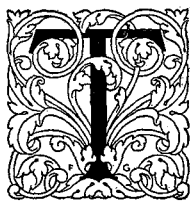


THE FIGHT FOR THE MINNIE HEALY

BY

C. P. CONNOLLY

ILLUSTRATIONS FROM PHOTOGRAPHS



THE history of the war of the copper kings has previously had little to do with the "Minnie Healy" mine. The story of that property is one of the strangest tales in all the romantic history of the West. Since its discovery, in the early days of Butte, it has been the cause of nearly every crime in the calendar. Forgery, perjury, bribery, fraud; the making and loss of fortunes; attempted murder and successful theft; they are all on its record.

No one remembers the "Minnie Healy" who gave her name to all this trouble. Indeed, a compilation of the sources from which the mines on the Butte Hill were named would make an interesting study. There is, for example, the "Wake Up Jim." Two partners were working the prospect. One slept while the other worked. One morning the man on shift ran into a body of rich ore. He hurried to his partner's bunk. "Wake up, Jim," he cried. "We've struck it!" and the mine was named.

The "Minnie Healy" does not come into this story till the autumn of 1900, when Miles Finlen, who figured in the Clark-Daly feud as a friend and adviser of Daly, leased it for two years from the owners. In consideration of this lease, Finlen was to sink the shaft two hundred feet deeper, but had the option of purchase for a hundred thousand dollars at the end of the two years. The mine brought Finlen no luck. He was only one of many who had found the "Minnie Healy" the graveyard of fortunes. Gradually he grew discouraged, and one day he admitted to F. Augustus Heinze that he had spent fifty-four thousand dollars on the game and was tired of it. Now, Heinze had no notion that the mine was worth anything in itself. He wanted it for another reason.

Adjoining it were the "Piccolo" and "Gambetta" claims of the Boston & Montana,* and he had an idea that certain rich veins then exposed in these two claims came to the surface or "apexed"† in the "Minnie Healy"; which, if true, would give him grounds for a suit against the Boston company. What he learned from Finlen corroborated this theory. As for Finlen, he placed little confidence in "apexes." They meant lawsuits, and, when it came to lawsuits in the Butte courts, he preferred the paths of peace.

Two Versions of a Bargain

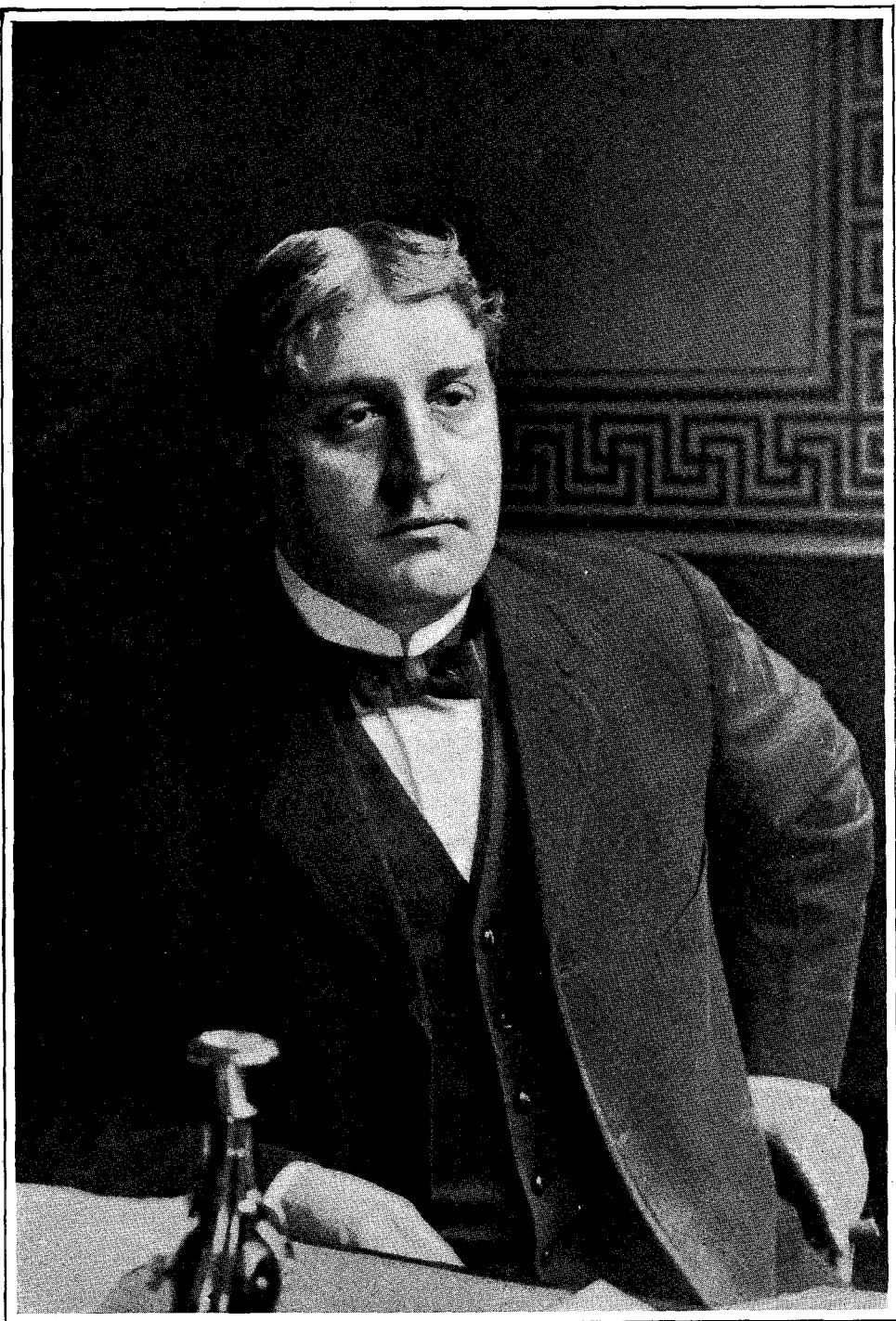
According to his own testimony, Heinze said to Finlen:

"I'll tell you what I'll do. I'll take this lease off your hands, continue the work necessary to hold it, and pay you back what you have lost. I'll give you twenty-seven thousand dollars one year after I have bought the property from the owners, and another twenty-seven thousand dollars a year after that. In return, you are to say nothing of this deal until you have brought suit against the Boston & Montana for ore extracted from the veins in the 'Piccolo' which apex in the 'Minnie Healy.' Your men can work there until after you have brought the suit, and I will pay all expenses."

Heinze testified that Finlen jumped at the offer, and, according to the gossip current at the time in Butte, Finlen went to the bar-room of the Butte Hotel, set up champagne, and bragged of his bargain. It was near Christmas, a member of Finlen's family was sick in Chicago, and he was in a

* The Boston & Montana became an Amalgamated property during the Copper War.—EDITOR.

† It may be well to remind the reader that, according to the apex theory, when a vein rises to the surface within the limits of a claim, all ore bodies contained within its walls belong to the owner of that claim, no matter where the vein may run.—EDITOR.



