

CASEY IS TURNED LOOSE.

Jury Says He Did Not Rob Horneday.

POWELL AND GODDARD

Are on Trial Today For Uttering Forged Checks.—Business Proceeding Rapidly.

When the district court convened at ten o'clock yesterday morning the names of those who had been summoned were called, and only 22 answered. A recess was taken until 10:30 o'clock for the purpose of allowing those absent, time to report, the severity of the weather being considered by Judge Smith, as sufficient reason for the delay.

In the case of the state vs William Casey, charged with grand larceny, the following jurors were drawn, Robert Daly, John Martinson, Fred A. Lampton, Frank O'Palka, Cyril Hellman, Arthur North, Eugene Despine, H. McAfee, Earnest Miller, Jesse Yenne, Henry Brandenburg, and Andrew Kreiger.

William Casey was charged with having robbed James Horneday at the Union hotel of about \$18 last August. Horneday was the first witness. He stated that the defendant had entered his room and covered his head with a pillow and taken the money. The witness seemed to have a distinct memory of being robbed, but was decidedly hazy on all other points. The defense put Casey himself on the stand and he absolutely denied having robbed Horneday, but stated that he had given Horneday money with which to buy a meal, and that he was drunk. William Casey stated that he had been in the employ of the Great Northern as a fireman.

Other witnesses testified in corroboration of Casey's story. The defendant's attorney, Mr. Noffsinger, addressed the jury briefly, and was followed by County Attorney Gray, after which Judge Smith gave the usual instructions and the jury returned at 3 o'clock and announced having come to an agreement at 4:30, having been out an hour and a half. A verdict of not guilty was returned.

The case of the state against Powell and Goddard, forgery, is in progress today. The defendants are charged with uttering a forged check, signed L. Tinkel. Messrs. Baldwin and Logan are looking after the interests of the accused.

CAUGHT IN THE ICE.

The Steamer Klondyke Has An Arctic Exploration Experience.

The steamer Klondyke, which runs between Demersville, on Flathead river, and Pelsen, situated at the foot of Flathead lake, is caught in the ice about three miles below Demersville, near the mouth of Ashley creek.

The steamer started on her last trip to the foot of the lake Friday afternoon. Arriving at the mouth of the river it was found that the lake was being swept by a wind and snow storm, and it was decided to put back to the landing at Hoyt, where the boat was tied up for the night. During the night there was a decided fall in the temperature and by morning over two inches of ice had formed over the river.

The thought of getting over the lake was abandoned and every endeavor made to return through the ice. Ramming was successful until a hole was punched in the hull of the boat. Hasty repairs were made and turning around the Klondyke commenced to back up stream, the paddle wheel breaking a passage until a point near Ashley creek was reached when the blades were broken out.

The passengers and crew were unable to leave the vessel until yesterday afternoon, when they were brought to this city.

A part of the cargo is a large consignment of supplies for a force of men in the employ of Augus McDonald, on the reservation.

In France a woman may appear in masculine attire if she pays a license fee of \$10 a year.

In the last three years the military shops in Vienna turned out about \$750,000 worth of artificial birds.

MOUNTAINS OF COAL

In the North Eastern Part of This County.

PLENTY OF COAL OIL

In the Kintla Region.—Work of the Canadian Geological Survey.—Machinery For Drilling Oil Wells.

A gentleman who has been with a geological survey party of the Canadian government, for the past two years, during which time they have confined their investigations to the mineral deposits adjacent to the Montana line, was seen in this city Sunday night, and describing the work in the Elk river coal district, said:

"We had no difficulty in tracing the coal veins up to within 14 miles of the Montana line and made full reports covering the territory within a few miles of the international boundary line. The coal was found, following a southeasterly direction to about three miles of the line and there is no doubt of the coal continuing on south into Montana and the Kintla lake country. It may seem like a fairy tale when I say that there are mountains of coal of the finest grade, and that the geologist in charge estimated that the country easily held 150 billion tons of coal as yet untouched. It is without doubt the largest coal bed in the world and continues on southeast into Montana.

On the line of the Canadian Pacific railroad there are mines of the most extensive kind as well as hundreds of coking ovens and most of the smelters in the northwest secure their supplies from that source.

