

WIFE REFUSES TO SAY ONE WORD

MRS. BERTHA BROOKS WILL NOT TESTIFY AGAINST HUSBAND AT CHEVRIER INQUEST.

MAIN WITNESSES ABSENT

Inquiry into Death of Barber at Maule Block Brings Out Little Testimony of Direct Nature and Investigation Is Adjourned Until This Afternoon—Physicians Fail to Agree as to Cause of Wound in Head and Persons Living in House Differ as to Number of Shots Fired.

After consuming three hours and a half last night in hearing testimony the jury of inquest convened by Coroner Egan to inquire into the death of Emery Chevrier in the Maule block on West Park street, Butte, about 3 o'clock Thursday morning, was forced to adjourn until 1 o'clock this afternoon without hearing any evidence of a direct nature against Walter H. Brooks, unless it was in the statement of Sergeant William J. Dawson, who said that when Brooks surrendered he admitted that he had killed a man in the Maule block. The absence of direct testimony was due to the fact that Brooks and his wife flatly refused to testify, sitting on the advice of Attorney Parr, who appeared for them, and because Mrs. Charles Johnson and Mrs. John Boyle O'Reilly, said to be principal witnesses, were not present at the inquest. What testimony was brought out was of a contradictory nature in part.

Conflict of Testimony.

There was a difference among the witnesses as to how many shots were fired in the Maule block, and the physicians who performed the autopsy on the body of Chevrier disagreed as to what kind of an instrument was responsible for the wound in the head of the man who was killed.

The inquest was convened at 7 o'clock at Sherman's undertaking rooms. County Attorney Peter Breen appeared for the state and examined the witnesses. Fourteen persons took the stand and all of them testified with the exception of Mr. and Mrs. Brooks. The latter answered a few irrelevant questions, but to the interrogatories bearing directly on the case under investigation deflected time and time again. "I refuse to answer."

Refuses to Testify.

While Mrs. Brooks was on the stand the inquest assumed something of the nature of a farce and the 250 curious persons crowded into the small and suffocatingly hot room were kept in laughter almost constantly. Brooks would not even state his name and when a sequence of questions was put to him maintained absolute silence, keeping his eyes fixed on his attorney and not even moving his lips. All the questions asked of Brooks and his wife were made a part of the record. Mr. Breen assuming that it was competent testimony, as the questions put rather as statements from him remained uncontradicted.

Lawyers Have a Tilt.

When Mrs. Brooks took the stand considerable of a colloquy resulted between Messrs. Breen and Parr as to whether the witness should testify, and before the discussion had ended complaints were exchanged between the attorneys. Mr. Parr claimed that Mrs. Brooks could not be compelled to testify. He maintained that as the wife of Brooks the law stipulated that she could not give evidence either for or against her husband, unless the defendant consented.

Mr. Breen said he had no intention of infringing on the rights of Mrs. Brooks or her husband, but was simply conducting an investigation to get at the facts in the case. He thought Mrs. Brooks a competent witness, as neither her husband nor any one else had been accused of the killing of the subject of the inquest. It was impossible, he said, to get at a verdict by the jury without some testimony on which to base a verdict. He would not allow the witness to incriminate herself, but added that she must tell what part she took in the affair herself, and not what her husband did.

They Exchange Amenities.

Mr. Parr further objected and Mr. Breen told him he was not recognized in the case any more than a "wooden Indian." Mr. Parr, addressing Coroner Egan, said he did not care for the story of Mr. Breen, but would insist that Mrs. Brooks' rights be sustained. He said he had practiced law possibly longer than Mr. Breen and would say that the county attorney had misstated the law when he said Mrs. Brooks would have to testify. Mr. Breen said, addressing Mr. Parr, "You may have practiced law longer than I have and you might practice as long

(Continued on Page Nine.)



CHAIRMAN SELF PRESENTING THE REPORT OF THE JUDICIARY COMMITTEE TO THE HOUSE.

IMPEACHMENT PROCEEDINGS ARE SUMMARILY DROPPED

By a Unanimous Vote, and Without Discussion, the House Adopts the Judiciary Committee's Report, Which, While Declaring in Effect That Judge Harney's Conduct Has Not Been Blameless, Also Asserts the Evidence of Malfeasance Is Not Sufficient to Justify Further Action—The Sum of \$500 Appropriated to Conduct the Gambling Investigation—Woman's Suffrage Bill Still Alive.

Staff Correspondence of the Standard.

