

# HEALEY CONTEMPT

## JUDGE CLANCY SIGNS AND FILES HIS JUDGMENT.

### LAWYER'S CONDUCT DESCRIBED

Accused of Sneering, Grimacing and Swaggering—Called Contumacious and Defiant—Interesting Document.

Judge Clancy today signed his judgment in the Healey contempt proceeding. Two weeks ago he fined Lawyer James E. Healey \$10 for what his honor apparently considered "butting in" at the wrong time in a hearing in the famous Celestia Nixon house case.

The judgment which was filed in the court as well as signed contains a very interesting description of Healey's alleged contemptuous conduct.

From the allegations in the judgment Healey might be regarded as a man of histrionic as well as legal attainments.

The judgment, after reciting that a witness in the Nixon suit was asked certain questions, proceeds as follows:

Counsel asked the witness the following questions:

"Did you know that at that time the place was not in the possession of Andrews?"

"I know the Nixons."

"Answer the question."

Where He Butted In.

Healey made his importunate interruption at this point. According to the judgment, the episode which got him into contempt occurred in this way:

Mr. Healey—If your honor please, we object; that is calling for a conclusion. The Court—Don't interrupt him.

Mr. Healey—We will take an exception. The Court—That is very bad practice. That is J. P. practice.

Mr. Healey—Well, if your honor please—

The Court—I fine you \$10 for contempt. Stand committed until it is paid.

Then Mr. Healey is charged with the following behavior:

"That in and about the said objection and exception the behavior of the said James Healey was disorderly, contemptuous and insolent towards the judge, holding the court and sneering, grinning and swaggering, and tending to interrupt the due and orderly course of the trial of said cause, and his conduct in the same was contumacious and his manner defiant and contrary to the good order and due respect which is owing from attorneys to the court in their conduct of cases before the court."

Though signed and filed today the judgment is made to take the date of January 3.

Healey has taken an appeal to the supreme court, and it is to be inferred that the contempt matter will be met with a defensive pleading involving the allegations as to his conduct given above.

# ORDER IS AMENDED

## INJUNCTION IN HEINZE-BOSTON & MONTANA SUIT MODIFIED.

### IS MADE UPON STIPULATION

Defendant May Do Certain Work in Pennsylvania Mine—New Order Applies Two Injunctions in Two Suits.

In the case of the Montana Ore Purchasing company against the Boston & Montana and the Butte & Boston Mining companies an order was made by Judge Clancy this morning amending the injunction order heretofore made against the defendants. The order was made upon the stipulation of the parties filed in the suit.

The order applies to the injunction in the suit in which F. Augustus Heinze is opposed against the Boston & Montana company.

The motion for the order was made by Attorney L. O. Evans for the defendants in the two suits. Judge McHatton agreed to the signing of the order.

The order amends the injunction and allows the defendants to do the following work:

First.—To drift through lots 3 and 10 in block 2 on the sixth level of the Pennsylvania workings.

Second.—To run a drift through lots 2, 3 and 4 in block 3, extending some beneath street to, into and through lots 4 and 5 in block 5 on the fifth level of the Pennsylvania workings.

Third.—To open up the old stopes extending from the fifth level to the fourth level, through lot 10, in block 5 and in the adjacent streets, Pennsylvania workings.

Fourth.—To use any and all levels which may be convenient and necessary for tramming, in order to properly perform the above work desired to be done.

Must Store Ore Away.

The order continues:

"The said defendants shall store and preserve all ore extracted from said lots and drifts claimed by plaintiffs, and preserve the same to await the determination of the ownership thereof, upon the trial of the said causes."

"The said defendants also promise to permit the said plaintiffs, by their representatives, access to said workings at all reasonable times for the purpose of inspection."

In the stipulation, the defendants request the plaintiffs to allow the work provided for in the order, saying that the work is necessary in order to put the causes in condition for trial, and that the defendants will not be ready for trial until the work is done.

The defendants agreed to store the ore taken from the lots claimed by the plaintiffs and preserve it until the suit is determined. The defendants also agreed that the plaintiffs should have access to the workings at all reasonable times for the purposes of inspection.