As to the coal oil, we saw no evidences of it north of the line, but know from personal observation that there is oil in the northeastern part of this county, and it is of the finest quality, and I understand that there will be extensive development in the oil fields in this county during the present winter and coming spring. I have been informed that a trail has been cut through to the Kintla lake oil fields from Columbia Falls and the machinery for the purpose of drilling wells will be taken in during the winter and coming spring and the freighters are experiencing much difficulty in providing a way in which to transport the large steel drill, which weighs about 3,000 pounds and is about thirty feet long.

FREDERICK GOODRICH.

Remains Taken to Minnesota, Carried \$3,000 Life Insurance.

The body of the late Frederick Goodrich was taken to his old home in Minnesota Sunday night. He was twenty-four years of age and had worked on the Kalispell division of the Great Northern for two years. He was a member of the Order of Locomotive Firemen, and was insured for \$1,500 in that order, and \$1,500 in the Travelers' Accident company.

Frederick Goodrich is described by all who knew him as a good-natured, jolly fellow, faithful and steady, and a friend of every man on the road. His brother Levi Goodrich accompanied the remains east, where the father and mother reside.

Northern Pacific Taxes.

Charles F. Swartz, tax agent for the Northern Pacific railway company, is in town today. He has paid into the county treasury something over \$6,000, taxes for the current year on the Northern Pacific lands in the county. Mr. Swartz has been with the Northern Pacific for a long time and is one of the most popular officials of the company. His friends are always glad to see him and he has plenty of them throughout Montana.

Murder, Second Degree.

Great Falls, Nov. 19.—At a very late hour on Thursday night, the jury before which Charles Sumner was tried at Fort Benton for the murder of Thomas Upee, a half-breed, returned a verdict of murder in the second degree.

Died of His Injuries.

Anaconda, Nov. 19.—John H. Durkan, the man who was struck by a street car while attempting to jump off while the car was in motion a few days ago, died at the hospital yesterday from the effects of his injuries. His skull was fractured.

WHO OPENED THE SWITCH?

Causing The Collision At Belton.

THE PORTER DENIES IT.

The Switch Was Closed at Ten O'Clock and No Trains Passed Belton in the Interval.

Saturday morning at 11 o'clock Coroner McMahon commenced an inquest over the body of Frederick Goodrich, the Great Northern fireman who was killed in the wreck at Belton, Thursday night, and the jury composed of George W. Avery, C. M. McCarthy, George F. Stannard, J. C. Edwards, J. P. Bond were in session until 12:30 when they adjourned until 2 o'clock, and upon resuming continued in session examining witnesses until late in the afternoon, when the jury had concluded the examination of all witnesses present an adjournment was taken until Sunday morning, when a number of Great Northern employes, who were coming in on No. 3, Saturday night were to have given testimony. The train did not arrive until late Sunday afternoon consequently the intended session was not held.

From the testimony of witnesses already examined it seems evident that had the switch light been burning the wreck might have been prevented. Fireman Goodrich's death must have been most horrible. He was pinned in a cloud of live steam for almost half an hour, during which time he moaned and gave every sign of terrible agony. Dr. C. A. Reed, who is the Great Northern physician in this city, and who was called to the scene of the wreck, testified that Goodrich must have died from suffocation from live steam. That Goodrich was badly scalded, but that death would have hardly resulted from that cause.

Engineer A. E. Bodey, who was in charge of the engine pulling No. 4 and upon which Fireman Goodrich was employed, said: "We were on the sidetrack about fifteen minutes. Shortly after stopping the colored train porter came up and I told him to give No. 3 a 'high ball' when they showed up as their was no certain on my headlight. About 11:20, I was standing at my side of the cab and saw some one, I supposed the porter give the west bound train a high ball, and the engineer on that train answered it. The next instant I saw second No. 3 heading in on the side track. The porter at that time was probably a short distance east of the switch. Goodrich was sitting on his side of the cab. I yelled for him to get off doing so myself, was able to get about 25 feet from the engine, when the collision occurred, and it was probably 15 minutes before any one could have reached Goodrich owing to the rush of steam and water.

There was so much noise one could not have heard him cry had he done so. When I got to him he was fastened between the cab and the water tank and had evidently been caught while endeavoring to escape. He was alive but unconscious. Steam was escaping all around us during the twenty minutes we worked before it was possible to release the suffering man, who was taken to the sleeper, where he died about ten minutes after.

