

ANSWER IS FILED

BOSTON & MONTANA COMPANY REPLY TO JOHN MACGINNISS.

INTENT TO INJURE AND ANNOY

Such Is Charged to Him by Boston & Montana—Says He Has Designed to Destroy It and Aid M. O. P. Company.

In the suit brought by John MacGinniss against the Boston & Montana Mining company and A. S. Bigelow, W. J. Ladd, Ed. C. Perkins, Edwin S. Grew, Joseph S. Bigelow, Leonard Lewishohn, Frank Klepetko and Charles W. Goodale, a separate answer was filed today by the Boston & Montana company and Frank Klepetko and Charles W. Goodale.

This is the suit recently brought by MacGinniss to restrain the Boston & Montana company and its directors from permitting the Amalgamated Copper company to assume control of the Boston & Montana's property and business and asking a receiver for the property, and in which MacGinniss alleges that he owns 98 shares of the Boston & Montana stock, and brings the suit to protect himself and other minority stockholders in a similar situation to him.

Alleges Great Loss. He alleged that the defendants would permit the Amalgamated company to take possession of the Boston & Montana property greatly to his loss and damage unless a restraining order was issued and a receivership for the property created.

Summons was served upon the defendants answering, but not upon the others, who are not in Butte. The separate answer admits that MacGinniss owns the 98 shares of stock, but denies that the stock was purchased or is held for the reasons and purposes given in his complaint, and it alleges that the shares were acquired and are held by MacGinniss for the purpose and with the intent of enabling him to bring actions as a shareholder in the Boston & Montana for the purpose of embarrassing that corporation in the lawful and proper conduct of its business.

Shareholder and Officer. The answering defendants say further that MacGinniss is a shareholder and managing officer in the Montana Ore Purchasing company, and that the latter is asserting ownership to large bodies of valuable ores within the boundaries of the Boston & Montana's claims, and is engaged in extensive litigation against the latter company and is engaged in converting to its own use large bodies of valuable ores belonging to the latter.

They add that MacGinniss bought the stock with the intent "to aid the Montana Ore Purchasing company in its efforts to injure, defraud and harass the Boston & Montana company, and that since buying the stock MacGinniss has brought numerous suits against the Boston & Montana, in which he falsely and fraudulently charged numerous acts of frauds and mismanagement against its officers and directors.

Odd Allegations Made. The defendants say that these actions and the present one were all brought, "not for the protection of any interests of the plaintiff as a shareholder in the Boston & Montana, or for the protection of the defendant corporation itself, but solely with a view to harassing, annoying and injuring, and if possible destroying the Boston & Montana company in the interests of the Montana Ore Purchasing company."

The answer denies that there are any present disputes between the Boston & Montana and the Amalgamated company, and says that the defendants answering have no knowledge upon which to base a belief as to what disputes may arise in the future. It denies the assertion of MacGinniss that the Amalgamated company has no interest in the Boston & Montana, and asserts that the former is the "lawful owner and holder of more than 90 per cent of the capital stock of the Boston & Montana company."

Charges Are Denied. The answer denies that the Boston & Montana's directors ever conspired to allow the Amalgamated company to take control of the property and business of the company, or that the defendants have any intent to permit the business or property of the Boston & Montana to be managed or controlled in any way other than is lawful.

The answer denies that the defendants have ever delivered to the Amalgamated company or allowed the latter to take any sum of money belonging to the Boston & Montana. It also denies that the directors of the Amalgamated are, or ever will be, in position to determine that valuable ore bodies belonging to the Boston & Montana do not belong to it.

The defendants deny that anybody will be allowed to vote at any Boston & Montana stockholders' meeting upon any stock not lawfully held by him, and deny that the Amalgamated company will be allowed to register upon the Boston & Montana's books any stock it does not own.

The defendants admit that they will, unless restrained by the court, pay dividends to its actual stockholders, but deny that it will pay dividends to persons not owning stock.

Fraud Is Disclaimed.