Helena, Feb. 6.—There were three matters of great interest before the house this afternoon. The house emerged from the Harney investigation, and plunged into the midst of a gambling investigation and into the woman's suffrage question. In regard to the Harney impeachment matter the action of the house was unanimous. At the noon recess, the transcript of evidence having been completed, the committee on judiciary met and agreed on the report which was submitted to the house about 3:30 o'clock this afternoon. The report generally censures Judge Harney for his conduct on the bench, but considers the testimony not sufficient to justify impeachment. The proceedings were without debate or incident, although there was much suppressed excitement apparent during the early part of the afternoon. Harney occupied a place in the lobby and was one of the first to receive information as to what the report of the committee would be. He stood near the door at the left of the speaker, and two of his attorneys were also on the floor of the house. A number of senators, who had an inkling of what was to happen, also occupied seats on the floor. That there was to be a report of the committee this afternoon had not become generally known, however, and the galleries were only moderately filled.

Representation of the Report.

The report was sent to the speaker by Chairman Self and was read by the chief clerk. The report is as follows: "Mr. Speaker: Your committee on judiciary, to whom was referred the resolution, to wit: "Resolved, That Edward Harney, a judge of the second judicial district, be impeached of high crimes, misdemeanors and malfeasance, and that five managers be elected by this house of representatives to prepare articles of impeachments present them at the bar of the senate and prosecute the same."

We beg to report that we have had the same under consideration and have heard evidence concerning the matters

Adopted Unanimously.

The report as read was adopted without a dissenting voice. To bind things and prevent it from being brought up again, Lynch moved a reconsideration, which was also adopted. The resolution was defeated, disposing of the matter for the session. Immediately the seats of many members were vacated, and Judge Harney held a levee in the lobby for the next half hour.

Adopted Unanimously.

The second matter of importance this afternoon was a plunge into a new investigation—that of gambling in Montana. On the previous day a committee of three had been appointed to investigate into the reasons why gambling is permitted in Montana, and how it might be considered guilty in the matter. Webb moved that the sum of \$500 be appropriated to pay the expenses of the investigation, and that the committee have full power to summon and examine witnesses. Conner moved to lay the investigation on the table, as the time of the house had already been largely spent in investiga-

Adopted Unanimously.

tions and it was time that the legislature was getting down to business. Duggan declared that three telephone messages had been received the past two days from Butte by lobbyists regarding this gambling matter and he thought the house should go thoroughly into it.

A Disgrace to the State.

"Let us try to enforce the law," said Everett, "or else let us take it off the statute books. It is a disgrace to the state to have the law violated with the knowledge of every one of us." O'Keefe of Foot Lodge said: "It is better to pay this money for gambling to the state and county where it will be for the benefit of the whole people rather than to city and county officers or to the attorney general of the state of Montana."

These Have Passed.

These bills were finally passed by the house today: Senate bill 3, providing for the compulsory education of the deaf and blind; senate bill No. 4, changing the name of the Montana school for the deaf and blind; house bill No. 22, amending the law relating to arson; house bill No. 28, appropriating money for the Montana state university; house bill No. 27, providing that city councils shall not grant franchises until they have been approved by a vote of the people, came up for final passage, but was recommitted to the committee on affairs of cities as an amendment was presented that on the ballot at submission to the people shall be named the terms and conditions of the proposed franchise.

A Batch of New Ones.

Other bills which were introduced, (Continued on Page Two.)

Woman's Suffrage Bobs Up.

The third matter of importance today was the popping up once more of the woman's suffrage question which refused absolutely to be numbered among the dead. A reconsideration was obtained in the senate and the bill was recommitted. In the house, too, an endeavor to kill the bill without discussion was defeated. The matter came up in committee of the whole. The house suffrage bill is a different one from the senate. It was introduced by Conner and is known as house bill No. 8. Its provisions, however, are generally the same as those of the senate bill. In committee of the whole an amendment was incorporated, an amendment of King, that the woman's suffrage matter, when presented to the people to determine, be placed on a separate ballot. Speaker White moved to strike out the enacting clause. An effort was made to debate the suffrage question, but Swillockhurst, who was in the chair, ruled that a motion to strike out the enacting clause is not debatable in committee of the whole. White's motion was lost by 22 to 25. Then the suffrage bill was recommended for passage by a vote of 34 to 28.

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Also in committee of the whole, the house killed house bill No. 24, providing for compulsory education of the deaf and blind, and recommended for passage house bill 26, regarding lost and unclaimed property.

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MRS. SHAW OF BUTTE DIES AT DENVER

Special Dispatch to the Standard.

