

The New Northwest.

VOL. 23, NO. 18.

DEER LODGE, MONTANA, FRIDAY, NOVEMBER 13, 1896.

WHOLE NO. 1226.

ALLEN'S TRIAL ENDED

THE OLD MAN FOUND GUILTY OF MANSLAUGHTER.

At 2 o'clock this afternoon the jury in the Allen murder trial brought in a verdict of manslaughter—the punishment to be fixed by the court.

The case of Philip Allen, charged with the murder of James McGuerin at Gold Creek in 1888, came up for trial in the district court last Monday morning, and Prosecuting Attorney Trippet moved for a nolle proes. in the case on account of the lack of evidence at hand upon which to convict Allen. William Henry, one of the eye witnesses to the killing of McGuerin, died at Missoula about two months ago, and the other two witnesses are nowhere to be found, although search has been made for them for the last three months. If these witnesses can be found another indictment can be returned at any time, if necessary, but as matters now stand the county attorney could do nothing further in the case.

When the court convened on Tuesday morning, Philip Allen was put on trial for the murder of his wife at Pioneer on the 16th of May last. He was brought into court at 10 o'clock by Deputy Sheriff Brennan and Court Bailiff Newman, who assisted him to his seat beside his counsel, J. H. Duffy. The jury was called into the box and the trial of the case began. The examination of jurors as to their qualification to sit on the case was concluded late in the afternoon and is as follows: George Brunell, John McCormick, J. E. Roseborough, Joseph Jolly, Pat McCormick, L. St. Jean, David Jones, T. H. Cannon, H. Redmond, John T. Powell, John Furst and Tobias Schurtz. The examination of the jurors did not give any idea of the nature of the defense and tended only as to any previous knowledge of the case on trial.

The court room was crowded with spectators, who had come to get a glimpse of the old man who had created so much excitement throughout the length and breadth of the state during the month of May last.

On Wednesday morning the trial was resumed and the examination of witnesses for the prosecution began. William Brent was the first witness examined, and his testimony was substantially as follows:

"I knew Hannah Allen; she resided in Pioneer. I was at Pioneer on the night of the 16th of May last; I saw her that evening. There were about 18 or 20 young fellows there playing football in front of her house, and we cut just about dusk, and some of us went to the saloon and some went to the grove. I walked into the saloon and took my coat off. Just as I pulled my coat off and was washing my hands, Emerson Clark came from the store to the saloon and hallooed. I went up to Mrs. Emory's house. When I got there I stepped into the door and saw she was on fire. There was a basin of water to my left and I grabbed it and poured the water on her. She hallooed, 'My God!' I poured the water on her until the fire was put out. The clothing she had on consisted of a night dress; she had no other clothing on that I noticed. She was lying on her side, about a foot and a half from the door; the door was open when I got there. At that time it was about 20 minutes after 8. That was the 16th day of May, 1896. I noticed what was the matter with her; she was shot twice through the bowels. I had not heard any shots, but I had heard screams; I could not say who it was that I heard screaming; the screams came from her house. I did not see any person in that neighborhood going away from the house. I stayed with Mrs. Emory until the deputy sheriff came. We picked Mrs. Emory up and put her on the bed, which was in a vacant room by itself. She died at 2 o'clock Sunday morning. I was not present when she died; I saw her a few minutes after she died. One of the wounds went through the pit of the stomach. I did not see Mr. Allen until a week after that, at Mr. Wilhelm's store. I have known him 17 years. Previous to the time that I saw him at Wilhelm's, it had been eight years since I last saw him. I could not say where he had been. When I first knew him, he lived in this house in Pioneer; he left there in 1888; I had not seen him from 1888 to this year. When he lived at Pioneer, eight years before, he lived with Mrs. Allen. She was then this Hannah Emory, the person who was killed there on the 16th day of May. I

could not say how long he had been living with her. I knew about his living with her there nine years."

Cross-examined by Mr. Duffy the witness said: "I mean to say that he lived with her nine years prior to 1888 as his wife; she was understood to be his wife at that time; that was her name. At that time Emory was living in the immediate vicinity."

William Emory testified as follows: "I have lived in Pioneer since 1867—that is, not right in Pioneer, but down in that vicinity. At that time I did not know Hannah Emory. I knew her last spring. She was my wife at that time, I suppose. She was known by the name of Hannah Emory; she went by that name. We lived in Pioneer. On the evening of the 16th of May last I was up on the ditch. I was fixing up the ditch and getting the water in. I next saw Mrs. Hannah Emory about 5 o'clock the next morning, Sunday morning; I saw her lying on the bed; at that time she was dead."