The answer denies that the directors of the Boston & Montana are unfit and improper to act as officers and directors of the company, and deny that their conduct is, or has been, in fraud of the rights of MacGinniss and those similarly situated with him. As to whether the shares of the Boston & Montana will be owned, held or claimed by the Amalgamated company in the future the defendants answering are unable to say.

The answer says that MacGinniss brought a suit last July against the Boston & Montana and the Amalgamated company in the state court and that it covered the same matters as are at issue in this suit. The defendants say that the July suit was transferred to the United States

circuit court and is still pending there. They say that a temporary restraining order and an order to show cause in the suit brought in July are still to be settled in the federal court, the order to show cause being set for hearing on December 23.

Stay Argued For. In view of the July suit covering the same matter as this, the defendants say that this suit ought to be stayed until the United States supreme court determines the July suit.

Wherefore, the defendants ask to be dismissed, with their costs and disbursements. Forbis & Evans and Judge De Witt represent the answering defendants.

THEY HAVE TO HURRY.

Twelve British Columns Kept on the Jump Chasing Boers.

New York, Nov. 30.—A correspondent at Pretoria says that in order to cope with the large number of Boers who keep in touch with Commandant General Botha east of the line of blockhouses from Wilge river to Graylingstad 12 British columns are operating between the Delagoa and Natal rivers.

In the Western Transvaal the columns under Lord Methuen, Colonel Kekewich and Colonel Hicks are sweeping the country in conjunction with the forces on the railway line and the constabulary posts. It seems, says the correspondent, that the blockhouses are to form the chief factor in the pacification of the country.

The new lines of blockhouses will soon enter the Pretoria-Johannesburg district and free it of the enemy. The concentration of British columns south of the Delagoa railway have withdrawn the troops north of the line, with the result that the Boers are back again in that neighborhood where horse sickness and fever do not prevail and food is plentiful.

Lord Kitchener, says the correspondent, has never sufficient troops to carry out comprehensive operations simultaneously north and south of the Delagoa lines.

CHINKS PASS THE HAT TO FIGHT GEARY LAW

Collection Is Being Taken Up by Mongolians Who Wish to See the Immigration Latch String Hanging Out for Their Countrymen—No Chance to Escape the Assessment.

(By Associated Press.) San Francisco, Nov. 30.—The Chinese are preparing to make a vigorous fight against the re-enactment of the Geary Exclusion law. A proclamation has been issued by the Chinese Six companies, requiring every Chinese in the United States to contribute the sum of \$1, the sum thus raised to be used in their effort to defeat exclusion.

In order to compel prompt payment of the assessment the proclamation states if payment is not made within one month the amount exacted will be doubled and delinquents who fail to pay within two months will have their assessment doubled once more.

Least some should still seek to evade the enforced contribution the proclamation states that Chinese desiring to return to China will be compelled to exhibit a receipt showing they have made payment and in default of such receipt they will be fined \$10.

The proclamation has been posted in Chinatown and is to be distributed all over the country.

INDIANS IN COUNCIL.

Big Schemes Put Through a Real Estate Deal and Change Meeting Places.

(By Associated Press.) Okmulgee, I. T., Nov. 30.—A joint resolution passed the Creek National council yesterday instructing the principal chief to issue the deeds to the Creek citizens from Okmulgee.

Some years ago the executive office of the Creek nation followed the residence of the chief to Muscogee and most of the executive business was transacted from Muscogee.

By this action of the national council the national capital will be returned to Okmulgee.

OHIO SOCIETY ELECTS.

Buckeyes in Gotham Choose Officers of Their State Organization.

(By Associated Press.) New York, Nov. 30.—The meeting of the Ohio society was held in this city last night. The officials were elected as follows: President, Colonel Holgate; vice presidents, T. H. Wheeler, A. J. C. Foy, David H. Bates, T. E. Wing and Warren Higley; secretary, H. A. Hagar; treasurer, Samuel H. Parsons.

JAMES HALE BIRD DEAD.

Leading Figure in New York Mercantile Registry Business Dies.

(By Associated Press.) New York, Nov. 30.—James Hale Bird is dead at his home in Brooklyn. He was born near Proctorsville, Vt., in the early 30s.