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F. AUGUSTUS HEINZE

- Ten years after he had been working in the drifts as a miner at five dollars a day, Heinze sold his mining interests for \$10,500,000. This photograph was taken last spring in Mr. Heinze's New York office

hurry to get East. Accordingly, Heinze's chief attorney, John J. McHatton, drew up the papers hastily, and Heinze, with two of his lieutenants, took Finlen to McHatton's office to sign them. Something in their form did not quite suit Finlen. A discussion followed, but, according to the testimony of the Heinze witnesses, Finlen said:

"You go ahead anyway; I'll turn the property over to you. When I come back from the East, I'll sign the papers. My word is as good as my bond."

Finlen's own account was very different. He maintained that he had simply allowed Heinze to take temporary possession for the purpose of finding out whether the "Piccolo" and "Gambetta" veins "apexed" in the "Minnie Healy." Later, if a price could be agreed on, Heinze was to have the option of purchase.

There is no use in trying to account for the luck of Heinze. Within a few days after he took possession, he bored into a great body of immensely rich ore. Finlen and his predecessors had explored again and again within a few feet of the vein — but Heinze found it.

When this news reached New York, there was consternation at 26 Broadway.* Daly and Rogers had just perfected their plans for taking the Boston & Montana Company into the Amalgamated. Now, not only was this new and rich mine outside their combination, but the reports that came to them hinted that some of the richest veins in their own properties probably apexed within its territory. Finlen did not hear the news until he went to see Daly, who was in New York, stricken with his last illness.

"Go back to Butte and get Heinze out of the 'Minnie Healy,'" said Daly. "Why, if that young buccaneer gets hold of the 'Healy,' he'll have us all on the hip. He'll claim ownership of every pound of copper in the 'Piccolo' and 'Gambetta'." Back to Butte Finlen went and told Heinze's attorney that he wouldn't sign any papers. The deal was off.

Meantime, Heinze was working like mad on the "Minnie Healy" and uncovering every day richer and richer bodies of ore. Street rumor in Butte had it that there was no end to its wealth. Finlen applied for possession, was refused, and tried to take it by force. Heinze was ready for him. The Finlen forces were met by an armed guard at the mouth

of the "Minnie Healy" shaft and forced to withdraw. Then Finlen brought suit for possession.

Before the case came to trial, however, Finlen sold his whole interest in the lease to the Amalgamated, which thus took over the suit. Under the law, it was to be tried without jury by one of the two judges of the District Court in Butte. This judge, a man with human weaknesses, was alone to decide whether Heinze or Finlen told the truth; and, barring possible errors of law, his decision was to be final. Heinze had not a single scrap of paper to justify his possession of the "Minnie Healy"; but possession he did have, and he maintained it at the rifle point. The fight was on: the "young buccaneer" against the most powerful financial force in the world, 26 Broadway.

Since Amalgamated interests inspired the action, Finlen's suit was naturally not brought in Judge Clancy's department of the District Court. At the time Judge John Lindsay was the other judge of that court. Suits were assigned to the two judges in regular rotation, and the Amalgamated attorneys carefully watched the numbers, so as to escape Clancy's judicial hopper. Before the case came to trial, however, Heinze and Clark had made the "vindication" campaign of 1900, had reelected Clancy, and had replaced Lindsay by Edward W. Harney. The new judge became not only the heir to the "Minnie Healy" case, but also the pivot of the Heinze-Amalgamated intrigues. On June 18, 1901, he handed down a decision favoring Heinze on all points. This decision was hardly published before the Amalgamated began to weave that web of charges, counter-charges, bribes, and counter-bribes, whose main threads I shall try to follow.

In his early career Judge Harney had been a cow-boy in Nebraska. He was a lawyer of education and some reputation, and was ordinarily an excellent judge. In disposition he was kindly, companionable, and good-natured, but he had the weakness which often goes with the best of dispositions — the craving for liquor. Frequently, while on the bench, he was unfit for his duties.

The Woman in the Case

The principal feminine rôle in the melodrama of the trial was played by a certain Mrs. Ada H. Brackett. Mrs.

* Known as the Standard Oil building.— Editor.

Brackett was a public stenographer in Butte. She had known Judge Harney before his election to the district bench, and had acted as his amanuensis. Afterwards, during the absence of the Judge's wife and children in the East, she began to appear occasionally in public places with him. About the time of the trial of the "Minnie Healy" case, Mrs. Brackett moved into a small house at No. 409 West Quartz Street. Here Judge Harney became a regular visitor. An agent of Heinze's corporation, the Montana Ore Purchasing Company, rented this house from the owner. A detective in the service of the same company guarded it during the term of Mrs. Brackett's residence.

During the trial of the "Minnie Healy" case, which lasted about two months, Mrs. Brackett carried on a clandestine correspondence with Judge Harney. Her messenger was a lawyer whose office adjoined hers, one George B. Dygert. Dygert was a boon companion of Captain D'Gay Stivers, an attorney for the Amalgamated, and it thus came about that the whole correspondence passed through the hands of Amalgamated detectives. Before delivery, each note was taken from its envelop and copied. Also, whenever it was possible, Dygert got hold of the originals of Harney's notes after Mrs. Brackett had read them. When the Judge was in his chambers, Dygert delivered these letters in person. When he was on the bench, they were handed over to the court clerk, a kind of "fidus Achates" to the Judge. This whole purloined correspondence afterwards turned up in judicial hearings; and the most important letter—afterward known in Montana as the "dearie letter"—was an important factor in the reversal of the "Minnie Healy" decision in the Supreme Court.

The Purloined Correspondence

This letter began with a warning to the court clerk to see that the Judge destroyed it. After a tender and affectionate opening paragraph, it continued:

"In the first place, dearie, all that is asked of you by me, or any one, is to be absolutely impartial and free in your decisions, and not to get tied up to anybody, so that you are forced to be anything but honest. I do not want you to favor my friends, unless you are convinced it is right for you to make such a decision; on the other hand, if it should be such a close decision that

friendship (I would not insult you by saying 'money') might sway you, I want you to remember me as your friend, and that you can help me when it is not at the expense of your honesty or conscience; and also to remember who were your friends before you were 'Judge Harney.' I mean the people who elected you and stood by you. You know the Amalgamated people fought your election, and that they were not half so complaisant to you and so attentive until after your election. (I can give you instances to prove this, if you do not already know it.) Do not be influenced by attention and flatteries, and all the things they say about knowing what a fine fellow you were all the time; because they did not think and say all these things when they might have helped you—not until they were interested. I ask you to remember this. . . . If you are in debt, and some money would make you freer, I will gladly let you have what money I have for the sake of relieving you from any pressure. If they offer to loan you money, or let you have money, and if you need it enough so that unconsciously (I know it would be unconsciously) you might be influenced by that need, I will let you have money. If you want it, take it from me, and leave yourself free. Mr. MacGinniss asked me to say to 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 generously. . . . You told me last night from the evidence you thought Mr. Finlen had made a poor showing; if you honestly feel that way, do not allow anything to change your opinion."

To this letter Judge Harney replied:

"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 the pain in my ankle, I did not sleep last night. I have been listening to arguments concerning the Minnie H. 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 that I must 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 evening, but I think it will be well for me to go to the Springs Saturday evening.