I could not tell whether the east switch was opened or closed as the light in the lantern was out. It is my opinion that the train porter opened the switch as he was near it nine or ten minutes, but it is probable that he failed to understand that he had done so. Engineer Manwarring and Fireman Martinson, who were on the west bound passenger train told about the same story. Martinson said: "Coming round the curve east of Belton I saw No. 4, and I informed the engineer that their headlight was not covered. He applied his air, as he said so I saw a man at the switch giving us a 'high ball.' (A signal that all was clear, to come on.) Engineer Manwarring answered the signal and we were given another 'highball' and we started so as to get up the Belton hill. The train headed into the switch. I jumped out of

the window, striking my head on a rail and was knocked unconscious, remaining in that condition until found.

Martinson can hardly walk owing to injuries received and his head is badly cut and bruised.

Engineer Manwarring said that he had slowed down, expecting to stop, but when he was given the highball he commenced working steam. "When headlight showed upon the switch I saw that it was open. I set my brakes and reversed my engine at once, remaining on the engine until we were about six feet apart, and then dropped out of the cab window. We were going perhaps 8 or 9 miles an hour at that time. I could not see who was at the switch, but think that had the switch light been burning there would have been no accident. In my opinion it was caused by the man at the switch giving the 'highball,' and the switch being open. The man giving the 'highball' was east of the switch and must have opened it. I know it was the porter on No. 4, because I heard his conductor ask him why he opened it and he answered 'I never touched the switch.'

Parie O. Collier, an engineer, who was enroute east, had walked up the track when the east bound train stopped on the siding, and was on the engine just before the wreck. He said: "I was talking to Engineer Bodey and Fireman Goodrich, when I heard No. 3. I next saw that she was heading in on the side track and I jumped just before the two engines came together. When I got up I found Fireman Martinson and took him back to the coach.

I was the first to find Fireman Goodrich. He was alive, lying face down on the water tank, with his right arm caught between the tank and engine cab. At first I could not see him owing to escaping steam, but located Goodrich by hearing him groan and feeling around. It must have been 20 minutes before we could release him during which time he was alive, moaning and rolling his head. Had the switch light been burning there would possibly been no wreck as the crew on No. 4 would have noticed the mistake and there was ample time to correct it.

The inquest was resumed Sunday, when the testimony of Conductor Strain, of No. 4, Charles Hart, engineer of first No. 3, and J. H. Moore, the porter who gave the highball to second No. 3, was taken. Moore, the porter, strenuously denied that he had touched the switch. He had gone on past the switch without noticing whether it was open or closed, the light being out. He gave the high ball to second No. 3, as instructed, and the train came on and ran in on the switch instead of remaining on the main line.

Charles Hart, the engineer of first No. 3, testified that the switch was all right and the light was burning when he passed over it at ten o'clock. There had been no train pass over the switch between that hour and the time when the collision occurred.

The jury returned a verdict to the effect that the said Fred Goodrich came to his death at Belton, on the 15th day of November, 1900, by means of a railroad collision, said collision being caused by an open switch upon which there was no light.

There are but two solutions of the problem presented by the open switch. Either the porter, Moore, opened it in a fit of absent-mindedness, or it was opened between the hours of 10 o'clock and 11:30 o'clock with the deliberate intention of wrecking the train.

AWAY BELOW ZERO.

In Anaconda — The Cold Wave is General.

Anaconda, Nov. 19.—This is the coldest day Anaconda has experienced this time of the season for many years. On Sunday there was a fall of snow which reached fully 18 inches. Sunday night the weather became bitterly cold, and this morning the thermometer was below zero. The mercury has been falling all day and at midnight tonight registered 22 degrees below, with a promise of a further drop. The cold wave extends over the entire northwest circle, including a region as far west as to the Pacific coast.

Killed in a Mine.

Pony, Nov. 19.—John Eagan was accidentally killed about 2 o'clock Saturday afternoon, at the Strawberry mine. He was working in the upper tunnel near the raise when he missed his footing and fell down 185 feet. His neck was broken and he died instantly.

IS NOT YET CAPTURED.

Murderer of Sheriff Young Still at Large.

CAPTURE NOT LIKELY

Opinions Differ as to the Course He Took.—Bloodhounds of No Assistance.—Snow May Help.

