

FIGHT FOR MILLIONS IN MONTANA CAUSES SCANDAL THAT STARTLES STATE.

Judge Harney Accused of Deciding Minnie Healey Mine Case as a Woman Willed—Ten Millions at Issue—Mrs. Ada Brackett is Charged With Influencing the Judge For a Reward of \$400,000—Letters Produced in Court—Woman and the Judge Depart From Butte on Same Train, Leaving Storm of Protest Behind.

Butte, Mont., Saturday.—"I did it! I did it!" Mrs. Ada H. Brackett is declared to have exclaimed when she was informed some weeks ago that Judge Harney, of department 3 of the Montana supreme court, had decided the big Minnie Healey mine case in favor of F. A. Healey, and against the Amalgamated Copper company. The Amalgamated company, which is one of the largest in the world, is engaged in trying to prove that Judge Harney was influenced by Mrs. Brackett in his decision. This is the most sensational scandal in the history of Montana since the case of the late Judge Harney, who was in possession of the mine for three years ago, when he was accused of having been influenced by the late Marcus Daly and his friends.

At the time that Healey made a claim out of the Minnie Healey mine, Judge Harney was in Montana. Healey is a woman and is now in Butte. She is a woman of about 40 years of age, and is a native of Montana. She is a woman of great wealth, and is known as a woman of great influence. She is a woman of great wealth, and is known as a woman of great influence.

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you that all they want you to do is to be honest in every decision, whether it is for or against them; they are willing to stand on their rights, and to keep yourself from entanglements on either side, so that your decisions will be entirely unbiased. As for your future, after you leave the bench, if you will allow me, I am empowered to promise you certain things which will assure that most of them will be done.

"As for the money, I would rather let you have mine, both for the sake of your future and my own (because your future is mine), than to have you hampered by the money. This offer is made to you with all my heart. This is not to influence you; it is entirely for the purpose of preventing you from being influenced either way, and to let you know that nothing need be considered in this matter except your own honest convictions.

"If you are not able to see me for a day or so, please remember all the time I have written you to keep away from Mr. Campbell and all Amalgamated and M. O. P. people until you have decided this case, to remember that I have proved myself an honest friend of yours, and that if I see you the matter of your decisions will never be mentioned between us, unless you bring it up yourself.

"You told me last night from the evidence you thought Mr. Finlen had made a poor showing; if you honestly feel that, do not allow anything to change your opinion.

"Please, please, Ed, dear, say that you are not angry with me for writing as I have. I have only your good at heart. Let me see you or write me a nice, kind, frank letter today. Always yours, Ed."

JUDGE HARNEY'S REPLY.

Judge Harney's reply to the above, it is declared, was in his own handwriting, and was also intercepted and copied. In it he said:

"My Dear Mrs. Brackett:—I received your letter and will be glad to talk further with you on the subject therein mentioned. On account of pain in my ankle I did not sleep last night. I have been listening to arguments concerning Minnie Healey, and they will probably consume all of to-morrow. I will see you to-morrow evening if you are at leisure. I have some matters to attend to this evening. I appreciate your solicitude and your feelings which are reciprocated as you know, and I beg you not to be uneasy. My ankle is some better than on last night, but I think it will be well for me to go to the Springs Saturday evening. As ever, ED."

This, upon the court records, appears as "Exhibit D."

"My Dear Mrs. Brackett:—I expected to see you last evening, but after I reached home my ankle was so bad that I could not possibly get up town, and under the circumstances I could not send you to this evening. I was trying to find a chance to send you word when Dr. Dygert came in. You are otherwise engaged, and I will be glad to see you tomorrow night if you are not busy. As ever yours, ED."

"Exhibit D." "A" to "EJ." follows:—

"You are entirely mistaken, Ed, or else you pretend to be, because you do not want to see me. I am not otherwise engaged, and I am a little mad at you because of your letter. I thought not hearing from you about going away, that you were unable to go, and that if you were here you might enjoy a little friendly game and a glass of beer. I am, as you know, ready and glad to go to the Springs or Anaconda or anywhere else. Do you have to be out Monday? If not, why not go over to Pinecone, Anaconda or any other place tomorrow?"

"There will only be Mr. Dygert, Mr. Gall way and myself, and we all specially want you. You would better be nice to me and do what I want you to, because you have been very hard to me lately, and I am a little mad at you already."

"MCGINNIS WON'T BE THERE."

"It has occurred to me, since writing the above, that perhaps you thought Mr. McGinnis was to be there and that you had better not come. He is not to be there; only the ones I have named, and I quite agree with you that if he was to be there it would not be well for you to be there also. Was that your reason? Do not go to the Springs tonight; wait until tomorrow and come over tonight. If you do not want to play poker I will tell them there is to be no game and you can just talk to me a few minutes; but you must be tired of doing that."