"As ever,
"ED."*

Detectives on Harney's Trail

Both Heinze and the Amalgamated had detectives at work in Butte during the "Minnie Healy" proceedings; but just before Judge Harney's decision in favor of Heinze, there appeared in Butte two other secret agents in the service of the Amalgamated, whose connection with the case is important. They were "J. W. Waters," and "Miss E. L. Waters," of Denver, ostensibly brother and sister. They busied themselves in tracing the movements of Mrs. Brackett, and when she was about to start for Salt Lake City they took berths on the same train and set about winning her confidence. Gradually she unbosomed herself completely.† She told her new friends that she was in the employ of the Heinze faction; that she had done work of a secret nature for Heinze; that she had Judge Harney's entire confidence; that Heinze was going to buy her a house in Butte, so that she might entertain her political friends; and that she was going to Salt Lake City under orders. Two days after the decision of the "Minnie Healy" case, Mrs. Brackett was back in Butte. She, Judge Harney, Mr. Waters, and Miss Waters spent a merry evening together at the Butte Street Fair. At the Alamo saloon, where they ended the evening, Harney gave seven hundred dollars in bills to Mrs. Brackett. The next morning she deposited this money to the Judge's credit at the Silver Bow National Bank. Later, she told Mr. and Miss Waters that one of Heinze's henchmen, John MacGinniss, had reprimanded her for going out to public places with Harney.

Again, while in company with one of the detectives, Harney drew some papers out of his pocket and began fumbling with them.

* Judge Harney did not deny the authenticity of this correspondence when, as the Supreme Court held, he should have denied it. In other proceedings, more than a year later, he admitted that his own letters were genuine, but intimated that the long letter from Mrs. Brackett, parts of which are quoted above, was a clever forgery.—AUTHOR.

† To this conversation, and to the other events which are here set forth as happening in their company, the detectives testified in the court proceedings which grew out of the "Minnie Healy" decision.—AUTHOR.

In doing so, he dropped a telegram. He was not in a condition to notice the loss; and the detective carried the despatch away. It read:

"New York, June 19, 1901.

"E. W. HARNEY,

"Butte, Montana.

"Congratulations on your decision in Healy. Himsee* will take care of you. Continue the good work.

"O'FARRELL."

All this testimony to prove the influence brought by Heinze to secure a favorable decision from Judge Harney was hot shot for the Amalgamated locker. On the other hand, the evidence gathered by the Heinze forces was quite as formidable. While the "Minnie Healy" case was under Judge Harney's advisement, according to his own sworn testimony W. J. Guthrie, a close personal friend, made him a blunt offer on behalf of the Amalgamated. "They can afford to pay you one hundred and twenty-five thousand dollars to get out of this," he said, according to Harney's story. "If it came to a pinch, they could well afford to pay you a quarter of a million. They don't expect to win the case, and if you decide in their favor, don't be cheap. I am not trying to bribe you to decide the case; but I understand that it can be decided for Finlen on law points." Then, still according to the testimony of Harney, Captain D'Gay Stivers, of the Amalgamated legal department, asked the Judge to come to his office. There Stivers offered him, on behalf of H. H. Rogers a lease worth from one hundred to one hundred and twenty-five thousand dollars.

"Tell Rogers that I have already rejected just such a proposition," said Harney.

"I knew you would not take it," said Stivers. "I know you too well for that. It is the first time I have ever been employed to make a proposition of this kind, and it will be the last." Stivers, on the stand, admitted that he had talked over a lease with the Judge in his own office; but he explained

* "Himsee" was either a mistake of the operator, or a bit of caution on the part of the alleged sender. O'Farrell, who will be remembered as the head of Heinze's press bureau, has denied under oath having sent this telegram, but another witness testified that O'Farrell admitted it to him, excusing his action on the ground that he had been celebrating too freely. The telegraph operator who received this message in Butte moved to Canada before the trial of the case in which the telegram was introduced; but he was evidently familiar with going judicial prices in Butte; for, in the endeavor by Amalgamated to trace the receipt of this message over the wire, he demanded by letter of D Gay Stivers, the Amalgamated attorney, the sum of ten thousand dollars for proof of its authenticity.—AUTHOR.

that he referred to the details of a proposal regarding a lease, made by a third person who pretended to represent Judge Harney, which had nothing to do with attempted bribery.

After a considerable amount of damaging testimony had been collected concerning the bearing which the relations of Judge Harney and Mrs. Brackett had upon the "Minnie Healy" decision, the couple were haled before a notary public and ordered to testify to certain facts concerning the extra-judicial features of the case. Both refused, and the notary thereupon committed them for contempt.

At this interesting juncture the chief counsel in Montana for the Amalgamated, one Arthur J. Shores, took the opportunity to call upon Judge Harney at his rooms in the Hotel Thornton and to represent to him that his client, the Amalgamated, felt obliged to file much disagreeable testimony in order to protect itself. What Shores ostensibly desired was an order from Judge Harney, extending the time for filing a bill of exceptions on motion for a new trial; but in reality he wanted time to secure additional affidavits affecting the Judge's integrity,—a fact he naturally did not wish the Judge to know.

"We dislike very much to file these affidavits," remarked Shores, "and I believe, while I do not say so, that it will not be necessary, if you will grant us an extension of time. We must have a new trial in this case, if possible."

"What good will a new trial do you?" replied Harney. "I understand you said the decision was a just one, and that another judge would render the same decision."

"We may be able to get the case tried in some other county the next time," answered Shores.

Judge Harney refused to sign the order, and by way of emphasizing the disapprobation of Amalgamated, the following morning a number of the affidavits, so dangerous to the Judge, were filed in the District Court. These affidavits were for the most part made by attorneys of the Amalgamated, and though they foreshadowed what might befall Judge Harney, they could not be expected to convince the public like the unprejudiced affidavits by reputable and independent citizens, which the Amalgamated was still engaged in completing.

Judge Harney's personal attorney, Jesse B. Roote, happened, curiously enough, to be

a law partner of W. A. Clark, Jr., brother of Charlie Clark, and an adviser of his father, the Senator. On the 5th of August, 1901, Charlie Clark summoned Roote to his house and fell immediately to talking of the Harney case.

Ruin or a Fortune

"There is trouble in store for your client, Judge Harney," said he. "Shores has just left here. He has had a lot of detectives at work looking into Judge Harney's conduct, and they have procured positive evidence that Harney received money to decide the 'Minnie Healy' case. To-morrow is their last day to file the motion for a new trial. They have papers all ready to arrest Harney to-morrow, and have some more affidavits ready to be filed. Shores called here to see me out of sympathy for Harney. The Amalgamated people are determined, at all hazards, to make an example of him. There is but one way for him to get from under the hammer. If Harney will make a clean breast of the whole matter, as to the manner in which Heinze has bribed him, they will not follow the matter up. I have sent for you to see Harney. If he will do this, it will give us a club over Heinze, and Harney will get one hundred thousand dollars."

"It is a delicate subject on which to approach Harney," observed Roote.