Cross-examined by Mr. Duffy: "I say this lady was known as Mrs. Emory; she was my wife; we were married in 1889, I think, right here in town. We were married by Judge Durfee. I think that was the name. I think we had been married and living together four year last fall. I did not know where Philip Allen was at that time. It is not true that I got letters out of the postoffice addressed to his wife that I afterwards married. She was not getting those letters up to the time I married her; she had not got any letters for a year before I married her. One hundred dollars was sent from Pioneer through the postoffice to Philip Allen in California. I recollect when he asked for \$100 to be sent; it was sent from Garrison; it was three years last spring since that money was sent. I cannot recollect what time that money was sent, exactly. Before I married this lady I think I consulted a lawyer here about what it would cost for her to get a divorce; the lawyer was Mr. Trippet here, I think. I don't remember what statement I did make to the lawyer. I know I went back and told her what it was, and she was the one that thought she didn't feel like paying that much money for a divorce; she said that she would take chances; that she thought he was dead, anyhow. It is not true that at that time she was receiving letters from him. When we were married she had not got any letters from him for some time; the last letter she got was when she sent this \$127 to him from Garrison. I could not say whether I got letters out of the postoffice at Pioneer addressed by Philip Allen to his wife in the name of Hannah Allen, in the year 1889; could not swear whether I did or did not. I first became acquainted with Philip Allen and his wife somewhere along in 1878."

Mrs. Colburn, on examination by Mr. Trippet, said in substance that she had resided in Pioneer 25 years; that she went to Mrs. Emory's house about 9 o'clock in the evening of the day she was shot and remained with her until she died; that Mrs. Emory informed her that she had been shot by Mr. Allen.

A. G. Wilhelm testified to going to Mrs. Emory's house at about 11 o'clock in the evening; that she told him she was dying and that she was shot by Mr. Allen. Mr. Wilhelm further testified: "I saw Mr. Allen Friday night, May 22, at the residence of Mr. Hess at the mouth of Squaw gulch. Allen gave me his gun and his knife. I afterwards brought the gun here to the sheriff's office, and I believe I gave the knife to the sheriff. That night I put Allen to bed in the store and the next day I brought him over here to Deer Lodge in a wagon. I had a conversation with him coming to Deer Lodge. 'Down there in Squaw gulch,' he said, 'is where I put the letter, at the little bridge, and since I shot her I have not eat a bite for three days.' He did not tell me where he had been since he shot her. He said he came on Monday to Silver Bow and footed it along the hills to Pioneer, and he showed me a place and said: 'That red house is where I stopped; that is about where Frank Mason had a ranch. It is McTague's ranch, on Tin Cup creek. He said he came to Pioneer Friday night; he said he put the letter there Sunday morning."

The foregoing is, in substance, the state's case. The defense introduced a large number of witnesses to establish the facts of the defendant's previous good character, and of his insanity at the time of the alleged murder. Philip Allen was first called to testify in his own behalf. He testified that he was 73 years old; that he was born in Ohio; that he

resided in that state until he was about 21 years of age; that he was married at about the age of 21 to the woman he is now charged with unlawfully killing. The defendant testified to his having received several severe bodily injuries at his old home in Ohio. According to his evidence he made several trips from Ohio to the California gold fields in the early '50's, and on these trips he suffered great privations and contracted the yellow fever, measles, and scurvy. That after these trips he came to Alder Gulch, Montana, and later he lived in Diamond City and Helena. In 1872 he moved to Pioneer where he expended about \$15,000 in purchasing real and personal property. The defendant testified that he believed and now believes that several persons, whom he named, had conspired to deprive him of all his property. In proof of the success of this conspiracy, the defendant declared that he now possessed none of his property; that it had been sold to others, and that he must now depend upon public charity for food and clothing.

All of the other witnesses testified that the defendant's character for peace and quietness was good; that he was at all times a loving and affectionate husband. All of the evidence introduced by the defense tended to show that the defendant was insane, by reason of his procurring over wrongs done to him, whether those wrongs existed in fact or in his mind only.

Dr. C. S. Cranson was the only expert witness called to testify as to the sanity or insanity of the defendant. After the usual course of propounding hypothetical questions, Dr. Cranson testified that he believed the defendant to be insane at the time of the alleged murder; that the character of insanity with which the defendant was suffering is known as "emotional insanity."

