

NOTE AND MORTGAGE

SUIT TO RECOVER ON THEM BROUGHT TODAY.

MINING CLAIMS ARE INVOLVED

Mortgage Which Covers Part of the Plymouth and Silver Joe Lodes— Suit Filed by E. L. Mahoney.

Edward L. Mahoney has sued Frank Boucher, Laura Boucher, Sam Ayotte and Joseph Barsalou for \$1,800, costs of suit and an attorney's fee of \$300, and the complaint in the suit was filed in the district court today. The suit is brought to recover on a note for the first sum named, the note having been given by Boucher to a man named Frank Cotter, who assigned it to the plaintiff.

Laura Boucher, who is the wife of Mr. Boucher, joined her husband in a mortgage given to secure the note, and Ayotte gave Cotter an additional mortgage given to secure it, according to the complaint, while Barsalou is brought in as a defendant because the plaintiff understands that he claims some interest in the property averred to have been mortgaged by the Bouchers.

The complaint says that the note was executed by Boucher to Cotter on February 1, 1901, and became due and payable six months after date at the First National bank at Butte. Cotter is a resident of Valley Junction, Iowa. On the date the note was made, the complaint says, the Bouchers mortgaged to secure its payment, a part of the Plymouth lode and a part of the Silver Joe lode, together with all the buildings, improvements and appurtenances on the ground, reserving out of the Plymouth lode a strip of ground which was conveyed to the city of Butte by Ayotte for the straightening and extending of West Granite street.

The plaintiff alleges that on the 9th day of February, 1901, Ayotte made the additional mortgage, and that it covers some ground on East Park street. The mortgage deeds are alleged to have been recorded in the county recorder's office, and they are still of record and unsatisfied. And the plaintiff says that Cotter transferred the note and mortgages to him on July 1, 1901, and that the \$1,800, with interest since the first of August, is due him.

The complaint alleges that the defendant Barsalou has, or claims to have, some interest in the property mortgaged by the Bouchers, but alleges, upon information and belief, that Barsalou's interest is subject and subsequent to the lien gained by the mortgage given by the latter.

The plaintiff prays the court to give him judgment for the sums of money named and interest and costs, and to subject the mortgaged property to execution to satisfy the same. He asks that the Boucher mortgage be first foreclosed, and if the proceeds thus secured be insufficient, then that the Ayotte mortgage be treated the same way, and if part of the sum named in the judgment still remain unpaid, that a judgment for the balance against the separate property of Boucher be awarded him. He also asks that his claim against the Boucher property be decreed paramount to that of Barsalou.

SPACE IS QUITE VALUABLE

Restaurant Four Feet Wide and a Mine Dump Turned Into a Shoe Shop.

Space in the business portion of Butte is valuable and it makes no difference how small it is, it commands a price. In East Broadway, between the Aetna Loan & Savings company building and the California brewery, there is a space four feet wide and about ten feet long, in which an enterprising genius is conducting a restaurant. The proprietor is not a very fleshy man; otherwise he might experience some trouble in turning around in the place, or be compelled to go outside to make the turn.

The chief of enterprising layouts, however, is located at the northwest corner of the alley south of Broadway opposite the south end of the Finlen hotel. It consists of the waste dump for the Smokehouse mine shaft, in which work was stopped about two months ago. Two men are using the dump bin as a shoe shop and seem to be kept busy preparing soles for future usefulness. The only covering they have is a piece of

A. SCHLLING, Merchant Tailor, Has Reopened at 109 Hamilton Street Full Line of FALL GOODS

MISS E. W. HAROLD, Dermatologist. Guarantees to cure most obstinate cases of Eczema, Acne, Pimples, Black-heads, Moth-patches, Liver Spots, Freckles, Tan, Oily Skins, Wrinkles and Open Pores. Miss Harold permanently removes Superfluous Hair, Moles and Birthmarks, without scarring and without pain.

canvas stretched on poles over head. At night they move the entire stock of goods and tools to a place of safety and transfer them back again in the morning.

