

THE BUTTE INTER MOUNTAIN

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BUTTE, MONTANA, THURSDAY, JULY 23, 1903.

PRICE FIVE CENTS.

NO MONEY OFFER MADE

A. J. Shores Clearly Explains Alleged Tender Made to Harney.

ROOTE AND CLARK ADMITS THE CRIME

They, He Says, Arranged Famous Meeting at Thornton Hotel.

For hours today Arthur J. Shores has been telling his own story on the stand in his trial for disbarment.

It is a clear and convincing relation of the facts of Mr. Shores' connection with the events of the night of August 5 at the Thornton hotel where Judge Harney was offered \$250,000 in consideration of telling of his alleged bribery by F. Aug. Heinze for his decision in the Minnie Healy case.

Mr. Shores makes it clear that the meeting at the hotel was not arranged at his instance.

His first information of it came in a message from Jesse B. Roote, which message fixed the time at 7 p. m. Mr. Shores had no intention of having a part in the meeting.

Owing to the tardiness of Mr. Roote the meeting did not come off on time.

Anxious to see the parties have another opportunity for meeting, Mr. Shores, by telephone and otherwise, brought them together again.

He makes the positive and emphatic declaration, which is borne out by a mass of other testimony, that never prior to the meeting was the matter of offering Harney a money consideration for his confession broached.

He says his first information as to a money offer came from Jesse B. Roote after it had been made by Clark.

Mr. Shores denies in the most positive manner that he authorized or agreed with Clark to stand any part of that expense, though he admits that after Clark had admitted to him making the offer and after Clark had asked if the Amalgamated would stand \$100,000 of the amount, he (the witness) had said that if the information could be obtained from Harney it would be worth that amount to the Amalgamated but he had persistently at that conversation told Clark that he was not authorized to make any money offer whatsoever.

It is also shown by the testimony of Mr. Shores that Mrs. Brackett was sent for on that night to join in the conference at the express desire of Judge Harney.

Based on Assumption.

He makes it clear that all preliminaries towards securing a confession from Judge Harney were based on the assumption that Harney would make it in fear of criminal prosecution.

In this connection he points out that the Amalgamated had no serious intention of prosecuting Harney criminally, its evidence at that time not being sufficient, but that it had been led to believe by Roote and others that Harney was in terror of arrest.

Few questions were asked Mr. Shores by Mr. Vail, who is conducting the examination, but the witness was allowed to tell his story as a connected narrative.

Mr. Breen during the entire morning interposed but one objection and that was to a minor point.

Mr. Shores' testimony continued into the late afternoon.

Shores on the Stand.

Mr. Shores, on the witness stand this morning, resumed his narrative, returning to the meeting in the rooms of Judge Harney on August 1 or 2.

The witness denied absolutely the truth of Judge Harney's testimony as to this meeting.

Harney testified that he had objected to granting the motion here applied for because previous motions to that effect had been resisted by the defense.

Mr. Shores said no such statement was then made by Judge Harney.

The witness also contradicted absolutely the testimony of Judge Harney wherein Harney asserted that at the meeting the matter of the affidavits had been discussed, that Shores had said the affidavits would not be filed if this motion for an extension of time was granted; that Mr. Shores had spoken slightly of Attorney Walsh, and that Mr. Shores had assumed a belligerent attitude.

Mr. Shores denied in the most positive manner that any of these things had been said or done. He declared Judge Harney absolutely mistaken about the incidents of the meeting.

Reported By Mr. Kelley.

Resuming the narrative the witness said that Attorney C. F. Kelley about this time and prior to August 5, had reported to him the fact that Jesse Roote had told him (Kelley) that he knew that Harney had been bribed in the Minnie Healy case and knew what he got. Continuing Mr. Shores said:

"An attorney named Miller, representing himself as from Fargo, N. D., came to Butte in June, 1901, and stayed at the Thornton hotel. He was introduced to me by A. J. Campbell. Miller applied to me for employment.

"He became very intimate with Judge Harney almost at once. After this he told me that he had been fortunate in securing employment with John MacGinniss.

"I learned also about this time that he had cashed a check for \$300 signed either by the M. O. P. or John MacGinniss. During his stay at the Thornton Miller admitted Judge Harney to occupy his room and no hotel charge was made against Harney for the room.