Verdict of Manslaughter.
At 10 o'clock this morning the case was given to the jury, and at 2 o'clock this afternoon the jury returned a verdict of manslaughter, leaving the punishment to be fixed by the court.

COUNTY DEMOCRATS WIN.

The whole ticket elected with the exception of Matts and Walkup.

The election returns for county officers, though not complete, indicate the full democratic ticket, with the exception of district judge and county treasurer, is elected. Following are the successful candidates:

- State Senator—C. H. Eggleston.
- Representatives—W. M. Kelly, J. M. Kennedy, Dennis Shortin, J. E. Marcum, R. G. Humber, O. Y. Warren.
- Judge of Third Judicial District—Theodore Brantly.
- Clerk of the District Court—E. J. Corcoran.
- County Commissioners—John D. Rom, A. M. Walker, James W. Geary.
- County Attorney—W. H. Trippet.
- County Clerk and Recorder—Martin Martin.
- Sheriff—John Fitzpatrick.
- County Treasurer—D. F. Hallahan.
- County Assessor—Geo. S. Miller.
- Public Administrator—B. F. Brown.
- Coroner—A. Hardenbrook.
- County Superintendent of Schools—Miss Anna Quigley.
- County Surveyor—H. B. Davis.
- Judges of the Peace, Carbonwood Township—W. L. Powell, dem.; John V. Datterton, dem.
- Constables, Carbonwood Township—H. W. Evans, dem.; David Sheffield, rep.

A good many years ago a man named Weber founded the business of making pinnes in New York. The owner made a fortune. In the height of his prosperity a son was born to him. That child grew up in the lap of luxury, with the certainty of inheriting a great fortune before him, but last week he was declared insane and taken by his mother to her home in Orion, Long Island, and the papers tell us that he is a mental and physical wreck from vicious habits. His wife, Trana Perry, an actress, obtained a divorce from him last April. It is a pretty hard fate for a boy to grow up in poverty and to begin a fight for name and place without help, but it is not so rough a fate oftentimes as it is to give a boy everything that he wants and early in life teach him to believe that he has a fortune sufficient for all his wants, and a fortune so great that his vices and wrongdoings will be forgiven or excused.—Salt Lake Tribune.

The subscription price of the New Northwest is \$2 per year, in advance.

CURRENT TOPICS.

MATTERS OF MOMENT IN ALL PARTS OF THE COUNTRY.

What the People Are Doing and What the Papers Are Saying All Over the State—News Items and Passing Gossip Here and There.

The public schools of Missoula were temporarily closed last week on account of diphtheria.

The Murray, Butte's new opera house, will be opened to the public next Wednesday evening.

The "advance agent of renewed prosperity" failed to carry a single precinct out of the 27 in Park county.

The Curlew mines at Victor have closed on account of the defeat of free silver. Thirty-six men were employed.

Col. Tom Irvine, who is well known all over Montana, was elected sheriff of Ravalli county at the recent election.

Mrs. Mary E. Turner, an old-time resident of Montana and Silver Bow county, was found dead in her room at Butte last Sunday morning.

Cotton and Teton counties are both sheep counties, but both of them fell in line with the sentiment of Montana, and gave majorities for the Bryan electors.

A. J. Kane, a brakeman working on the Northern Pacific, was run over and killed at Winston about 2:30 Saturday morning last. His mangled remains were taken to Helena.

Governor Rickards has written a letter to William J. Bryan congratulating him on his remarkable campaign, and naming him as the proper candidate for president for 1900.

It is reported that owing to the closing down of the Golden Sceptre works, the publication of the Quigley Times will be discontinued and its editor, T. C. Congdon, will return to Phillipsburg.

Governor Rickards has pardoned John N. Hennessy, who was sentenced to the penitentiary for two years from Butte last winter for stealing a blanket. His pardon was largely due to the efforts of Lincoln Post, C. A. R.

James R. Thompson, son of Mayor Thompson of Butte, and Miss Lillian Bovette, daughter of Dr. James Bovette, a well known mining man of Helena, were married in Helena Monday afternoon. They will reside in Butte.

The sad news comes that William Rae (Uncle Billy) died near Bozeman last Tuesday night. There are few of the pioneers but knew Mr. Rae personally, and all esteemed him for his many noble traits of character. He was a typical southerner of the old school.—Missoula Democrat.

Montana mines yielded about \$18,000,000 worth of minerals last year, including 65 per cent. of the whole copper production of the United States. She will make a grander showing this year. The copper output will be larger, the gold product will be increased a couple of millions and the silver output will also show a gratifying increase.