While still a child his family removed to Michigan. He entered the University of Michigan and was graduated. After leaving college he came to New York and became one of the organizers of the Mercantile Registry business.

SHIP IS MISSING.

It Is Feared That American Ship Roanoke Is Beneath the Waves.

(By Associated Press.) San Francisco, Nov. 30.—There are indications of renewed anxiety concerning the American ship Roanoke, en route from Norfolk, Va., with a cargo of coal for this port and now out 171 days. Reinsurance, which had dropped from 25 per cent to 15 per cent, when news was received that the vessel had been spoken September 25, in the South Pacific, has been advanced to 20 per cent.

Lively Divorce Scandal.

London, Nov. 30.—A sensational divorce suit which excites society has just been decided, the Hon. Sybill Burnaby, daughter of Lord Delamere, being granted a dissolution of her marriage with Mr. Algernon Burnaby on grounds of his desertion and his living with Lady Sophie Scott, wife of Sir Samuel Scott and daughter of Lord Cadogan, vice-roy of Ireland.

ARMY WON GAME

ANNAPOLIS FOOTBALL PLAYERS BADLY WORSTED.

SCORE WAS, ARMY 11, NAVY 5

President Roosevelt and a Large Gathering of Distinguished Civil Officials and Army and Navy Officers Saw West Point Win.

PROGRAM OF ELKS

FULL CAR FOR LODGE'S MEMORIAL SERVICES HERE.

C. F. KELLEY WILL BE ORATOR

Daniel Frawley Is to Speak and Musical Numbers Are Creditable—Meeting Takes Place Tomorrow Afternoon.

BETTING WAS LIGHT.

The game was Yale's methods against Princeton coaching. West Point had been drilled by some of the best players that ever appeared on a Yale eleven, while the navy boys had the Princeton style of play drilled into them by such well-known Orange and Black players as Edwards, Hilderbrand and Kelly.

THE LINE-UP.

The two teams lined up as follows: Navy. Position. Army. Whiting. Left End. Arnsworth. Left Tackle. Doe. Left Guard. Riley. Center. Boyers. Right Guard. Goodspeed. Right Tackle. Bunker. Right End. McAndrew. Quarterback. Daly. Left Half. Casad. Right Half. Hackett. Fullback. Graves. Referee—Wright, Annapolis. Umpire—Wright, Harvard.

OFFICERS OF THE LODGE.

The officers of the lodge are: Exalted ruler, H. A. Galloway; Estemmed Lecturing Knight, T. A. Reed; Estemmed Lecturing Knight, D. C. Porter; Estemmed Loyal Knight, C. B. Hoskins; Secretary, J. H. O'Gorman; Treasurer, W. C. Bachelder; Esquire, William Luxton; Tyler, M. S. Burns; Inner Guard, W. J. Mullins; Trustees, V. J. Naughten, J. T. Finlen, T. S. Kliggallan; member grand lodge committee on work and ritual, W. H. Haviland.

Committee on memorial services: C. N. Gosman, chairman; W. J. Naughten, P. E. R.; John F. Logan, P. E. R.; Henry Kroger, N. F. Clifford, M. S. Burns, H. A. Galloway, E. R.

This is the program, the name of Daniel Frawley having been added to it: 1. "Lead Kindly Light"..... Silver Bow Blue Club. 2. Opening Ceremonies..... Officers 3. Ode..... Officers 4. Glee Club, Lodge and Audience Great ruler of the Universe, All seeing and benign, Look down upon and bless our work And be all glory Thine. Oh! hear our prayer for the honored dead While bearing in our minds, The memories graven on each heart For Auld Lang Syne.