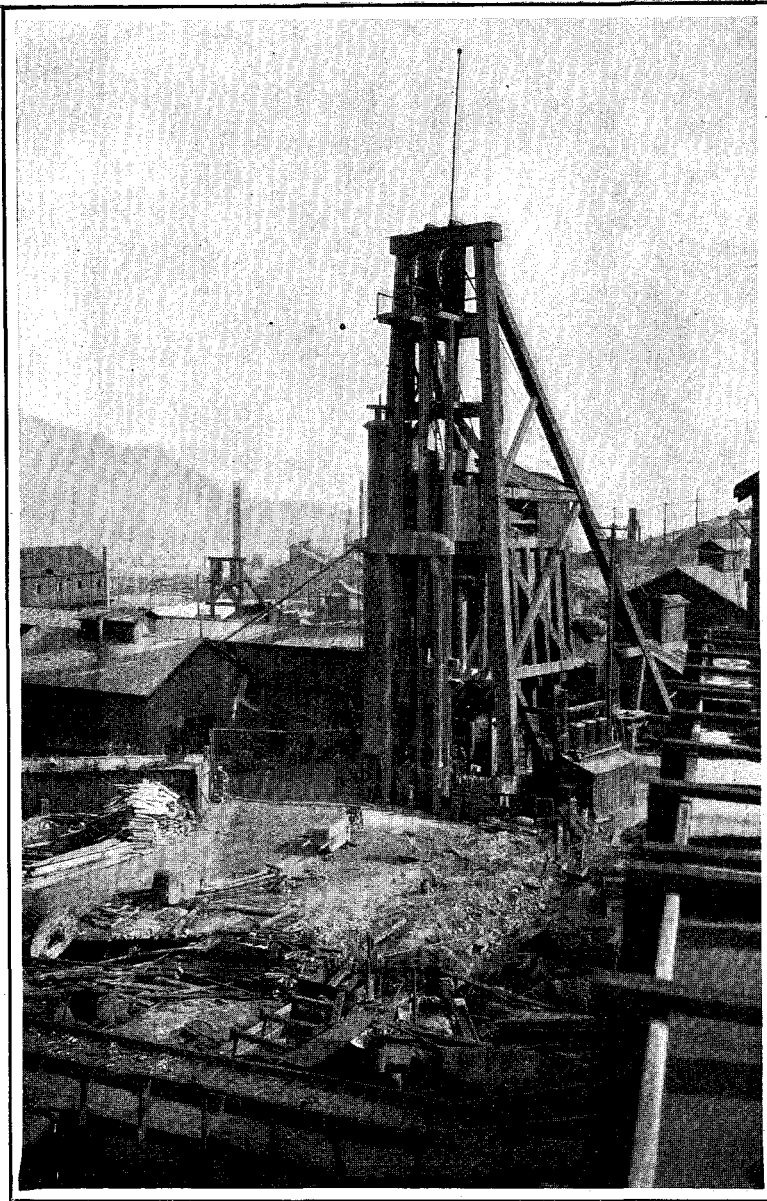
"It won't be bribery," said Charlie Clark. "It is all right to spend money to secure evidence."

Roote went to look for Harney. All the afternoon and evening he searched and, failing to find his man, went home to bed. Just before midnight, Shores, the Amalgamated attorney, who was also on the hunt, called him up by telephone and said that Harney had just returned to the Thornton. Would Roote come downtown at once? The fact was, D'Gay Stivers, of counsel for Amalgamated, had found Harney at Mrs. Brackett's house and had persuaded or frightened him into joining in a conference at the Thornton.

As Stivers and Judge Harney passed through the lobby of the Thornton Hotel, they met J. M. Kennedy, a lieutenant of Heinze, on watch for his master's interests.

"I'd like to speak to you," said Kennedy to the Judge.

"I will be down in a few minutes," said Harney. "Jesse Roote has been looking for me all the evening and wants to see me."



THE MINNIE HEALY MINE

The battleground of one of the bitterest fights in the history of Western mining. This mine proved for many years a graveyard of fortunes, but almost from the day Heinze took possession of it, its yield has been phenomenal

When Roote reached the hotel, he went at once to room 403, part of a suite which Shores occupied. He found there the two Amalgamated attorneys, Stivers and Shores, closeted with Harney. Half an hour later they were joined by Charlie Clark. They had a few drinks; then Shores and Stivers retired, leaving the unhappy Judge alone

with Roote, his attorney, and Charlie Clark. Every one felt a terrible tension as Charlie Clark moved toward the object of the conference.

"Has Roote told you about his conversation with Shores and about what they have against you?" he began. Harney replied in the affirmative.

Raising the Bribe

"This is an awful mess," continued Charlie Clark. "I have seen copies of seven affidavits. You will be arrested to-morrow for bribery and perjury, and they are going to impeach you at the next session of the legislature. Now, you can avoid all this. Do as I want you to do. Make an affidavit that Heinze paid you for rendering a decision in the 'Minnie Healy' case. They can prove that, anyway. You can resign. I am authorized to say to you that they will suppress the affidavits and give some explanation of those already filed which will make them harmless. You will not be prosecuted. What do you say to one hundred and fifty thousand dollars?"

Harney replied that he could not make any such affidavit; that he had not received anything from Heinze or any representative of his; and that if he had wanted any Amalgamated money, he could have had it long ago.

"There is no other way for you to avoid this," said Charlie Clark. "You are

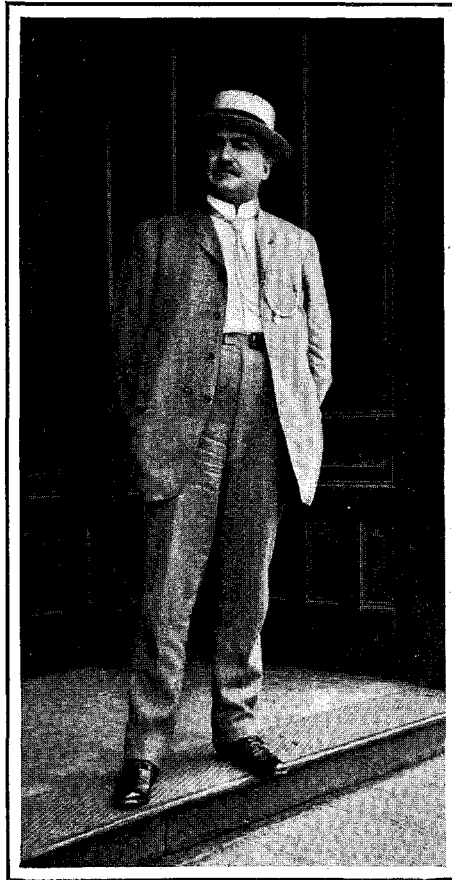
ruined now. If one hundred and fifty thousand is not enough, we can do better."

"You don't need to raise the price," said Harney. "If I am guilty, one hundred and fifty thousand dollars is enough. What interest have you got in this, anyhow, Charlie?"

"The only interest I have is this: Father has had a fight here for years. He has at last got control of the Democratic party of the State. His will, after that fight, ought to be the law of the Democratic party of this State. Daly is dead, and we can easily

reconcile his former following. Father has been reelected to the United States Senate. He was entitled to this before, but you know the tactics those people have pursued, the same tactics they will pursue against you now. Heinze is a political upstart. When we thought we had this fight settled, Heinze,

without any political experience or influence, has come in and beaten us in some measures that we desired to have passed in the legislature. You are merely an incident. Heinze is the man we are after, and we are going to get him yet. When father is through with the senatorship, it is likely to fall to me. Heinze is trying to get up another contest against father's seat in the Senate. We don't want a repetition of the investigation we had two years ago. If you will make this affidavit that Heinze paid you sixty thousand dollars, and resign, Heinze will be discredited. What do you say to two hundred and fifty thousand dollars?