Rev. Alex. Burk, a young preacher of the M. E. conference stationed at Troy, Montana, has been missing since Thursday week and is supposed to be lost in the hills where he had gone on a hunting expedition. Every effort is being made to find him, but it is feared he has died from exposure, as a heavy snow storm has prevailed since that time.

The Helena Independent says the last three payments on the Prize mine, which was sold some time ago by the Murray Bros. to Irwin C. Stamp and others, was made Nov. 3, and the property is now in the hands of the new owners without any strings to it. The payment was \$45,000. The first two were one of \$15,000 and another of \$25,000, respectively.

A DESERTED CAMP.

Quigley Is Depopulated Since the Collapse of the Golden Sceptre.

The Missoula Democrat, in speaking of the collapse of the Golden Sceptre company at Quigley, says: A number of summer residents of Quigley have returned to Missoula and the most dismal tales are told of hard times in that once prosperous camp. Of course the failure of the Golden Sceptre company left the community without means of support and everything went to pieces in a hurry.

Men who had money, left town at once. Others who had foolishly left their

wages on deposit with the company have been compelled to remain in order to take steps to recover their money. Others still, the hangers-on who never had any money ahead anyhow, have either had to walk out of camp or are there yet.

It is said that there is not so much as a two-bit piece in the camp. Every cent of ready cash has been taken out of town. The stores have almost all closed and some of the blocks have been removed.

Dr. Rockman is one of the victims of the company's failure. He invested a large amount in the hospital on the strength of his contract as company physician. During his four month's stay he has drawn not one cent from the company. The men all paid one dollar per month hospital fee, but the company pocketed the money, although it rightfully belonged to Dr. Rockman. The doctor has left his hospital in charge of a nurse, pending settlement of the company's affairs, and has re-opened his office at the Rankin in this city. He predicts that unless something is quickly done there will be untold suffering among the penniless people stranded in the little village.

Ex-Superintendent Babcock, who is blamed by some for bringing about all this misfortune, has left Quigley. The last heard of him he was in Deaver.

A NORTHERN PACIFIC WRECK.

Engineer Fairchild Killed and Fireman Waldron Badly Injured.

Westbound passenger train No. 1, which left Missoula at 8:20 a. m. Tuesday, was badly wrecked about 11 o'clock at Paradise Bluff, about a mile and a half east of Paradise station, some 70 miles west of Missoula. The train was running on schedule time. When rounding a curve without warning the engineer crashed into a rock slide, ditching engine, mail, express, baggage, tourist, sleeping and smoking car. Engineer George Fairchild of Missoula was killed outright by being buried under a portion of the wreck. Fireman Frank Waldron of Missoula was badly injured about the arms and legs and cut in the head. Express Messenger W. A. Groat and Mail Clerk E. F. Goodhue, both of Helena, are said to be badly injured, while some reports claim the mail clerk is still missing. It is also claimed eight passengers were either killed or injured.

The accident happened about six miles east of where a serious freight wreck occurred Aug. 22, in which three men lost their lives. The place of the present wreck is a dangerous point on account of falling rock.

Fairchild, the dead engineer, was 40 years of age and the joy and comfort of aged parents, who reside in Missoula. The injured fireman was married a few weeks ago and went to housekeeping Monday.

Later reports say the engineer was killed and the fireman injured, but that no passengers were seriously injured.

THE DRUM LUMMON.

It Has Produced \$13,000,000 Still It Is Hoped to be a Great Mine.

It has been 10 days since the rumble and roar of the 60-stamp mill of the Montana Mining company, limited, ceased at Marysville, says the Helena Independent. Already the town has begun to feel the effects of the shutdown. For years the two big mills of the company were pounding away on ore night and day, and it is a severe blow to the community to have the enterprise stopped and men thrown out of employment. From January 1, 1896, to June 1 the company spent \$266,836, a large per cent. of which was paid out as wages to employees. That money was distributed to merchants and tradesmen in Marysville and the business men of Helena were directly benefited by it.

The depression, it is believed, is not to last many months. The great mine which has in the last 14 years produced \$13,000,000 is not exhausted, although there is not ore enough in sight to justify the management to keep the mills running at this time. Already a large force of men is employed in development work and it is believed by the management that in six months, or possibly a little while longer, enough ore will have been discovered to run the mills as in the years gone by.

Is time any object to you? Do you prefer to travel via the line that saves you both time and money? Then ask for tickets via Billings and the "Burlington Route" and save from 10 to 22 hours to Omaha, St. Joseph and Kansas City, and 9 1/2 hours to St. Louis. tf