"Miller left rather suddenly, going, it was understood, to Arizona. After that, one evening while I was at the hotel desk a bell-boy reported that Judge Harney was

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HIGHWAYMAN IS CAPTURED

Man Who Admits He Held Up a Stage Is Arrested in Butte City

FRANK ORTOFF TELLS HOW HE LOOTED THE RAWLINS VEHICLE.

Frank Ortoff was arrested by Chief Mulholland this afternoon on a charge of robbing the stage at Rawlins, Wyo., two months ago.

At the police station Ortoff confessed everything. In his room at the Empire house, in South Main street, was found an old grip containing a large quantity of stamps, part of the stolen booty.

Looking for the Man.

Chief of Police Mulholland has been looking for Ortoff for several weeks. He had an accurate description of him and it was not more than two hours after Ortoff arrived in town before he was behind the bars.

He came in from Logan on the Northern Pacific. For a short time previous to that he worked on a ranch near Billings.

To the Inter Mountain Ortoff admitted he held up the stage at Rawlins.

"I was out of work," said the highwayman, "and it was the only thing I could do. There was only one man on the stage, aside from the driver. I got no money and all I realized from the job was \$110 in stamps taken from the mail pouch."

No Resistance Made.

Asked if there was any resistance from the driver, Ortoff replied:

"No, they didn't make any kick. I just threw a rifle on them and told them to drop the mail pouch beside the road. They threw it off and then I let them drive on."

When Ortoff was arrested he had in his possession a box of .30-30 rifle cartridges and a number of .32-caliber revolver cartridges. He had no weapons.

In a letter found in one pocket, and which had been written today, he told of a rifle which he had ordered some time ago, and of a revolver which had not arrived.

Two Stamp Consignments.

The letter was addressed to Sears-Roebuck & Co. of Chicago. The letter stated that two consignments of stamps had been sent to pay for the weapons. One bunch amounted to \$14 and the other to \$24.

Ortoff told the officers the number of his room at the Empire house and a search was at once made. In the grip, that had seen better days, was found a large quantity of postage stamps of various denominations.

Ortoff is apparently 25 years of age, with a smooth face. He speaks with a noticeable accent. He says he is of German parentage.

Refuses to Give Names.

He was asked to give the names of the ranchers for whom he worked near Billings and he refused.

"I don't want my folks to know about this. I'll take my medicine and say nothing about it to them. I held up that stage and I'm willing to take the consequences, but I don't want them dragged into it."

THREE TEAMS IN RUNAWAY

West Granite Street Gets Plenty of Excitement.

Three lively races in West Granite street this morning made things look like the hippodrome races at a pony show. No one was injured, but two wagons were put out of business.

The delivery team for Hennessy's meat market became frightened near Washington and Granite streets and went at a merry clip toward Montana.

The wagon of the City market was encountered and the team attached to this vehicle also became frightened.

A collision with the Columbia market team occurred opposite the courthouse.

The City market wagon lost two front wheels and the Columbia wagon was damaged nearly as much.

The horses were captured before getting to Main street.

RUSSIA ARRANGES FOR LOAN

Plans Being Perfected to Secure \$26,000,000 From France.

St. Petersburg, July 23.—It is said Russia has arranged with French capitalists for a loan of \$26,000,000.

MR. F. W. HOLLIS GOES TO REWARD

MEMBER INTERNATIONAL COURT OF ARBITRATION CLAIMED BY DEATH.

New York, July 23.—Frederick W. Hollis, secretary of the American delegation to The Hague peace conference and more recently member of the international court of arbitration, died suddenly at his home at Yonkers, N. Y., today of heart failure.

Frederick W. Hollis was born at Zellenepel, Pa., July 21, 1857; was graduated from Columbia college in 1878 and studied also at the University of Leipzig.

He was a delegate to the New York constitutional convention in 1892, member of the peace conference at The Hague peace conference in 1899 and was recently member of the international court.

He was the author of a number of books, including numerous lectures and essays on political subjects.

DEAD MEN EVERYWHERE

Venezuelan Troops Occupy Ciudad Bolivar After Fierce Battle.

Soledad, Venezuela, July 23.—Ciudad Bolivar was captured at 11 o'clock last night, after 52 hours of a desperate struggle and fearful carnage, during which great courage was shown on both sides.

The jail and the capitol were the centers of the most severe fighting and many men were killed or wounded there.

Held by the Soldiers.