Mr. Dygert testified that he spoke to Judge Harney about Mrs. Brackett, and the Judge replied that he felt very kindly toward her because of the influence she exerted over him to keep him from drinking, but that she could not influence him in his decision.

E. C. Eastwick did some detective work for the Amalgamated company and made love to Mrs. Brackett. He makes an affidavit that she told him she was working a big deal for Healey, and that if she was successful Mr. Dygert said, under oath, that after Harney had given his decision he met Mrs. Brackett on the street, and she said, "I did it, didn't I?" He replied that he did not care who won the case.

"Well, I did it, and all you \$3 a day man couldn't do anything with him," was her reply, he said.

Mrs. Brackett says the whole story against her and Judge Harney is untrue. Judge Harney says the letters quoted were never received by him nor written by him. He asks the public to withhold judgment until everything is known and until he has had an opportunity to get at his accusers.

The first of the alleged disclosures concerning Judge Harney were the result of his refusal to grant the Amalgamated company more time in which to prepare evidence in support of a demand for a new trial of the Minnie Healey case.

After the first batch of affidavits was filed C. F. Kelley, an attorney, went before Judge Harney himself and asked him to grant a further extension on the showing made against him. Judge Harney declined to grant the time, and that forced the Amalgamated attorneys

to present immediately all the evidence they had and the reasons why they demanded a new trial.

Most of the affidavits were therefore filed in the court last Tuesday evening.

DETECTIVES COME INTO THE CASE.

It appears that the Amalgamated company's attorneys sent to Chicago for several detectives. Two came, one a woman, known in the affidavits as E. L. Waters. Her companion was J. W. Waters. The latter came to Butte as a New York capitalist and mining man. The woman was introduced as his sister. Waters negotiated for some mining property, and one of the first persons he met was John McGinnis, of the Montana Ore Purchasing company, who was introduced into the Healey set.

One day when it was supposed Mrs. Brackett was becoming too notorious as the friend of Judge Harney, she was induced to take a trip to Salt Lake. On the same train were Mrs. Waters and Mr. Waters.

The three were well acquainted and had been on the train for some time. They all stopped at the Kenyon hotel for several weeks, and in that time the two detectives had learned everything that Judge Harney knew, according to their own affidavits. They told her new friends, they declare, about the Minnie Healey case, and that she was on very intimate terms with Judge Harney, and expected a decision in favor of Healey. The two detectives told about meetings in the Thornton hotel and elsewhere in Butte, at which Judge Harney drank champagne and made love to Mrs. Brackett.

They got into an altercation at one time, and the judge, the detectives declare, threatened to cite one of his friends into court. Mrs. Brackett told him that if he dared to do what he threatened she would have him taken off the bench. The judge did not try it, and promised to obey Mrs. Brackett in future.

One evening the party visited a local resort, the affidavits state, and Judge Harney told Mrs. Brackett that he had just made an order in the Healey case.

"During the progress of the proceedings on motion for a new trial in this case, the plaintiff attempted to take my deposition, upon which to make a showing for a new trial, and compel me to testify as to why I had decided the case against them.

HE REFUSED TO TESTIFY.

"Believing that I had given ample reasons in my opinion, which was a lengthy one, and written, and believing that courts were not subject to rotaries, I refused to testify. An attempt was made to commit me to jail, but I did not go. The question was afterward brought into the courts, and it was then decided that I was right in refusing to testify.

"At this time the controversy had become very bitter. The motion for a new trial had not been submitted to me for any decision, nor has it yet been submitted. I had granted the plaintiff extensions of time in which to prepare a bill of exceptions and motion for a new trial.

"I had granted them extensions of time within which to procure affidavits, knowing that those affidavits were to affect me personally, and in short I had shown them every courtesy possible.

"The assault upon me had been so villainous and unwarranted that it greatly disturbed me and affected my health and also greatly troubled my wife, who was then in Illinois.

THREATENED WITH IMPEACHMENT.

"I decided to come to Illinois to visit her, and so announced upon the evening preceding my departure.

"Before my departure I met certain counsel for the corporation, with whom were the chief of the detective bureau and two others.

"We had a stormy session, lasting several hours. I was accused of having been influenced in my decision by Mrs. Brackett, and of having been bribed by her to decide in her favor. I was threatened with arrest, and with impeachment if I did not accept their offer, which was this: They would give me \$250,000 if I would make an affidavit that Healey had paid money for my decision or had offered to do so.

"I was advised that I might take my family to Europe and enjoy a good vacation, and might then come back to New York and live where I pleased in ease and luxury.

"I replied that I did not want their money, that such money was a curse more than a blessing, and that I did not fear their threats for the reason that there was no evidence or fact upon which to ground them.

"I received the sneering reply that I ought to know by this time that they had means of procuring evidence whenever they required it, that I was a poor man and would not fight them, and that I must accept either riches or ruin. I very emphatically chose the ruin, if they can procure it.