L. DALY'S SALOON ATTACHED

Custodian Now in Charge of the Business—Owner Has Left the City.

Larry Daly and his wife left Wednesday for the east and since then four attachments have been placed on Mr. Daly's saloon at 51 West Broadway. Two or three of them were plastered on the place yesterday and J. B. Knight was put in charge of the business. The creditors at whose instigation the attachments were made are the Gerner-Walker Investment company, \$40; Marco Medin, \$30; H. S. Rowan, \$18; Fred Wildman, \$30. The two latter were barkeepers at the saloon. The money due Mr. Medin is alleged to have been borrowed by Daly from Medin, and it is said that Daly gave Medin a check for the amount without having any funds in the bank on which it was drawn.

COLUMBIA GARDENS PICNICS

Good Templars and Sunday School Children Enjoy an Outing at City Breathing Spot.

The grand lodge of the O. G. T. made a visit in state to Columbia Gardens this afternoon, about 100 of the delegates taking advantage of the kind offer of Manager Wharton to visit the grounds free of cost. The out-of-town delegates expressed considerable surprise at the really fine grounds and took away some idea of park management that ought to bear good fruit through the state.

The Mountain View Methodist Sunday-school children had their annual picnic at the gardens today. Upwards of 400 little folks made up the crowd. They took their dinners and had a regular old-fashioned picnic. The showery afternoon interfered somewhat with their outing, but it came after the bounteous dinner had been disposed of, and few of them got wet.

Persons owning property about St. Paul or Minneapolis may be able to sell it by addressing Box A, Inter Mountain.

DENY APPLICATIONS

COURT DECLINES TO CONTINUE MINNIE HEALEY INJUNCTION.

NO INCREASE IN THE BOND

Pennsylvania Case Bond Decision Adverse to Applicants—Justice Piggott Dissents—Case Is Still Open.

(Special to Inter Mountain.)

Helena, Aug. 30.—The result of the hearing in the Minnie Healey and Pennsylvania cases last night was the refusal of the supreme court to continue the injunction in the first or to increase the bond in the second. In the Minnie Healey case Judge Brantly stated that the Harney affidavits were considered by the court not to be material to the appeal. They had been introduced in the lower court in support of the motion for a new trial, which motion is still pending in the district court. The appeal before the supreme court was from the judgment of Judge Harney, and for that reason the court did not consider the affidavits material.

Chief Justice Brantly announced that application for an injunction restraining Heinze from operating the Minnie Healey was denied without prejudice, a majority of the court believing that sufficient showing had not been made. Associate Justice Piggott announced that he dissented from the majority of the court in this case, as he believed that sufficient showing had been made to justify an injunction.

In the Pennsylvania case Heinze resisted the application for an increased bond on the ground that he was not making any money because the cost of mining and smelting ate up the proceeds at times.

In the Minnie Healey case, it may be added in explanation, the application was made for an injunction, but the appeal case upon which it was made brought up merely what is called the judgment roll, i. e., the pleadings and the judgment itself without any evidence. In order to supplement them, the attorneys for the applicant filed copies of the papers to be used on the motion for a new trial. The supreme court held that these were not properly a part of the record on appeal in this case as presented, since nothing but the pleadings and the judgment itself were, under the rule, part of the record as far as made up. For that reason the court excluded the papers on the motion for a new trial, and these being excluded, the majority of the court held that sufficient showing had not been made. The refusal was entered without prejudice, which means that plaintiff has leave in the future to renew the application.

Funeral Notices.

Robert Galloway, aged 4 months, died yesterday, at the residence of his parents, Mr. and Mrs. Robert Galloway, No. 22 Atlantic street, from where the funeral will take place tomorrow, Saturday, at 2 p. m. Ceseres, the infant child of Mr. and Mrs. A. Petrucci, died yesterday. The funeral will take place tomorrow at 2 p. m., from the family residence, Cora Terrace, Walkerville. Services at St. Lawrence church.

WORK ABOUT OVER

GOOD TEMPLARS INSTALLED THEIR OFFICERS TODAY.