At 5 o'clock in the morning the correspondents followed General Rivera, government commander, who met General Gomez, Venezuelan commander in chief, near the capitol and confirmed the announcement that the capitol, the jail and

SCENE OF THE TROUBLE.



MAP OF VENEZUELA, SHOWING THE PRINCIPAL CITIES AND THE SEAPORTS.

all the rest of the city were in the hands of the government soldiers.

General Gomez informed the correspondents that the resistance at the capitol had been of a nature worthy of a better cause, that each yard of rampart was covered by the dead, and that General Nicolas Rolando, the last representative of the revolution, and his two lieutenants, General Pablo and Guzman, and General Vasquez, had been taken prisoners.

Swept by Cyclone.

No adequate idea can be called of the scene which Ciudad Bolivar presents. The city appears to have been swept by a cyclone, accompanied by a conflagration.

WRECKED ON BEACH ISLAND

Government Launch Goes Ashore With Eight Men.

Biddeford, Maine, July 23.—A government launch, which was being run from the Charlestown navy yard to Portland, by Lieutenant George Stevens and seven men of the Portland naval reserve, struck today on the southerly point of Beach Island, and was wrecked.

A boat from the life-saving station brought ashore the crew of the launch without difficulty.

The launch was about 40 feet long and of light construction. She went on the rocks in a fog.

CANNOT MARCH IN STREET

"Mother" Jones and Her "Army" Barred From New York.

New York, July 23.—Acting Police Commissioner Elsteston today refused a permit to march through the streets to Mother Jones and her excited army of textile workers. Mrs. Jones came over from Jersey City, where the army is, to make the application.

SHOOTING DOWN A TORMENTER

Chicago, July 23.—Adolph Ehman, a member of the firm of Charles Ehman & Co., mantle manufacturers, angered by the cries of a crowd of union workers while he was acting as guard over non-union men, shot and seriously wounded Robert Kuter, one of his tormentors, today. Ehman was arrested.

ENGLAND'S KING REVIEWS TROOPS

FULLY TWENTY THOUSAND MEN MARCH BEFORE THE BRITISH MONARCH.

Dublin, July 23.—King Edward today reviewed 15,000 troops and 5,000 men of the naval brigade in Phoenix park.

The weather was most favorable, bright sunshine permitting the wearing of summer costumes and the consequent color effect.

When the ground was packed by tens of thousands of spectators it made by far the most brilliant scene of any witnessed since their majesties arrived in Dublin in 1901.

It was the largest muster of troops ever seen at a review in Ireland. The Duke of Connaught was in command.

The king, who wore the uniform of a field marshal, was attended by the lord lieutenant, the Earl of Dudley and a numerous suite.

Prior to leaving the vice royal lodge his majesty presented his colors to the Ulster militia school.

HEINZE MAKES IN ATTACK ON THE SOLVENCY OF THE DALY BANK & TRUST CO.

In An Affidavit Filed in the Supreme Court, Head of the M. O. P. Company Attempts to Injure One of the Strongest Financial Institutions in the State.

Another instance of the reckless and irresponsible "Heinze methods" is at hand. In a certain affidavit filed by Heinze in the supreme court, supporting a certain motion in the famed Minnie Healy case, Heinze has seen fit to attack the solvency of one of the strongest and highest standing financial institutions in the state.

He has asserted therein, under oath, that the Daly Bank & Trust company of this city is practically insolvent and that its certified check for \$125,000 is not good security for that amount.

Here Are the Facts.

When the appeal was taken in the Minnie Healy case and undertaking on appeal in the sum of \$300,000 was exacted from the appellants, in this instance the Boston & Montana and its associates.

Subsequently the supreme court required the appellants to substitute a cash undertaking in the sum of \$125,000 for this surety.

A certified check on the Daly Bank & Trust company of this city was filed and since then has been on deposit with the clerk of the supreme court.

Goes to the Court.

Yesterday Heinze went into the supreme court with a motion to compel the clerk to cash that check and deposit the proceeds among the other banks of the city, some of which Heinze is directly or interested in—and that heavily.

He based this motion on an affidavit of his own in which he alleges practically

that the Daly Bank & Trust company is not solvent and he also attacks the solvency of the Marcus Daly estate, a large holder in the institution.

In other words, he attacks a financial institution which has been in business in Butte for 22 years, that is owned by perhaps the strongest financial interests in Montana.