"Just before the conclusion of the controversy, they sent a carriage to the home of Mrs. Brackett with whom they seek to connect me. She came to the room.

"They informed her that I had consented to resign and offered her \$25,000 if she would make an affidavit that she had been employed by Healey, to improperly influence me, or that Healey had offered or did pay me any money for my decision.

"I was in an adjoining room. She asked them all to wait, and I came in, and was much surprised to see her there.

"She asked me if I had consented to make an affidavit and resign. I told her I had not. She told me of their offer to her. I told her she might do so if she pleased. I was going to stand my ground.

"She then told them in a few brief emphatic words her opinion of them in trying to tempt me and threatening to ruin me and my family. She very indignantly spurned this offer, and asked me to call a carriage and send her home.

"I understand they call Mrs. Brackett an adventuress. So far as I have known her, and I have known her for some time, she is a good woman, and I think her conduct on this occasion justified my opinion.

"There are many letters which this plaintiff has attached to affidavits as exhibits which I believe to be forgeries. They came through the detective department of this corporation, were typewritten and the signature was typewritten.

"They purported to come from Mrs. Brackett. They were so unlike her and so unlike anything she had ever said to me that I immediately called her attention to them, and she emphatically denied having written them.

"This case is still pending before me, upon motion for a new trial. The affidavits are most scurrilous. They do not affect the merits of the case.

"If they were true, the matter to which they relate occurred long after the trial of the case. This is no attempt to show that I was improperly influenced in any way. They relate solely to my private affairs.

"They cannot be used in the case, and are now only a part of the policy to effect my ruin. I have had no chance to make my defense in this case. I do not know what the policy of the defense will be.

"They may probably make some counter affidavit and part of my case may then be shown. I cannot make my own defense until after this case is finally determined in my court upon the motion for a new trial.

"The practice of going into a man's private life or attempting to do so to decide a law case is in my experience most unusual.

"I have not read the majority of the affidavits filed. I have been working hard and am very much exhausted by the work and excitement of these proceedings.

"I wanted to stay in Butte, but upon the urgent advice of my physician, and upon the advice of my old home, and I find my friends disturbed because I have made apparently no defense. I have heretofore explained why I have not done so. I want to assure my friends at this, my former home, that I am in no danger.

"The popular feeling in Butte, where the methods of this corporation are known, is very much in my favor. For this I do not care, except that it assures me that my judgment was right.

"I decided this case wholly upon its merits. It was ably presented and very thoroughly considered by me and the friends of plaintiff themselves say that the verdict was just, and that no other conclusion could be reached from the testimony.

"I will further say that I expect to return to Butte within two or three weeks, that I will proceed with the business of my court as usual. My defense will soon be made, and when made it will be fully vindicated, if it may be called vindication.

"The corporation could not coax me, could not buy me, could not bluff, nor can they ruin me.

(Signed) "E. W. HARNEY."

"BOBS" AND THE AMERICAN.

The bark Obed Baxter came to port from South Africa this week with a story about Lord Roberts that Capt. Sinclair tells with pardonable pride. At Port Elizabeth, while Obed Baxter lay at anchor there, a reception was given Lord Roberts, which the captain was invited to attend. He went—a tall, broad-shouldered man, straight as the mainmast and muscular as the god Hercules. In due course he was presented to "Bobs," and the small, slim, English general said to him, looking up at his brown face: "Capt. Sinclair, are you an American?"

"I am that, sir," the captain replied, "and a native Philadelphian to boot. That makes me an American twice over."

"Well," returned Lord Roberts, "if all the Americans are as big and broad-shouldered as you, it is no wonder that they have carried away the world's trade."—Philadelphia Record.

MISS BEAL TO MARRY.

Butte Helen Beal, the Wichita telephone operator, who drew a capital prize, \$100,000, in the recent Oklahoma land lottery, enriching her to the extent of \$40,000, will remain true to her first love, a poor car conductor. Miss Beal declares that riches make no difference in her choice of a husband.

JUDGE HARNEY'S REPLY.

Rock Island, Sunday.—Judge Edward W. Harney, of Butte, Mont., who has been charged with corruption in the decision of the famous Minnie Healey mine case, declared today that he was offered a bribe of a quarter of a million dollars if he would decide the case in favor of the Amalgamated Copper company.

At the home of his wife's father, William Kistler, in Buffalo, Prairie township, twenty miles from this city, Judge Harney consented to make a full statement of the case for the Herald.

His written statement of the case charges that coercion was used to get a decision favorable to the Amalgamated interests. He upholds the character of Mrs. Brackett and declares that many of the letters in the case which are being used to show that he was corrupt, are forgeries.