MILES FINLEN

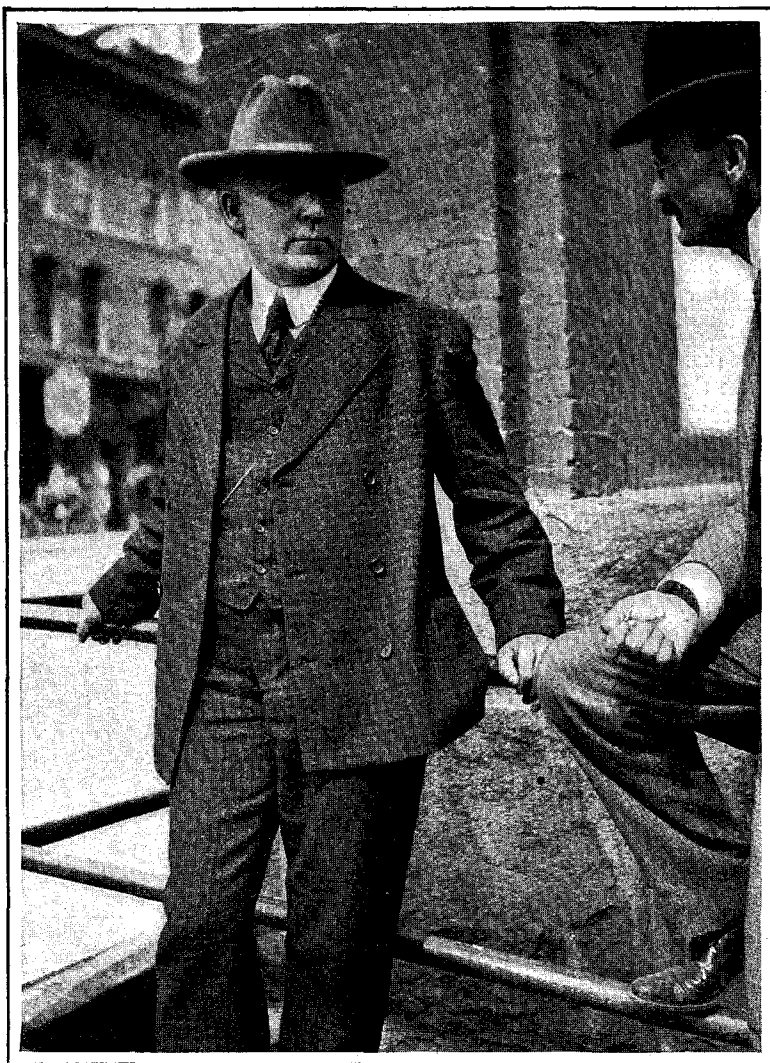
The last unsuccessful owner of the Minnie Healy. His lease of the mine to Heinze was the main cause of all the trouble which followed

Harney Stands Pat

"I have not received any money for my decision," insisted Harney, "and I

will not make such an affidavit. I would rather drink cold water and eat corn-bread the rest of my life, than disgrace my children by confessing to a crime that I am not guilty of."

"That is rot," said Clark. "You cannot fight these people. If you haven't got money, people will not care whether you are ruined or not. Come; it is getting on toward morning. Hurry up — consent. Do you want more than two hundred and fifty thousand dollars? Here — quit now, and give up. Make this affidavit, and resign."



JUDGE HARNEY TALKING WITH THE AUTHOR

Judge Harney, within whose jurisdiction lay the decision regarding the Minnie Healy, was offered by Charlie Clark his choice between absolute ruin and \$250,000. "I never saw a man stand so pat as Harney did," said Charlie Clark, describing the transaction

They want a new trial in this case, and they are going to get it."

"I will not say that I will not grant them a new trial when they apply for it in court, but I do say that I will never sign this affidavit. I will not resign. I will not accept their money; and, damn them, they cannot send me to the penitentiary. They have no evidence on which to base such an accusation."

"By —, they can send anybody to the penitentiary that they start after. If you have not been up there at the court-house long enough to find out that they can procure any testimony they want, you will find it out now. Besides, for a tenth of

what I have offered you, you might be put out of the way when you start for home some night; and nobody would ever hear of you again."

"I have five brothers; and, whenever they do that, while my wife is crying, some other woman's eyes will not be dry."

Harney could hear footsteps outside in the hallway, and once he heard his name called. It was the voice of J. M. Kennedy, Heinze's watchful lieutenant.

The scene was prolonged until half-past three o'clock in the morning. Then Charlie Clark went into the next room, where Shores and Stivers were eating sandwiches.

"What success?" inquired Shores eagerly.

"Harney stands pat. He denies his guilt and refuses to resign or do anything else. But it is only natural for him to hold out. I have offered him two hundred and fifty thousand dollars."

"What do you mean by offering him such an amount?" demanded the chief counsel for Amalgamated. "My people will not stand for that. I can't say that they will stand for more than one hundred thousand."

"I will make the difference good. Leave that to me," said Charlie Clark. Then he went back to the conference.

At half-past four o'clock he reappeared.

"It looks as if Harney was not going to do anything," said Clark. Shores, Stivers, and Clark then talked in low tones.

"Mrs. Brackett has more influence over him than anybody else," said Stivers. "Twenty thousand dollars to her will do the work." Clark agreed to add five thousand more out of his individual purse.

The Scenes at Mrs. Brackett's

Meantime, the watchful Kennedy, who had listened all night in the hallway, overheard Mrs. Brackett's name mentioned and jumped to the conclusion that they were going to send for her. He rushed down-stairs, leaped into a hack, and was driven to Mrs. Brackett's house. There he told her that an effort to influence Judge Harney was being made at the Thornton Hotel by Amalgamated attorneys, and that from a conversation he had overheard, he thought she would probably be asked to go to the Thornton. While they were talking, another hack drove up, and Kennedy, stepping to a window, saw Captain D'Gay Stivers, one of the men who had been attempting to coerce Harney, get out of the hack.

"You let him in," he said to Mrs. Brackett, "and say nothing about my being here. I'll step into the next room." Kennedy slipped into the adjoining room, leaving the door slightly ajar. He had just disappeared when the Captain walked in. "This is my second unusual visit to your house to-night," said he. And then he asked who it was he had seen at the window.

"It was I," said Mrs. Brackett.

"Is there any one else present?" asked Stivers, in subdued tones, and Mrs. Brackett told him she was alone.

"I have come to see you on a desperate

mission, and desperate cases require desperate measures. Mrs. Brackett, I am employed by a corporation, and my first allegiance is to it. I am a soldier and obey orders. I know you are working for the Montana Ore Purchasing Company* for your living."

"How do you know that?"

"Every one knows that. It is common property. Didn't you tell Lulu — that you got one thousand dollars from John MacGinniss a few days ago? I know you are earning your living by your wits. I know your services are valuable, and I want to enlist you with the other side. We got the worst of it in the 'Minnie Healy' case."

"I think it is a just decision," said Mrs. Brackett. "Whatever his faults, I think Judge Harney is honest."

"He may be honest; but if he will accept the proposition that will be made to him to-night, both you and he will be taken care of for the rest of your lives. If you will go to the Thornton Hotel and consult with Shores, Jesse Roote, and Charlie Clark, who are waiting for you there, it will be advantageous to you. If you will do as they want you to, we will give you twenty thousand dollars. Charlie Clark will join his guarantee to ours for the payment of the money, and you can have the cash as soon as the bank opens in the morning."