Attack is Ridiculous.

The attack, of course, is ridiculous on its face. Every business man in Butte, particularly the bankers, to whom the facts became known today, denounced the Heinze affidavit and its statements as outrageous.

They with one accord pronounce the attack more of an assault on the community than on the one institution.

The fact of Heinze's interests in some of the banks in which he asks the money to be deposited is significant. It is a matter of comment today among those conversant with the facts.

If this theory of his motive be correct, the viciousness of it for such a purpose will surely be condemned heartily in all quarters.

The motion to cash the check will come up in the supreme court at Helena tomorrow morning. Some interesting proceedings there doubtless will be had.

Text of Affidavit.

Following is the Heinze affidavit in which the motion is based:

In the supreme court of the state of Montana, Miles Enden, appellant, vs. F. Augustus Heinze, et al., respondents. Nos. 154 and 159.

Affidavit of F. Augustus Heinze.

State of Montana, County of Silver Bow, ss: F. Augustus Heinze, being duly sworn, on oath deposes and says: That one of the respondents in the above entitled action, that heretofore and during the month of July, 1903, the above entitled court granted an injunction against the respondents, pending the determination of the appeal, upon the appellant giving an undertaking in the sum of three hundred thousand (\$300,000) dollars. That D. J. Hennessy and A. F. Bray were sureties on said undertaking in the sum of one hundred and fifty thousand (\$150,000) dollars, and one hundred thousand (\$100,000) dollars, respectively.

That thereafter the court found that said sureties were not sufficient sureties on said undertaking on injunction, and upon application of the appellant, made an order permitting the appellant to place in the hands of the clerk of said court a deposit of one hundred and twenty five thousand (\$125,000) dollars, as security upon said injunction to the respondents for any damages which they might sustain, as specified in the order granting said injunction. That, as affiant is informed and believes, said sum of money was not deposited with the clerk, but a check of the Daly Bank & Trust company, or certified by it, for said check has ever since, as affiant is informed and believes, remained.

That said check is not, and has not been, sufficient security to the respondents. That said Daly Bank & Trust company has a capital stock of one hundred thousand (\$100,000) dollars, and no more. That the same is authorized, under its articles of incorporation, to become security upon bonds and undertakings, and that prior to and since certifying said check, it has become obligated upon bonds and undertakings in very large amounts and in excess of its capital stock, as affiant is informed and believes. That it is engaged in carrying on a banking business, and that, as affiant is informed and believes, it has received deposits from various persons and corporations for which it is obligated in many hundreds of thousands of dollars.

That it has also engaged in guaranteeing stock of the Amalgamated company to persons, corporations or associations, who have purchased the same, and that it has guaranteed a value for said stock, and that on account thereof, and on account of the fact that the said stock has very largely depreciated in value since said guarantee was given, it has become obligated in large sums on account thereof.

That, as affiant is informed by his counsel, and verily believes, if said affidavit should be liable on account of the granting of said injunction, it would be very difficult, if not impossible, to obtain satisfaction for the damages which the respondents, and particularly this affiant, would sustain by reason of the said injunction having been granted, out of, or on account of, said certified check, and that the damages occasioned by said injunction will be very large.

That there is in the city of Butte the following banks and banking institutions, which affiant is informed and believes are solvent and responsible and would constitute safe depositories for the proceeds of the said check, to-wit: First National bank, W. A. Clark & Brother, State Savings bank, Acta Banking & Trust company, and the Silver Bow National bank; and that affiant believes, in justice to himself and to the respondents in said cause, and under the conditions existing with reference to said check and said Daly Bank & Trust company, that this honorable court should require the clerk of this court to cash said check and to deposit a proportionate part of the proceeds thereof with all or several of the above named banks or banking institutions, and that affiant believes that the same is necessary to the protection of the said respondents in the above-entitled action, and particularly affiant, who has suffered and who will suffer very large damages on account of the said injunction, in that they should not be required to rely upon said check for any recovery, or compelled to bring action on account thereof, but should have the benefit of having the cash deposited and placed in such condition that it should be applied to any recovery of damages which may be had by them.

Affiant further says that said Daly Bank & Trust company, in its business dealings and associations, is interested with the appellant and his successors in interest in the above entitled action, and is adverse to the respondents.