Judge Harney arrived at the home of his father-in-law yesterday afternoon, where he expects to rest and enjoy a vacation with his family. Mrs. Harney and their three children have been here on a visit since June 1. Judge Harney said, however, that he could not at this time make his statement as full as he would like, owing to the fact that a motion for a new trial in the case is still pending before him, and matter to which he would otherwise refer has been embodied in the documents filed by the plaintiff in support of the motion.

In particular the name of the person who made the first overture to himself and wife in behalf of the plaintiff while they were in Missoula, he desired to withhold, for the reason that he would probably figure in the defense in the motion now pending.

Mrs. Harney insisted upon acting as her husband's amanuensis in the preparation of the accompanying statement, and it was written by her from dictation and afterward read by the judge.

Following is Judge Harney's statement:

JUDGE HARNEY'S STATEMENT.

"The case concerning the trial of which these scandalous reports concerning me have been published involved the title to a mining claim known as the Minnie Healey, and the case is locally known as the Minnie Healey case. The claim is probably worth many millions of dollars, though the testimony before me showed it to be worth \$500,000.

"There has long been a bitter controversy between F. A. Healey on the one side and the Butte & Boston and the Boston & Montana on the other, and the latter companies have long maintained that they did not get justice from the courts.

"I assumed the duties of my office in January last, having been elected at the previous election. Soon after the close of my first jury term, this Minnie Healey case was set for trial. It being a case in equity, it was tried before me, and not subject to appeal.

"The case lasted about two weeks, and at its conclusion it was taken under advisement, there being very many questions of law to be determined and very many affidavits having been filed by the respective parties.

"After the trial of the case and while it was being considered by me during the evenings and intervals not occupied by other court business, it developed that I had very many friends among those interested with the plaintiff, those now filing scurrilous affidavits, and they were very solicitous about my welfare.

"The interest of Miles Finlen, the nominal plaintiff, had been acquired,

as I believed, by the Amalgamated Copper company, which controls most of the mines of Butte.

APPROACHED BY A FRIEND.

"Before I had reached a conclusion as to the merits of the case my family were about to go to Illinois. I desired then to see a pretty pretty girl, and we visited Missoula with a neighbor, whose family and my own had been on friendly terms.

"He said he was going to his home near Missoula, and would be glad to company us on our short vacation and render us what assistance he could. I accepted the offer.

"During a drive on a succeeding day he talked to my wife and me, and we should have a larger house and inquired minutely of Mrs. Harney as to the kind of a home she would like. She replied that she and myself hoped to exchange a modest home out of my salary; that it was our ambition, and that we could not choose such a home as we might some day wish.

"He said that if we would give him plans he would have a fine house built for us upon Mrs. Harney's return from Illinois.

"He said he was not doing this, as, of course, I knew, and that he was authorized by Mr. J. D. Hennessey to speak as he did. He and Mr. Hennessey had helped their friends, and that he would be glad to furnish a fine home and give me a valuable lease upon mining property, so that I would not feel the necessity of funds; would be at ease and not subject to temptations or any influence by reason of being poor.

"Later this friend and myself had a conversation at the hotel. I said very little to him, but let him do the talking. I did not want to involve him in this company works through so many minor agencies.

"At the conclusion of the conversation I left the room, without giving any answer, supposing that he would be approached by some other agent of the justice purchasing department of this corporation.

"There were other minor hints of leases before I decided the case, which I did against the corporation, believing that I decided justly and honestly, and in this connection I will say in justice to the defendant that neither he nor any representative employed or any one in their behalf ever made the slightest effort to influence my decision in this case after it was submitted at the trial.

THREATENED AFTER DECISION.

"Up to the time I made the decision I was a good judge in the eyes of the plaintiffs' representative. After the decision was rendered against them, there began to be mutterings and hints that I was influenced in my decision, and that a woman was influencing my course.

"Later it was threatened that I would be ruined and my family broken up if I did not grant the plaintiff a new trial.

"I was told that I was merely an instrument, that Healey was the man they were after, that they were going to get him and if to that end it became necessary, incidentally to demean me, they would not hesitate to do it.

"I replied that I was there to do my duty, and had done it; that they had no evidence, nor could they produce any, that could affect me, and that when their motion for a new trial was submitted to me, would give it the same consideration that I would in any other case and would try not to be biased either by offers or threats.

"I neglected to say that during the progress of the interview on my trip to Missoula, to which I referred, I was told that a decision in the case in favor of the plaintiffs was worth a quarter of a million dollars to them; that a lease could be taken in another name and that I need not be known in the matter.

DIVORCE, TO MARRY NOBLE.

Fayne Strahan Moore, the beautiful woman who came into national prominence in the famous New York Moore badger case now seeks to obtain a divorce from her convict husband in order that she may marry a wealthy nobleman. Moore is serving a nineteen years sentence while his wife, who was a principal in the badger game, is earning a living as chorus girl in London.