5. Solo, "The Grave on the Heath"..... Helser Miss Charlotte M. Best 6. Invocation..... Rev. J. R. Russell 7. Solo, "Ave Maria"..... Mascagni Mrs. McFarland 8. Remarks..... H. A. Galloway, E. R. Trio, "Hear Us"..... Benjamin Owen Miss Scott, Miss Finnegan and Mr. Paynter 9. Solo, "Heaven Has Shed a Tear"..... Kuchen Mrs. Fitz Butler Cello Obligato—Russell H. Ballard 10. Eulogy..... Hon. C. F. Kelly 11. Cello Solo, "Andante from Concerto"..... Lindner Russell H. Ballard, Cellist. 12. Quartette, "Lost Chord"..... Sullivan Mr. and Mrs. Jack Thomas, Miss Finnegan, Mr. Coup 13. Solo, "The Angelic Salutation"..... Gounod 14. Cello Obligato—Russell H. Ballard 15. "Vacant Chair"..... Club Silver Bow Glee Club 16. Closing Ceremonies..... Officers 17. Benediction..... Rev. J. R. Russell Accompanist—E. Vernon Matlack Cellist—Russell H. Ballard. Please omit applause.

MACGINNISS ESTOPPED

NOT ALLOWED TO PROSECUTE SUIT IN TWO COURTS AT ONCE.

MUST WITHDRAW ACTION

Injunction on Other Points Will Come Up Before Judge Knowles December 23.

SCHEOL APPARATUS COMBINE.

Brother of Senator Henry Teller Leads a Movement to Form the Pool.

(By Associated Press.) Chicago, Nov. 30.—A combination of a number of the most important school apparatus dealers of the country has been effected. It is said, by the American Syndicate corporation.

James H. Teller of this city, a brother of United States Senator Teller of Colorado is mentioned as the leader of the movement.

The community of interests idea—the co-operative principle rather than trust agreement, is said to be the basis of the organization, which it is understood aims at the control of the entire school apparatus business.

CARELESS MOTHER ROASTS BABY

Placed the Child in the Oven and Let It Burn to a Crisp.

(By Associated Press.) Sioux City, Iowa, Nov. 30.—Mrs. J. Fred Meyers, living five miles from Correctionville, wrapped her 5-months-old baby in a blanket, put her in the oven of the kitchen stove to keep warm and went out to gather fuel.

When half an hour later she returned, the fire in the stove had blazed up and the room was filled with smoke.

Rushing to the oven she found the blanket and clothes in flames. The baby was dead and its arms and legs were burned to a crisp.

IN INGERSOLL ESTATE.

John S. Harris Appointed Administrator Here Today.

Judge McClellan this morning appointed John S. Harris administrator of the estate of the late Col. Robert G. Ingersoll, after hearing the application.

The bond of Harris was fixed at the sum of \$10,000.

The administratorship was created here for the purpose of taking charge of certain rights of action, mentioned in the petition.

The right of action specially in view is supposed to be the alleged claim against the Davis heirs for \$95,000 for services rendered them by Colonel Ingersoll in the Davis will case litigation.

"Iolanthe" Monday Night. "Iolanthe" will be repeated on Monday night at Maguire's theater with more elaborate settings and the same cast, except that Wilson Williams will take the part of Lord Tolliver on very short notice. Last Tuesday night society was out in force and the opera drew one of the largest audiences that has attended a local performance. Monday night the opera will be produced more complete in every detail, and a well-balanced production may be looked for.

Went Broke on Contracts.

(By Associated Press.) Akron, Ohio, Nov. 30.—A. T. Paige, ex-city commissioner and one of Akron's most prominent citizens, filed a petition in bankruptcy today with \$601,168 liabilities, and practically no assets. The indebtedness was incurred almost wholly in connection with New York Aqueduct contracts.

Saturday Hanging.

(By Associated Press.) Boise, Idaho, Nov. 30.—Edward Rice was hanged in the penitentiary at 8:15 this morning for the murder of Matt Malley at Wallace, Idaho, September 4, 1900. His neck was broken. Rice went to his death without showing any signs of fear.

Aged Entomologist Dead.

(By Associated Press.) Reading, Pa., Nov. 30.—Dr. Hermann Strecker, a sculptor and entomologist of world wide fame, died here today, aged 65 years. He was 50 years in gathering his superb collection of butterflies, which contains 200,000 specimens, the largest collection in America, and upon which he expended \$25,000.

Played With Matches and Died.