Mrs. Brackett seemed to assent. She told Stivers to go to a room in the Lenox Block and ask a certain woman friend of hers to come and take care of the house in her absence. As Stivers closed the outer door, Kennedy stepped out of the rear room and told Mrs. Brackett that he had heard the conversation. "Don't go to the hotel," he said, "but have them come to this house, and I will go for an officer, a stenographer, and witnesses. If they attempt to carry the thing any farther, I will have them arrested. Leave the back door of the house unlocked, and I will get in that way."

Kennedy ran downtown. He was in time to see Stivers get into the hack, at the entrance of the Lenox Block, with Mrs. Brackett's friend. He hailed another hack, got in, and followed the Stivers' hack back to Mrs. Brackett's house. As his carriage turned into the alley, at the rear of the house, he noticed Judge Harney's court stenographer standing on guard. Then his

*It will be remembered that this was Heinze's company.—
EDITOR.

plans miscarried. In his anxiety to get inside the house as soon as possible, Kennedy made an error, and got into the rear yard of the house next door to the Brackett residence. When he finally found the yard he was seeking, he discovered that the back door was locked. He ran hastily around the alleyway to the front of the house, and was just in time to see Mrs. Brackett come out and get into the hack with Stivers. The driver whipped up the horses and drove furiously to the Thornton Hotel. Kennedy followed in his hack.

The Final Assault on Harney

When Stivers and Mrs. Brackett reached the hotel, they found Roote asleep, but as they entered the room, he half waked up. Charlie Clark, who was still pleading with Harney in the inner room, was called out. He explained to Mrs. Brackett that they wanted her to use her influence to have Harney accept their proposition. In the presence of all the parties, Stivers repeated that he had agreed to give Mrs. Brackett twenty thousand dollars. Clark endorsed the offer, and said he would add to it five thousand dollars of his own.

"Why didn't you come to me ten days ago?" exclaimed Mrs. Brackett. "I have been urging Judge Harney to stand pat in this business, and if I now attempt to change him, I may lose all my influence." Little by little, however, she seemed to be persuaded, and went into the room where Judge Harney was sitting alone. The door closed, and for half an hour Mrs. Brackett and the Judge were closeted together. At the end of that time, both came out, and Mrs. Brackett,

addressing the little party of anxious watchers, observed that it was very late, and that she had better go home.

"Shall I go home with you?" asked Mr. Stivers.

"Thank you," said Mrs. Brackett, somewhat curtly. "Judge Harney will accompany me home." It was a simple sentence;

but it served notice on the Amalgamated that the fight was lost.

It was half-past six in the morning. That night twenty million dollars had slipped away from Amalgamated, and Charlie Clark had missed fire in a shot which would have blown up Heinze's credit in every financial center of the world.

"I never saw a man stand so pat as Harney did," remarked Clark to Roote, on their way home.

J. M. Kennedy and John MacGinniss were walking up and down the sidewalk before Mrs. Brackett's residence when Harney and Mrs.

Brackett drove up. Kennedy reached into the carriage and shook hands with the Judge.

"I have had a hell of a night," said Judge Harney, half sobbing.

Four hours later, the additional affidavits that had been so often referred to by Charlie Clark were filed in court. They created a profound sensation.

The Fate of the Minnie Healy

There is no need to tell in full the history of the trials and formal accusations which grew out of the events of that night. In their slow course, the story came out. A year later, after the case had passed out of his jurisdiction, Judge Harney filed in the



MRS. ADA H. BRACKETT

A public stenographer in Butte, whose great influence with Judge Harney was sought by the Amalgamated lawyers under extraordinary circumstances

district court at Butte disbarment proceedings against Shores and Stivers. There was a great legal battle over these cases; finally Shores was acquitted, and the Stivers case was dropped. The offer of two hundred and fifty thousand dollars to Judge Harney was excused on the theory of its being a recompense to him for the disgrace incident to his proposed admission of guilt. On the day when Harney started these proceedings, County Attorney Peter Breen filed information against Charlie Clark, charging him with attempting to bribe Harney. Clark, ill at the time, avoided service, fled to California, and thus ended his connection with the whole Heinze-Amalgamated fight. The Amalgamated tried to have Judge Harney impeached by the legislature. The Judiciary Committee, after hearing much evidence bearing upon Harney's alleged intoxication while on the bench, and his conduct during the "Minnie Healy" case, reported to the House against the impeachment and was unanimously sustained.

Finally, on the showing of the charges made against Judge Harney in the Brackett affidavits, the Supreme Court of Montana reversed his "Minnie Healy" decision and returned it to the Court of Silver Bow County for a new trial. Back it went, into the department of Judge Clancy.

Just about the time when Judge Harney had the "Minnie Healy" case under advisement, and when the Amalgamated detectives were busy getting evidence against Mrs. Brackett, Heinze began two sweeping actions against Amalgamated which were finally joined with the "Minnie Healy" decision in the climax of the great fight. The Parrott Mining Company was one of the independent companies which had gone into the Amalgamated. Two political allies of Heinze, Daniel Lamm and John MacGinniss, bought forty shares of stock in the Parrott Company, and brought a stock-holders' suit against the Amalgamated Copper Company, H. H. Rogers, William G. Rockefeller, and James Stillman. Stated in its simple terms, this suit alleged that the Amalgamated was a trust, formed to control the supply of copper; that its directors were managing the affairs of the Parrott Company to the injury of those shareholders who were not in the Amalgamated; and that they had managed affairs for the benefit of other companies in the trust and against the interests of the Parrott

Company. Further, the complainants alleged that the whole transaction was illegal, because the Amalgamated was a trust, in violation of the Montana law. They asked that the Amalgamated be enjoined from paying dividends upon the stock of the Parrott Company owned by the Amalgamated, and that a receiver be appointed to administer the affairs of the company for the benefit of the shareholders.

A little later MacGinniss, as a minority shareholder of the Boston & Montana, brought against the Amalgamated another suit which had, to all intents and purposes, the same object.

The main contentions in both these cases were legal ones, but Judge Clancy heard some testimony as to facts after the pleadings had been filed, and then took the matter under advisement. For nearly two years the decisions rested — a club in Judge Clancy's hands, ready to be used at the psychological moment. Then, one day, he announced from the bench that on October 22, 1903, he would hand down his decisions in both cases, together with that in the second trial of the "Minnie Healy" case.

There was great excitement as the day approached. Every one suspected that Judge Clancy's decision in the "Minnie Healy" case would be favorable to Heinze, but the public wanted to know whether he would declare Amalgamated an outlaw in Montana. The court-room was crowded when, at ten o'clock, Judge Clancy mounted the bench and proceeded to read his decision with his heavy drawl.

Heinze's victory was complete. Judge Clancy handed him over the "Minnie Healy," thus, at one stroke, recompensing him for the losses of the campaign against the Amalgamated, and still leaving him a fortune of millions. He declared that the Amalgamated was an interloper in Montana; enjoined the Parrott and Boston & Montana companies from paying it any dividends; and declared that the two companies, having been organized before the Montana law was passed, which permitted one corporation to hold or vote stock in another, could not by law enter into such a corporation. He did not appoint a receiver, but declared that he had the right to do so whenever he saw fit.

Amalgamated Replies by Shutting Down

The Amalgamated Copper Company had long known what to expect. Within six hours

from the moment the decision was rendered, all Amalgamated mines in Montana and adjoining States were closed down. At a stroke fifteen thousand men were thrown out of employment. Shipments of coal and coke to Butte were stopped; the lumber mills in western Montana were closed down; horses and mules which had not seen daylight before for months and years were raised to the surface from the Butte Hill mines; the smelters at Anaconda, Great Falls, and Butte were tapped and cooled off—and when these great plants are cooled off, a shut-down is no longer a bluff.