Big Timber, Nov. 19.—The murderer of Sheriff Young, of Park county is still at large, and the pursuing posse is beginning to lose hope of his capture. It is now ten days since the killing and no definite trace of him has been found. He has been seen twice, so it is supposed, but each time he eluded the man eaters. The bloodhounds were on his trail once but were called off through a misunderstanding, and the chance of his capture went glimmering. Some believe that the posse never was on his trail, but that he doubled on his tracks and went westward. Some believe he cut across the country and struck the Great Northern railroad, and still others believe he has made for the "Hole in the Wall" country, Wyoming, the notorious refuge for desperadoes and criminals. At any rate he is still at large with chances good for remaining so. There is some hope that the snowfall of today and yesterday will help the posse in tracking him, but the hope is not a confident one.

CIGARETTE IN COURT.

United States Supreme Court Takes Judicial Notice of the Paper Pill.

Washington, Nov. 19.—The United States supreme court today rendered an opinion in the case of William B. Austin versus the State of Tennessee, involving the validity of the state law regarding the sale of cigarettes. The law was attacked as an infringement of the right of congress to regulate interstate commerce. The Tennessee supreme court upheld the law and today's decision sustains that verdict, although not without disapproval of some of the positions taken and then upon very narrow margins. Four out of the nine members joined in a dissenting opinion and the other member of court placing his dissent upon grounds different from those announced by Justice Brown, who handed down the opinion. In his opinion Justice Brown said that probably no other vegetable as much as tobacco has contributed so much to the comfort and solace of the human race. This case was entirely beyond bounds to say that tobacco was not an article of commerce. He took notice of the cigarette and while he conceded that it might be harmful, he declared that this complaint was of recent origin. He held that cigarettes are as much a commodity for state regulation as liquor and he further held that while no state law could prohibit the importation in original packages, it was entirely competent for the legislature to regulate the sale because of the general belief in the deleterious effect of cigarettes. The dissenting justices based their opinion on the theory that congress has exclusive control of interstate commerce.

FOR NEWS, TAKE THE BEE.

DEAD IN BUTTE.

Brother of J. F. O'Meara Dies of Smallpox.

Butte, Nov. 19.—J. F. O'Meara, for some time bar tender at the Southern hotel, died this morning at the pest house. His was a malignant type of smallpox. Mrs. O'Meara is ill at the same institution. Mr. O'Meara leaves a brother at DeLeon, Iowa, one in Kalispell and one in Lyons, Iowa. He came to Butte about three months ago from Greenwood, B. C. He was 30 years of age.

A prize of 1,000 francs (\$193) will be given the inventor who shall produce a glove that can be used by electrical workmen to safeguard them from accident. The premium is offered by the French Accidents to Workmen Assurance association. The conditions are that they must be light, and leave the utmost liberty to the worker. If none of the devices submitted comes up to the required standard, the prize will be divided among those inventors who most nearly approach it.

ANOTHER CASHIER

Is Short In His Accounts \$191,500.

HAS SKIPPED OUT.

His Method of Stealing Required Wonderful Memory.—Was a High Flyer.

Cincinnati, Nov. 19.—Experts have been working today with Receiver Tucker on the books of the German National bank, of Newport, Ky. They place the shortage of Frank Brown, the missing assistant cashier and individual bookkeeper at \$191,500. According to reports from those who were with Brown when he left last night he had less than \$500 with him. Brown's salary was only \$1,500 per year. Cases are now cited where he spent more than that amount in one day. His bond was for \$10,000 and it is good as far as it goes. The United States district attorney will arrive tomorrow from Paducah, then criminal proceedings will be begun. Federal detectives have certain parties under surveillance and there are reports tonight about arrests that will follow the arrival of the attorney. Brown's system required wonderful memory. Experts say he carried in his head figures that enabled him to call off correctly a lot of false entries in a way to throw clerks who were doing "checking" with him, off the track. When a depositor would put in \$2,100, Brown would enter the proper amount of the deposit in one book and enter it as \$100 in another, taking the difference of \$3,000 himself. Then when it came to checking up he would handle one of the books. Another clerk would check and Brown would call off. Instead of calling off \$100 as appeared as the amount in the deposit book which he was handling, he would call it as \$3,100, thus making it correspond with the book in the hands of other clerks.

FOR NEWS, TAKE THE BEE.

ON TRIAL FOR FELONY.

John E. Clifford Is in the Meshes of the Law.