(By Associated Press.) Philadelphia, Nov. 30.—Nellie Kelley, aged 5 years and her 10-months-old sister, Etta, were burned to death as the result of playing with matches and Mrs. James Kelley, the mother, was severely burned while endeavoring to save them.

CONCENTRATOR FIRE

EAST HELENA PLANT BURNED TO THE GROUND.

RUINED IN A HALF HOUR

Fire Started by a Burning Fuse at an Early Hour This Morning—Loss \$150,000, Insurance \$70,000.

PLAY IS BRIS

Another exchange of the ball and it was navy's ball on their 35-yard line. Navy at once kicked to army's 15-yard line. Casad broke through in 65 yards, bringing the ball to navy's 25-yard line. Plunges into the line brought the ball to navy's 15-yard line where Daly dropped a goal from the field. Score: West Point, 5; Annapolis, 0.

Belknap kicked and McNair ran 60 yards to West Point's 25-yard line. Plunges into the line by Freyer, Nicholas and Read carried the ball to West Point one-yard line, where Freyer carried the ball over for a touchdown. Belknap missed the goal. Score: Navy, 5; West Point, 5.

Army kicked to navy's 20-yard line. Nicholas gained 10 yards, and went through left tackle for 25 yards. Navy failed to gain and kicked to army's 15-yard line. Daly carried the ball back 23 yards and kicked to mid-field. Navy fumbled and it was army's ball. Time was called at this point.

Nearing the Close. Army holds on their 35-yard line and navy loses ball. Daly kicked to navy's 42-yard line. Exchange of kicks and it is navy's ball on her 11-yard line. Navy kicked and was given the ball on holding on their 35-yard line.

Navy kicked to Daly on West Point's 40-yard line and the ball was carried to mid-field by Daly.

Daly kicked to navy's 20-yard line. Navy carried the ball right down the field. Phypus replaced Nally. Navy lost the ball on downs on army's 35-yard line. Daly kicked to navy's 42-yard line. Freyer kicked to army's 45-yard line, and Daly returned to navy's 25-yard line when the game was called.

Final score: Army, 11; navy 5.

STRIKE AMONG THE SUPERS

There was a non-union jury and a non-union group of spectators made up from the supers at the play at Sutton's new theater last night.

It was all because Mr. Frawley decided that he could do business on the super engagements by himself.

"The Only Way" was on, and from last night to a later period Mr. Frawley will confine himself to the deserving rendition of his play and let the people of the undercast alone.

There were 15 supers engaged to represent the jury and the spectators 50 of the great trial. Each man wanted 50 cents for his contribution to the performance, and the chief super who did all the hiring backed up the demand.

Fifteen men at 50 cents each meant \$750—or a couple of cold bottles. This didn't suit the august impersonator, and immediately he declared war.

"I'll hire you fellows for nothing," quoth Frawley.

"If you do," quoth the supers—and immediately a large strike was declared.

Because of this the jury and the court spectators were more inquisitive than usual, and these were men who filled the gallery to make remarks about supers who wouldn't demand pay for their services.

Marcus Daly Memoria Association.

The Daly monument fund is reaching handsome proportions, showing that the people of Butte are nothing if not generous. On Monday the Inter Mountain will begin the publication of the list of all subscribers. Today is published a summary of subscriptions so far made among the miners, which are as follows:

Anaconda mine.....\$1,200 25
Anaconda machine shop 50 00
Never Sweat..... 125 00
St. Lawrence..... 187 50
\$1,563 75

Mountain Con..... \$907 50
Green Mountain..... 93 00
\$1,000 50

Bell..... \$315 75
Diamond..... 375 00
\$690 75

Cambers mine..... \$33 00
High Ore No. 2..... 345 00
High Ore No. 2 drain tunnel..... 41 50
Moonlight..... 306 00
\$725 50

Parrot..... \$750 50
Gagnon, first collection 134 25
Gagnon, second collection..... 94 00
\$228 25

Blue Jay..... \$54 00
East Grey Rock..... 35 50
\$89 50

Total..... \$5,688 75
Up to and including November 29, 1901.

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