HELENA NEXT MEETING PLACE

Held an Open Air Meeting and Visited Columbia Gardens—Whitehall Won the Gold Medal.

At the morning session of the meeting of the grand lodge of Independent Order of Good Templars today the officers elected and appointed yesterday were installed by the commanding officer. The names of the elective officers were published yesterday, but the appointive ones were not chosen until late in the day. They are: Grand marshal—C. E. Brown, Missoula.

Deputy grand marshal—Mary Howard, Anaconda. Grand chaplain—J. W. James, Anaconda.

Grand guard—Mrs. Ida Houghton of Whitehall. Grand sentinel—E. J. Edgcomb of Anaconda.

Grand assistant secretary—Miss Adda White of Jefferson City. Helena was decided upon as the place of meeting next year. Three places were suggested—Helena, Anaconda and Whitehall, but the latter was withdrawn and the other two places contested for the honor.

The finance committee submitted a report in which it recommended a retrenchment in the line of expense. It asked that the salary of the grand chief templar be reduced from \$200 to \$125 per year and that the publication of the L. O. G. T. News, the official organ of the order, be suspended for a year or until such time as the monetary affairs of the organization would warrant its resumption. The suggestion was opposed by many members of the lodge who offered to contribute money as individuals to keep the paper going. They won the day—the paper will not fall by the wayside.

Last evening the delegates listened to the rendition of a programme in the First Presbyterian church. Rev. Groenewald spoke. Among other things he said that in New York City there was a church for each 5,000 persons and a saloon for every 125; in Butte, a church for every 150. Since the birth of temperance nearly 50 years ago, more than 500,000 inebriates had taken the obligation of temperance and joined the order, and more than 300,000 of them had kept their pledge.

Captain W. C. Dutton, an avowed apostle of temperance and an eloquent speaker on the subject, responded to Rev. Groenewald, laying before his audience many facts in connection with the work of the lodges in this state. He said that since the organization of the first lodge in Montana 23,813 persons had taken the obligation and over \$40,000 had been contributed to the good of the cause.

J. R. Faulds, of Stevensville, publisher of the official paper of the order, gave a brief history of the paper and responded to Masena Bullard of Helena as the Father Abraham of the order in Montana.

At 1:30 o'clock this afternoon an open air meeting was held near the library building, it being conducted by Captain Dutton and at 3 o'clock the delegates visited Columbia Gardens.

This evening the lodge will be opened under the subordinate degree for the purpose of initiating new members. The gold medal for the best drilled team was awarded to the Whitehall team today.

LOOKS LIKE HOTEL SILVER

Owner Wanted for Some Suspicious Table Cutlery Found in Possession of Two Vagrants.

John Rice and Ed Ennis, two young men who were arrested yesterday for vagrancy, had in their possession, a choice assortment of silverware, marked "K. H.," the mark of the Knutsford hotel, one of the swell hostleries of Salt Lake. The two men were to come up for trial today, but it was decided to hold them a little longer, and wait for a letter from the hotel keeper, as to whether he had lost any "K. H." silver knives and forks. They will await the convenience of the court, and will have time to make their story tally with the one that is expected to come by mail.

Robert Rogers was run in this morning for vagrancy. He takes his confinement coolly. "Gimme a match, Sol," he called. "Yes, you want to light out, do you?" said Sol, producing the desired

ANDRE HONORED.

(By Associated Press.) Paris, Aug. 30.—The visit yesterday of General Andre, minister of war, to the United States training ship Hartford, which had put into La Rochelle to witness the western army maneuvers, was the occasion of a little Franco-American demonstration.

After an inspection of the cadets, who were drawn up on deck, and being shown over the vessel General Andre was entertained at luncheon. He expressed great satisfaction at being abroad an American ship and said he hoped the visit would contribute to the tightening of the bonds of friendship uniting the sailors of the two nations.

Commander John M. Hawley of the Hartford, in response, thanked General Andre for the honor of his unexpected visit, and promised to inform his government of it. The ship's band then played the "Marseillaise" and "America."