Affiant further says that he is informed and believes that Margaret Daly, widow of the late Marcus Daly, and the estate of said Marcus Daly, own a very large majority of the capital stock of the said Daly Bank & Trust company, and that she and said estate own eighty-five thousand (\$85,000) shares of the capital stock of the Amalgamated Copper company and that the decrease in the market quotation value of the said shares of stock in the Amalgamated Copper company since they were acquired by her and said estate amount to over seven million (\$7,000,000) dollars; and that said Daly Bank & Trust company has been and largely engaged in transacting business with

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FLUE BULGES AND MEN ARE BURIED UNDER THE GREAT PILE OF DEBRIS

One Man Killed at Washoe Works, in Anaconda, While Another is Dying and Several More Are Very Badly Hurt.

DEAD
E. E. Joss,
DYING
Hans Aamensen.
INJURED
Sam Revor, Ole Thorson, Eilef Swanson, T. Johnson; several others slightly.

SPECIAL TO THE INTER MOUNTAIN.

Anacoda, July 23.—While a gang of 20 men under foreman Thomas Johnson were hoisting a heavy piece of sheet iron into the new flue at the Washoe smelter at noon today the structural steel within the flue bulged and sent a deluge of bricks, iron, steel and timbers upon the gang, burying them under the debris. One man was killed, one is dying and several are badly hurt.

The sheet-iron was very heavy and all the men were holding it while the hoist lifted. The strain of the flue must have been too great, for without warning, that portion of it directly by the workmen collapsed.

The entire gang was completely buried. Nurse Bentley of the Washoe works was one of the first to arrive, attracted by the roar of the falling walls of the flue.

Scores of workmen hurried to the flue and the debris was cleared away as soon as possible. It was more than half an hour before the last man was pulled out.

It was found that E. E. Joss had been killed. His head had been severed from

his body by some strange means. Ole Thorson suffered a compound comminuted fracture of the left thigh and a fracture of the right arm. Hans Aamensen suffered a compound fracture of the skull and will die.

Eilef Swanson was badly bruised about the head and chest. Sam Revor was bruised about the chest. Foreman Johnson also suffered slight bruises. The remainder of the men were not seriously hurt.

Joss leaves a wife and two children, living on a ranch owned by him two miles east of the city. He was about 35 years of age and has been here many years.

Thorson has a wife and one child living on East Third street. Aamensen is single. Swanson lives at 505 East Third street and Revor at 901 East Park avenue.

Nurse Bentley, at the works, dressed the injured men, when all were removed to St. Ann's hospital, where Dr. Spelman was ready with his instruments. The body of Joss is still at the works. The coroner will hold an inquest.

Witnesses of the disaster say that it could have been neither foreseen nor avoided, as no one could have known that the structural steel inside the works would bulge. The damage to the flue will be several hundred dollars, but can be speedily repaired.

Coroner Walsh's inquest over the remains of Joss was announced for this evening at 7 o'clock at his undertaking rooms at a late hour this afternoon.

TAKE LONG RIDE IN EARLY MORN

PRESIDENT ROOSEVELT AND SON THEODORE TRAVEL THIRTY MILES ON HORSEBACK.

Oyster Bay, July 23.—Shortly after 8 o'clock this morning President Roosevelt, accompanied by his eldest son, Theodore, started for Sagamore hill on a horseback ride to Sayville, L. I. The president goes to Sayville to visit his uncle, Robert Roosevelt.

Mrs. Roosevelt was deterred from attempting the long ride, about 30 miles, by the inclement weather.

The president and his son were unaccompanied. Two secret service officers left Oyster Bay last night for Sayville by train.

The president will spend the day and night with his uncle, leaving for Sagamore hill on his return ride early tomorrow morning.

DIPLOMATS WORRY OVER MACEDONIA

FEARS ARE ENTERTAINED THAT THE POWERS WILL MAKE FRESH DEMANDS.

Constantinople, July 23.—Increasing activity of the revolutionists in Macedonia and the difficulties encountered by the Turkish troops are producing an unpleasant effect in official quarters and apprehension in diplomatic circles where it is believed the existing situation will lead to fresh demands on the part of the powers, including the establishment of efficacious control. Even the Austrians and Russians admit the reform scheme is inadequate.

CLOUDY AND COOLER

SPECIAL TO THE INTER MOUNTAIN.

Washington, July 23.—Weather indications.—Partly cloudy tonight and Friday, with probable local showers; cooler in east portion tonight.