It was all wholly unnecessary. The Amalgamated never had any respect for the decisions of Judge Clancy. To get a stay of proceedings, pending an appeal, from the Supreme Court of Montana, was only a matter of form, but Amalgamated was determined to get to the root of the trouble, to get rid of Harney and Clancy, and to punish the laboring men of Butte for their support of Heinze.

Once more a stream of idle men poured down Butte Hill into the town; and this time Heinze seemed to lose his grip on the popular imagination. The Miners' Union turned against him; he was denounced in the streets and in the saloons. In vain he contended that the shut-down was for the purpose of manipulating stocks, and asserted that the supply of copper was greatly in excess of the demand. Under clever manipulation by the agents of Amalgamated, the miners saw only that he had thrown them out of employment.

On the day that Judge Clancy rendered his decisions, Heinze's leading attorney

asked Judge Clancy for five days' time in which to furnish the bonds which the court had required of Heinze for the purpose of indemnifying Amalgamated. "Oh, no," said Judge Clancy, "I can't give you any five days. I am going to break away to the woods about to-morrow. I will stay here until two o'clock to-morrow, but I am not going to stay around here for five days." On

the following day Mr. Shores, leading attorney for Amalgamated, requested a hearing before the Supreme Court as early as possible.

"If it is not impertinent," said Mr. Shores, "I should like to ask your Honor when you expect to go away, and when you intend to come back, so that we can present this matter to you."

"That all depends, about my coming back," replied Judge Clancy from the bench. "If I go out and can't get an elk before the first of November, I'll have to hunt for jack-rabbits."



CAPTAIN D'GAY STIVERS

An attorney for the Amalgamated who was instrumental in securing Judge Harney's correspondence with Mrs. Brackett

Two days later a miners' meeting was called for the purpose of devising means to relieve imminent suffering and, if possible, bring about the reopening of the mines. Senator William A. Clark, the First National Bank, and the Daly Bank & Trust Company sent a joint communication to the meeting, offering to furnish to the Miners' Union such sum of money as might be necessary to purchase from Heinze's allies, MacGinniss and Lamm, their shares of stock in the Boston & Montana and the Parrott companies, the Union to control the stock and to dismiss the suits then pending. The Union decided to accept these terms and appointed a committee of five to submit to John MacGinniss

the proposition for the purchase of the stock. MacGinniss had paid twenty thousand dollars for his shares of Boston & Montana stock. The Miners' Union decided to offer him fifty thousand dollars for these shares, and the same proportion for the shares of Parrott stock, but MacGinniss could not be found. He was in his office when the resolution, proposing to buy his stock, was passed at the meeting of the miners, and one of Heinze's employees, present at the meeting, told him over the telephone of the action taken by the miners. Without grip or overcoat, MacGinniss hurried down the stairs, ran through an alleyway, came out on another street, and there jumped into a hack. He ordered the driver to drive him to Silver Bow junction, seven miles away, where he took a southbound Oregon Short-Line train for Salt Lake City.

As for Judge Clancy, he did not hunt jack-rabbits after all. He had his hunting paraphernalia and luggage already packed, when a committee from the Miners' Union waited on him at his home. After that interview, he decided not to go hunting. He appeared on the streets guarded by officers in civilian clothes, and his house was guarded.

The committee of the Miners' Union started through streets electric with excitement, to find Heinze. The public clamor was rising stronger and stronger every minute. Idle men crowded the town. Amalgamated had never played politics like this before; it seemed as if its hour of revenge had come.

Heinze and his leaders were holding a conference in the Butte Hotel. The Miners' Committee entered and placed before Heinze the proposal to buy the stock of Lamm and MacGinniss. It was no time to answer them then; the value of his words would lie in their effect on public opinion, and he had no assurance that he would be quoted correctly on the streets and in the newspapers.

"I will give you my answer to-morrow afternoon at four o'clock from the court-house steps," said Heinze. The committee withdrew.

Heinze at Bay

The next afternoon ten thousand men gathered before the court-house. Many of them were armed. The mob was hostile, but scattered among them were Heinze's loyal miners, ready to fight at the word.

Promptly at four o'clock, Heinze, accompanied by a single friend, pushed his way through the crowd and mounted the steps of the court-house.

He was facing a kind of natural amphitheater whose cliff-like walls circled in the distance. Beside him stood the members of the Miners' Committee. President Long, who stood a little before the others, was armed. Behind him stood one of Heinze's miners, a dead shot, watching his every movement. The chairman tried to speak, but his voice failed to carry. He was interrupted by calls for Heinze himself.

Apparently as indifferent as though it were a public celebration, Heinze stepped to the front of the balcony and faced the crowd. Only the defiant ring of his voice showed his emotion.

"My friends," he began, "I could have met the committee of the Miners' Union in my private office, but as a free American citizen, relying on the justice of his cause and not afraid to place it before the people of Silver Bow County, I preferred to meet that committee here in public.

"The statement has been made that I am hounding the Amalgamated Copper Company in the courts of this county and State. Six or seven years ago, these gentlemen came to me and said: 'You must leave the State. If you don't get out, we will drive you out.' They have been trying to do that ever since. They have injunctions against me at this time which, if removed, would make it possible for me to give employment to two thousand extra men. They have fought me in every possible way. They have beaten me a dozen times in one way or another, and I have taken my defeat like a man. I fought my own battles, explaining them to the public when I had the opportunity, and asking their support at the polls. I will stake my life on the statement that there are within the sound of my voice a hundred men, now in my employ, who have been offered bribes all the way from a thousand to ten thousand dollars to commit perjury for the purpose of defeating me in my law-suits.

"My friends, the Amalgamated Copper Company, in its influence and functions, and the control it has over the commercial and economic affairs of this State, is the greatest menace that any community could possibly have within its boundaries. That stock of Mr. MacGinniss' is a bulwark to protect you, and others here in Butte, miners

and merchants, from the aggressions of the most unscrupulous of corporations, the Standard Oil Company. Rockefeller and Rogers have filched the oil-wells of America, and in doing so they trampled on every law, human and divine. They ruthlessly crushed every obstacle in their path. They wrecked railroad trains and put the torch to oil refineries owned by their competitors. They

these many years. You are my friends, my associates, and I defy any man among you to point to a single instance where I did one of you a wrong. These people are my enemies, fierce, bitter, implacable; but they are your enemies, too. If they crush me to-day, they will crush you to-morrow. They will cut your wages and raise the tariff in the company stores on every bite you eat, and



HEINZE MAKING HIS GREAT SPEECH, OCTOBER 26, 1903

"He made every workingman in that dense crowd believe that the cause of his troubles was not Heinze, but the Amalgamated, and that his fight was their fight." Heinze is the man without a hat in the lower left-hand corner

entered into a conspiracy with railroads, by which competitors were ruined and bankrupted. Sometimes they were caught in the act, but they bought the judges and saved themselves from prison stripes and punishment. The same Rockefeller and the same Rogers are seeking to control the executive, the judiciary, and the legislature of Montana.

