by

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bonding the land. This has been tried and failed. The states cannot raise the money by the issuance of state bonds. The people would not vote them in any of the states, and many of the states have already reached the limit of indebtedness under their constitution.

Again, the history of all state land grants has been that they are squandered, and the purpose of the grant is not accomplished. Past experience is a warning against state cession for this reason. Conditional state cession is utterly impracticable. No conditions could be imposed which would not be evaded, and the confession that conditions are necessary is the strongest argument against state cession. More than all this, there is a bitter antagonism to state cession in the west which is so deeply rooted that the west itself would repudiate such a policy. This was demonstrated in the last two sessions of congress by the large number of strong petitions coming from the west in opposition to state cession. In the east the opposition is still more intense, and it is certain without question that no general policy of state cession could ever be passed through congress.

This being so, and it being beyond question possible to secure the inauguration of a broad national policy for the reclamation through the national government itself of the arid public domain, the wise policy for the west is for the people of that section of the country to stand united in urging the speedy inauguration of the national irrigation policy. The two, however, cannot go together. State cession would kill the national irrigation movement. The strongest argument to induce the government to undertake the construction of reservoirs and irrigation works in the arid region is that the government is the largest land-owner in the west. If the government parted with the land and gave it to the states it would be upon the theory that the states could take the lands and build their own reservoirs and irrigation works. This they would fail to do, and enormous detriment to the west would inevitably result by such a disposition of the lands. GUY ELLIOTT MITCHELL.

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