Denver, Feb. 6.—Mrs. Frank E. Shaw died this afternoon at 4:50 o'clock at St. Luke's hospital, sinking into the death sleep in much the same manner as did President McKinley. She was operated upon for a tumor three weeks ago. The wound healed, but a week ago pneumonia set in. From this she seemed in a fair way to recover, when her heart began to fail her. Yesterday she seemed all but convalescent, but this morning at 10:30 o'clock she began sinking, and although three physicians continually attended her, she never rallied, and death occurred at 4:50 p. m. At her death were her husband, her father, John W. Foster; her sister, Mrs. J. A. Lander, and Mr. Lander and W. A. Clark, Jr. The relatives will accompany the body to Butte to-morrow night. While the hundreds of Butte friends of Mrs. Frank Shaw walked in sorrow to hear the worst news, still the cold, unalterable fact that came over the

Special Dispatch to the Standard.

wires from Denver had the effect of producing a shock to the entire city. The death of a most estimable lady, coming so soon after the funeral of her sister, all within the keen memory of a sad day last fall when the mother of both was laid at rest in the cemetery of Butte, makes sorrow doubly sad in a circle of dear friends and relatives which numbers a great many citizens of Butte. Mrs. Shaw was a lady of beautiful character and noble aspirations, educated and cultured, a broad-minded woman, a loyal advocate of the highest principles, a devout Christian and a friend whose presence in this city will be missed for a long time. Mr. and Mrs. Frank Shaw were married in this city on the 29th of July, 1872, and this was their home ever since, although they had during four years just passed traveled extensively and had visited the southern states. Mrs. Shaw had been a sufferer for some months, but it was not her belief that (Continued on Page Six.)





BUTTE NEWS

Montana's Largest Grocery, Feb. 7

LUTEY'S

45 and 47 W. Park Phone 68

The Time to Buy

Is when others want to sell. We have a reason why we are selling odds and ends so cheap...

Open Until 10 o'clock To-Night

Sweet Oranges, Etc.

- Fine size, sweet Oranges; to-day, each... Large, juicy Sweet Oranges special, dozen... Bananas, extra fancy, 5c dozen...

For 10c

Any of the following items: Popcorn, very kernel pop; package makes 8 quarts; per pack... A 15c can of finest Red Steak Sauce...

Good Things From Our Steam Bakery

- Delicious Whipped Cream Puffs; dozen... Chocolate eclairs, as light as a feather, fairly melt in your mouth...

Fresh Meats

- Saturday prices; rear of our cheese department... Prime Rib Roast Beef, pound... Pork Roasts and Chop, pound...

Turkeys, Ducks and Geese

TONKIN'S

See East Window Display of SHOES

SHOES

- Men's soft, toe kip or oxford, congress or low; shoes, all sizes and widths... The Porch Cushion Sole Shoe, worth \$6.00...

41 East Park Street Open Until 10 o'clock



Save Your Hair

With warm shampoos of CUTICURA SOAP and light dressings of CUTICURA OINTMENT, purest of emollient skin cures...

WIFE REFUSES TO SAY ONE WORD

(Continued From Page One.) (again and not know half as much as I do." Again Mr. Parr objected to Mrs. Brooks taking the stand, but the objection did not avail...)

Witness Is Indecent. "You refuse everything, do you?" interrupted Mr. Green, at which the spectators laughed...

"Where did you get the hat and coat you are wearing?" (The garments were those found in the room of Cheyver by the police.)

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"Did you not say to myself in the presence of McGarvey that Mrs. O'Reilly was jealous of you and that because of that she had gone to the Casino and told your husband where you were, so that he could drop in on you and catch you with Cheyver?"

"Did you not say you met a man in the hallway of the Mutual block after Cheyver had been shot?"

"Did you not say that you bumped into the man and that after you heard the Mutual block you were so excited you ran into the Casino saloon at the corner of Remshaw alley and Galena street before you realized where you were?"

"Were you sitting on the lap of Cheyver when your husband entered the room, forcing the door?"

Mrs. Brooks Indignant. At that question Mrs. Brooks became more indignant than she had been previously and when she again answered, "I refuse to answer your question..."

Before Mrs. Brooks went on the stand she appeared unconcerned, and at times smiled when a question or answer appeared to be amusing. She wore a light veil, and when her lips parted her even, white teeth were plainly visible.

Brooks Also Retires. Brooks followed his wife on the stand, and in answer to the question, "What is your full name?" replied in a firm, clear voice, "I most emphatically refuse to answer any question..."