"I am responsible for John MacGinniss' leaving the State of Montana. Mr. MacGinniss is not going to let any man point a gun at his breast and say: 'If you don't take this price, you take your life in your hands.'"

"It is true, I am deeply interested in the outcome of this struggle. My name, my fortune, and my honor are at stake. All have been assailed. You have known me

every rag you wear. They will force you to dwell in Standard Oil houses while you live, and they will bury you in Standard Oil coffins when you die. Their tools and minions are here now, striving to build up another trust, whose record is already infamous. Let them win, and they will inaugurate conditions in Montana that will blast its fairest prospect and make its very name hateful to those who love liberty. They have crushed the miners of Colorado because those miners had no one to stand for their rights.

"In this battle to save the State from the minions of the Rockefellers and the piracy of the Standard Oil, you and I are partners and allies. We stand or fall together."

An Adroit Climax

For nearly an hour, Heinze rehearsed the history of Standard Oil and of his own fight with the Amalgamated. He drove the story home when he told how Rogers had induced the Miners' Union of Butte to invest fifty thousand dollars of its funds in Amalgamated stock at one hundred dollars a share, at a time when it was selling on the market at one hundred and twenty dollars a share. Back of this was a guarantee that, if the stock declined, the miners would get their money back. "The miners did get their money back," said Heinze, "but think of the thousands and thousands of people all over the country that Mr. Rogers influenced to buy Amalgamated at one hundred and twenty dollars a share because the miners had bought it — with a hidden guarantee behind it which the people of the East knew nothing about. The officers of the Union who put through this deal got small fortunes in leases, but Rogers failed to divide with the Union one dollar of the money which he fleeced from Eastern investors by this trick."

Gradually Heinze came to his own counter-proposition. MacGinniss and Lamm, he said, had been offered for their stock twice the sum that the Miners' Union was now offering, but if it would do any real good they were quite willing to accept the Union's offer. Indeed, they would sell it to the Miners' Union at cost and interest, provided that the costs in their law-suits were paid by the Amalgamated, and provided, further, that in the interests of peace the Amalgamated would sell to Heinze, at the price paid for it, its five thirty-sixths share in the "Nipper" mine. The remaining interest in this mine was owned by Heinze, and the division of ownership had been the cause of endless litigation. Finally, and here Heinze reached the effective climax of his speech, the Amalgamated must enter into a hard and fast agreement to keep its mines in operation for a year and to pay the existing scale of wages for three years. Should Amalgamated fail to carry out the agreement, a board of arbitration must settle all disputes.

Heinze had held in reserve his popular proposal to maintain the wage scale, but even before he came to it, the crowd was

with him. The applause burst into cheers. He had made every workingman in that dense crowd feel that the cause of his troubles was not Heinze, but the Amalgamated, and that his fight was their fight. They believed in him, were loyal to him, once more. In all his wonderful career, I know of no event where Heinze showed himself so masterful as he did that day. Once more he had caught and bridled the monster which had defied courts and congresses and had shaken its mane at the rulers of the world.

This was the climax of the long fight; and it came near to the end. From that time, events moved toward a final settlement. As Heinze perhaps had foreseen, the Amalgamated officials laughed at his proposition. James J. Holl, Joseph K. Toole, governor of Montana, and the two senators for Montana tried to arrange a plan of settlement, but failed. Then William Scallon, managing director of the Amalgamated, made the proposition which cut the knot. If Governor Toole would call a special session of the legislature to pass a "Fair Trial" bill, Amalgamated would open the mines. The proposed bill was simplicity itself. It granted the right of a change of courts in cases where there was suspicion that the judge was prejudiced. Petitions poured in upon the Governor. On November 11th he called the extra session, and the mines were reopened. This legislature passed a bill enabling litigants to file affidavits of prejudice on the part of any judge, which of itself disqualified the judge from conducting the case.

The passage of this law practically disarmed Heinze, but, as it turned out, the blade was two-edged. A year later, when he lost the Butte judges, but elected his county ticket by increased majorities, the Fair Trial Law became a weapon in his own hands. Eventually, when Amalgamated formed the Coalition Mining Company and bought for ten million, five hundred thousand dollars, over and above all counter-claims, all of Heinze's properties which had caused the long struggle, the young mining engineer who, ten years before, had been working in the drifts for five dollars a day, had a greater fortune than either William A. Clark or Marcus Daly ever dreamed of possessing at his age.

ERRATUM. On page 3 of the May number appeared a photograph bearing the erroneous caption "F. Augustus Heinze and John Maginnis." Heinze's companion in the picture is the late George H. Robinson, a mining engineer.

MARY BAKER G. EDDY

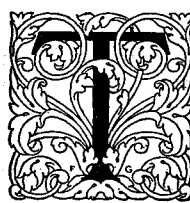
THE STORY OF HER LIFE AND THE HISTORY OF
CHRISTIAN SCIENCE

BY

GEORGINE MILMINE

THE REVIVAL OF WITCHCRAFT

Indeed, one of the most primitive and fundamental shapes which the relation of cause and effect takes in the savage mind, is the assumed connection between disease or death and some malevolent personal agency. . . . The minds of civilized people have become familiar with the conception of natural law, and that conception has simply stifled the old superstition as clover chokes out weeds. . . . The disposition to believe was one of the oldest inheritances of the human mind, while the capacity for estimating evidence in cases of physical causation is one of its very latest and most laborious acquisitions.— John Fiske.

HE fifth article of this series recounted the establishment and growth of Mrs. Eddy's new religious cult in Lynn, and attempted to give some idea of how the new faith was fashioned and launched. At the beginning of 1877, her seventh year as a teacher in Lynn, Mrs. Eddy and her Science were little known outside of Essex County, though the first edition of "Science and Health" had been published more than a year before, and the author was busy preparing a second edition. Her loyal students, however, believed that she was on the way to obtain wider recognition. Miss Dorcas Rawson, Mrs. Miranda Rice, and Daniel Spofford labored unceasingly for her interests. Mr. Eddy, immediately upon his marriage, withdrew from practice, dropping the patients he had taken over from Mr. Spofford, and devoted himself entirely to his wife's service. Three days after her marriage Mrs. Eddy wrote to one of her students concerning Mr. Eddy: "I feel sure that I can teach my husband up to a higher usefulness, to purity, and the higher development of all his *latent noble* qualities of head and heart."

In spite of the frequent jars and occasional lawsuits between Mrs. Eddy and her students, new candidates for instruction were

constantly attracted by the Science taught at Number 8, Broad Street, where the large sign, "Mary B. Glover's Christian Scientists' Home" still aroused the curiosity of the stranger.

The Christian Science faith has, from the beginning, owed its growth to its radical principle that sickness of soul and body are delusions which can be dispelled at will, and that the natural state of the human creature is characterized by health, happiness, and goodness. The message which Mrs. Eddy brought to Lynn was substantially that God is not only all good, all powerful, and all present, but that there is nothing but God in all the Universe; that evil is a non-existent thing, a sinister legend which has been handed down from generation to generation until it has become a fixed belief. Mrs. Eddy's mission was to uproot this implanted belief and to emancipate the race from the terrors which had imprisoned it for so many thousands of years. "Ye shall know the Truth," she said, "and the Truth shall make you free."

Mrs. Eddy Suffered for the Sins of Others

Yet Mrs. Eddy herself was not always well, was not always happy. She used at first to account for this seeming inconsistency by explaining that she bore in her own person the ills from which she released others.