A banquet was given in the evening, at which all the admirals and generals were present, and at which the American officers were introduced. General Andre sat with Admiral Menard, commanding the Northern squadron, on his right, and Commander Hawley on his left.

lucifer. "Well, if you want to go, just skip out of the back door. But don't leave the door open, or tell the other fellows you're going."

Eddie Bentley, 6 years of age, absented himself from home this morning, and his mother came to the police station to see if the wayward youth had found a resting place there. Mrs. Bentley lives at 51 Nevada street, and works out to support her four children, their father having deserted the family two years ago, according to her statement. She leaves the children in care of a neighbor woman, but they are prone to leave their guardian, and the poor mother is all but unable to take employment away from home because of the fact. Up to a late hour the boy had not been reported to the police.

BUTTE MEN WANT UTAH MINES

Tom Hinds, Tom Bryant and a Corps of engineers Go to Salt Lake.

Salt Lake Tribune: The very sensational performances of the O. K. group, near Milford, from which 250 tons of 40 per cent copper ore was recently forwarded to this market, has engaged the serious attention of even the miners of Butte, and to determine just what kind of a rival is growing up in Utah a delegation arrived from that northern camp yesterday morning and departed for Milford last night. In the crowd was Thomas Hinds, one of the prominent figures on the staff of the pugnacious Mr. Heinze, and Thomas Bryant, the general superintendent of all of Senator Clark's interests in Montana's diggings. Accompanying these was Mr. Kilgallon, foreman of the Clark mines, an engineer or two, whose identity was not revealed. The party is not going down under any option that has been accorded the Clark-Heinze forces, but is moving, it is said, on "a bare refusal," which covers the time required in a superficial examination of the group whose recent achievement has thundered throughout the country. More than this not a member of the party would admit, so that its future movements will be followed with keenest vigilance by the large number who have interested themselves in the copper-bearing zone on the south.

It is said of the O. K. that it is in good form, and that in whatever deal the company has entered with Montana talent it is capable of responding to the test. That the crowd from the north has found something to interest it in the southern country will be gratifying to Utah miners generally.

HOWISON REMAINS

ADMIRAL SAYS HE NEVER DISPARAGED SCHLEY.

DENIES ILL-NATURED REMARKS

Will Be Retained as a Member of the Sampson Trial Board, Without Prejudice.

(By Associated Press.)

Washington, Aug. 30.—Acting Secretary Hackett has made public a letter received from Admiral Howison, dated Yonkers, N. Y., Aug. 24, denying the authenticity of an interview attributed to him, in which he is made to comment adversely on Admiral Schley. The acting secretary has therefore continued Admiral Howison as a member of the Schley court of inquiry, leaving the court itself to determine any further question as to his competency.

No Questions Will be Asked and \$400 Reward

Will be paid for the return to this office of a diamond sunburst pin, lost between the corner of Granite and Wyoming streets and the Thornton hotel, or in said hotel, about 7 p. m., August 3, 1901.

NEW YORK STOCK MARKET

Slight Gains in Nearly All the Stocks, But No Important Features.

(By Associated Press.)

New York, Aug. 30.—There were slight gains as a rule in dealings, but no important feature. The Erie stocks were strongest. American Smelting dropped nearly a point and a few other stocks showed fractional declines.

Stocks were inclined to run off in the early trading, but a demand arose as prices scaled down and the market generally improved to above the opening level.

Bonds were firm. There was no general direction perceptible in the price movements which was narrow and wavering after midday.

A demand for Union Pacific found little stock on offerings, and bids gradually raised, carrying the price up over a point to 104.

There was no response among the other leading stocks, but the Denver & Rio Grande issues rose steadily, the preferred gaining 3/4.

There was continued good absorption of sundry stocks during the last hour, notably of the Erie, which were up from up from 1 to 1 1/4.

St. Paul, Atchinson, the Wabash issues, Amalgamated Copper and Tennessee Coal also rose about a point over last night. Northwestern dropped 1/4.