Plied With Questions. "Did you not sip to me yesterday at the courthouse in the presence of others that you went to the room in the Mutual block because you believed that your wife was there?"

"Did you not say that Mrs. O'Reilly had come to you at the Casino hall in East Galena street and had told you your wife was in a room with a man and that she would show you where?"

"Did you not say that when you got near the Mutual block you told Mrs. O'Reilly you could not believe your wife was with a man and that you had better go home first and see if she was there, and did you not also say that Mrs. O'Reilly told you if you went to the room she would indicate if you would hear your wife's voice with..."

Persons, judging from the sounds. He went to the stairs and turned over the body of Cheyver, who was practically dead.

Joseph H. Creech, manager of the Casino saloon and concert hall, was about his duties when an employee informed him Brooks wanted him to come down stairs.

Testimony of the Doctors. While the testimony of Drs. A. R. O'Leary and P. H. McCarthy was the same as regarding the wound in the breast, it differed in regard to the wound in the head.

"Eugene Ore., Feb. 6.—Sheriff W. W. Withers was shot and badly wounded last night near Hale by Elliott Lyons, wanted in Josephine county for horse stealing last November.

Shoots Sheriff to Avoid Arrest. Desperate Act of Alleged Horse Thief. Wounded Officer Is Dying. Poss in Pursuit of the Man Who Committed the Deed, and Reward Offered for His Capture Dead or Alive.

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HOWE IS NOW WITH THE BIG TRUST. Seattle, Feb. 6.—John P. Howe, manager of the Seattle theater and the Grand opera house of Butte, has joined the trust and this ends the bitterest theatrical fight this city has ever known.

A. J. DAVIDSON FAILS FOR A LARGE AMOUNT. Helena, Feb. 6.—A. J. Davidson of Helena has been adjudged a bankrupt by Judge Knowles of the United States court.

THOMAS CORRIGAN DIES OF HIS WOUNDS. Salt Lake, Feb. 6.—Former United States Senator Frank J. Cannon, who was operated upon for appendicitis on Wednesday, is reported to be in a very serious condition to-day.

FORMER SENATOR SAID TO BE DYING. Salt Lake, Feb. 6.—Former United States Senator Frank J. Cannon, who was operated upon for appendicitis on Wednesday, is reported to be in a very serious condition to-day.

NIGHT WITH THE ENIGMAS. Butte aerie, No. 11, Fraternal Order of Eagles, celebrated the fifth anniversary of its organization last night in a social session and entertainment.

DUGGAN HEARD CRASH. John Duggan, a miner, was in his room, No. 7, which adjoins that occupied by Cheyver, when he heard a crash. It was thought to be a man's call some one's name in a loud voice and then a scream.

MINISTER MILBANKS. Helena, Feb. 6.—Ralph Milbanks, the British minister plenipotentiary here, died suddenly to-day of heart disease.

TO OPEN RESERVATION. SENATOR CLARK BELIEVES HE CAN GET BILL THROUGH SENATE. PLAN TO PAY THE INDIANS. CITIZENS OF BILLINGS DISCUSS MATTER and Conclude That \$5 an Acre or Less Would Be Fair Price.

Special Dispatch to the Standard. Billings, Feb. 6.—A meeting of the Commercial club was held this evening for the purpose of discussing the contents of a telegram received to-day by Secretary Henry White from United States Senator Clark relative to the Great Reservoir bill.

Special Dispatch to the Standard. Livingston, Feb. 6.—In the district court Thursday morning the jury brought in a verdict finding for all of the issues for the plaintiff, Viola H. Lee.

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Your Credit Is Good Lander Furniture and Carpet Co. 44-48 East Broadway, Butte

Your money back if you are not satisfied DO YOU SUPPOSE that a company with a capital of \$500,000.00, paid in full, and the proud reputation of 36 years of continuous success, would make such an offer and not carry it out to the letter?

WE CARRY IN STOCK BOILERS UP TO 100 H. P. HOISTING ENGINES STATION, SINKING AND BOILER-FEED PUMPS CAMERON & KNOWLES MAKES

Free to All Weak Men Sir John Hamilton's Vital Restorative makes Men of those whose Systems are Run Down and Whose Nerves are shattered from Mental Strain, Worry, or from whatever Cause. Show me the man who would not be a Better Man than he is.

Big Blackfoot Milling Company WHOLESALE AND RETAIL LUMBER AND MILL WORK Fine Interior Finish of All Kinds.

STANDARD WANT ADS. BRING QUICK RESULTS