Butte, Nov. 19.—John E. Clifford, son-in-law of the man for whom Demersville was named, is on trial in the district court for grand larceny. The alleged crime consists of the theft of an overcoat valued at \$40 and a match safe valued at \$50 from the bartender at the Southern hotel. The case was not completed when the court adjourned. There are also several other charges of larceny pending against Clifford. Clifford was once a wealthy man and it is said he could draw his check for \$100,000. His downward course has been rapid and he is now facing a jury on a charge of felony.

John E. Clifford is wellknown hereabouts. He was the Prince of Demersville when that town was in its glory. He was good looking, open-handed, reckless and extravagant. He married a daughter of the man who founded Demersville and was Demersville's right hand man. While he was never worth \$100,000 he was quite well to do, but with his extravagance his money did not last long. It is related that when his first child was born he spent seven or eight hundred dollars in celebration of the event and had nearly the entire population of Demersville more or less under the influence of the cup that cheers. His present predicament is regarded among those who knew him well as the natural consequence of his improvident habits.

Official Returns.

Anaconda, Nov. 19.—Full official returns of Deer Lodge county, completed Sunday morning give the democrats five members of the legislature and the entire county ticket, except one county commissioner and clerk of the district court. Republicans get these, also one representative. The Clark defeat candidate for state senator fuson Matts, democrat, by 45 votes.

Railway freight rates in Austria-Hungary have been advanced sharply because the rise in coal has increased operating expenses.

CLARK AND SPRIGGS.

Said to Be The Slate For U. S. Senators.

IT IS CLARK'S PLAN.

Spriggs Appointed Clark So Clark Will Elect Spriggs.—Democrats Don't Like It.

Butte, Nov. 19.—There is a report here that Clark has caused to be circulated a report that Spriggs will be Clark's companion in the United States senate for the short term. It is said that Clark promised at one time to make Spriggs governor of the state, but that Spriggs preferred to go to the senate with him. It is also said that the selection of Spriggs has caused consternation among the Heinze people, and that the democrats are kicking vigorously. Friends of H. L. Frank and T. P. Cullen will push the candidacy of their men and there is a possibility that Clark may have to change his decision with regard to taking the lieutenant governor with him to Washington as short term senator.

SAME OLD STORY.

New York's Annual Spasm Results In Charges Against Police Official.

New York, Nov. 19.—The board of police commissioners today ordered charges preferred against Inspector Adam A. Cross and Captain John B. Herlihy, and practically turned them over to the mercy of their accusers. That the two officers are to be proceeded against in no lenient manner is demonstrated by the fact that Bishop Potter has been requested to name counsel to assist in the prosecution and to the further fact that Edward M. Shepard and William K. Ott are to represent the police board in sustaining the charges. Inspector Cross will be compelled to meet charges of neglect of duty, in that he permitted precincts in his jurisdiction to reek with vice, and further charges of conduct unbecoming an officer. Captain Herlihy is accused of conduct unbecoming an officer and of neglecting to enforce law in his precinct. Having provided for the prosecution of Inspector Cross and Captain Herlihy, the police board informed Mayor Van Wyck of its action and then instructed President York to communicate with Bishop Potter, requesting the latter to place before them any evidence which he may have against the two accused officers, or against any other members of the police force. After the adjournment of the police board, it is said a misunderstanding arose between Chief of Police Devery and President York, at headquarters. It was intimated that charges of a serious nature as those against Inspector Cross will also be made against Chief Devery. The latter has refused to remove Cross or Herlihy from duty pending the hearing of the charges against them and in doing this he has incurred the displeasure of President York.

EULOGISTIC SERMONS.

Butte Pastors Honor the Memory of the Late Marcus Daly.

Butte, Nov. 19.—In many of the Butte churches yesterday the pastors delivered sermons eulogistic of the late Marcus Daly. In many instances these sermons were splendid efforts and went to show the universal love and affection in which Mr. Daly was held.

BURIAL OF HENRY ELLING.

Bishop Brewer's Eloquent Tribute — A Large Funeral.

Virginia City, Nov. 19.—The burial of Henry Elling occurred in this city Sunday afternoon. The sermon was preached by Bishop Brewer, and was a splendid eulogy of the many excellent qualities of the dead man. The funeral was one of the largest in the history of Madison county.

Butte Postoffice.

Butte, Nov. 19.—The government has accepted the bid of J. E. Oppenheimer for postoffice quarters and the Butte postoffice will move to the Oppenheimer building in West Park street on February 1.