There were only slight recessions in prices on profit taking by room traders. The closing was moderately active and firm.

New York Copper.

(By Associated Press.) New York, Aug. 30.—Copper, nominal. Lead quiet, unchanged.

Chicago Live Stock.

(By Associated Press.) Chicago, Aug. 30.—Cattle—Receipts, 2,500 head. Market steady to 10@15c higher. Good to prime steers, \$5.70@6.40; poor to medium, \$3.90@5.00; stockers and feeders, \$2.25@4.25; cows and heifers, \$2.50@5.10; canners, \$1.50@2.45; bulls, \$2.25@4.50; calves, \$3.00@5.65; Texas steers, \$3.30@5.10.

Sheep—Receipts, 10,000 head; market strong to 10c higher. Good to choice wethers \$3.30@4.25; fair to choice mixed, \$3.10@3.50; western sheep, \$2.90@4.25; western lambs, \$4.00@5.25.

TOMORROW Saturday

WE intend shall be one of the busiest days in our history. It will be noticeable not only for the low prices quoted but also for the high quality and varied assortment of the articles included. And the best of it for you is that as usual at Holbrook's there is satisfaction for the buyer as well as economy. The following are but a few we have picked at random from the many "good things" that abound in our store. Better drop in Saturday and get a new pair of shoes for Labor Day. The people know a good thing when they see it, in consequence our lots are growing smaller. Still about all sizes left.

WE HAVE Placed on Sale For Saturday, one lot Men's Fine Black Lace Shoes, White Bros.' Genuine Valour Calf, with rock Oak soles, hand welt, will not chip or peel, a regular \$5.00 shoe; for Saturday \$2.85 Two Dollars and Eighty Five Cents \$2.85

The New Fall Styles and Shapes

Holbrook \$3.50 Shoe

Are in stock, and a cleaner, snappier lot of shoes you never saw. They embrace all leather, Vici Kid, Patent Calf, Box Calf, in wide or narrow toes, heavy or light sole. The trend of the times is toward ease in footwear, these shoes will do it, and they are a dollar under priced, we are bound to give good value.

Men's Copper Shod

Heavy sole shoes, soft uppers. Did you ever stop to think that heavy leather is not best wearing. The shoe is built of firm plump stock, but very soft and mellow, waterturner and wear resister, Bellu Tongue to top, bottom quilted with brass nails. Any size from 5 to 13.....

\$3.00

Men's High-cut Hunting Waterproof Shoes, in black or tan ..... \$4.00 to \$5.00

One Lot Ladies' Fine Shoes

In many styles and weight, mostly narrow widths, sizes up to 7, good value at three dollars and full of style and service now.....

\$1.95 One Dollar and Ninety-Five Cents \$1.95

Ladies' Fine Street Shoes

Heavy welt soles, both ideal Patent Kid, a new shoe just from the factory, with Cuban heels, very well, and very popular, with neat kid tops, selling in every store in the city for \$5.00.....

\$3.50 Three Dollars and Fifty Cents \$3.50

Ladies' hand welt Vici Kid lace high, Cuban heel well made from top to toe.....

\$3.50 Three Dollars and Fifty Cents \$3.50

Ladies' Black Vici one-strap slippers, turn sole, white kid lined, good value at two dollars, for Saturday offered for.....

\$1.50 One Dollar and Fifty Cents \$1.50

Children's artistic button shoes, colored tops in Pink, Blue and White, with patent leather vamps, very pretty and popular.....

\$1.25 One Dollar and Twenty-Five Cts. \$1.25

Children's high grade, Red Shoe, with fancy tops, the most beautiful design, size up to 10's, \$2.00 values, all reduced to.....

\$1.00 One Dollar \$1.00

Our shoes are not only good shoes, but "They Are Better Shoes For the Same Money," and our prices always appeal to those who take the trouble of making comparisons.

Boys' Low Shoes, 50c.

FRED HOLBROOK The Shoe Man

27 North Main St. - - - Butte