### PERSONAL

Archie Gibson is in from Bannack.

L. S. Knox of Denver is at the Finlen.

Judge McConnell is over from Helena.

Walter Cooper of Bozeman is in the city.

M. H. Gerry, Jr., of Helena, is in the city.

Miss McKillican of Helena is at the Butte.

S. C. Creighton was in from Norris yesterday.

Sam Schott has returned from Livingston.

Judge Harney spent yesterday in Helena.

H. P. Madden came in from Emery this morning.

James McGovern of Gold Creek is staying at the Butte.

Attorney Moore of Phillipsburg spent the week in Butte.

Martin Buckley is one of the late arrivals from Helena.

Mrs. John Edgerton of Helena is staying at the Thornton.

J. P. Thomas and wife of Anaconda spent yesterday in Butte.

George W. Burns of Whitehall was a Butte visitor yesterday.

Miss Cora McCormick of Dillon is in the city on a short visit.

Mrs. Dan Yancey is back from Pipestone Springs, where she spent a week for her health.

Mrs. William Chenette has returned to Butte after a visit with her sister, Mrs. Colvin of Livingston.

Donald Rose, general agent for the Illinois Central Railroad company, came in yesterday from Salt Lake.

Dave Marks, assistant secretary of state, was one of the arrivals on last evening's train from Helena.

Thomas Rea, a Bozeman merchant, is in the city accompanied by his wife, en route to Los Angeles, where they will spend the winter.

### All Alike.

"A woman's favorite weapon is a tear," remarked the Wise Guy.

"Yes; even the Eskimo women are addicted to blubber," murmured the Simple Man.

Freelich Must Answer.

# FLASHED THE RING

## A WITNESS SAYS JENKINS TOLD HIM HE WAS GOOD FOR BOND.

### HAD PROPERTY IN CASCADE

#### Mortgages Taken in the Names of Others for Business Purposes—

#### Freelich Cited to Appear Before the Referee.

The investigation into the financial affairs of William B. Jenkins was resumed before Thompson Campbell as referee in bankruptcy this morning, and when 12 o'clock arrived the announcement was made that there would be only one more witness.

At the morning session B. S. Thresher testified to a conversation he said he had with Jenkins in September in relation to Mr. Jenkins qualifying on a \$500 bond in the case of Grove vs. Scharner in Justice O'Connor's court.

He said that Jenkins had told him he owned property in Cascade county valued at several thousand dollars; that he also had property in West Park street in this city, and showed him a diamond-set ring on one of his fingers which he said was worth the amount of the bond.

The witness further said he had questioned Jenkins about certain mortgages that had been executed in the names of other persons through Jenkins, and that Jenkins had told him it had been done for business purposes.

Freelich Must Answer.

After the Jenkins matter was adjourned at noon Mr. Campbell informed Attorney Rogervoll that the hearing had developed the fact that the mortgage executed by J. M. Freelich, another bankrupt, in favor of Mary Ida Cole, through Mr. Jenkins, was not good, and that Freelich was disposing of the property named in his schedule of assets.

"I want you to tell Mr. Freelich to come here and be examined in the matter at 2 o'clock Monday afternoon," said Mr. Campbell. "The sale or removal of goods under such circumstances is a serious offense and I wish to find out about it."

Rogervoll is also Freelich's attorney in the bankruptcy proceedings.

"I heard something of that nature, too," said Mr. Jenkins, "and I told Freelich that if he attempted to dispose of any of his stock I would have him arrested at once. I am watching him."

### May Erect New Hotel.

(Special to Inter Mountain.)

Livingston, Jan. 18.—A rumor was in circulation this week that A. W. Miles, the hardware merchant, will erect on Second street in the spring a handsome building for his own use.

It is also reported that the plans for the purpose of organizing a syndicate to erect a new hotel is also progressing favorably. This is only a forerunner of the many new and costly buildings to be erected in Livingston next summer.

# Diamonds at Auction

To Whom It May Concern:

By order of J. H. Leyson of the city of Butte, county of Silver Bow, state of Montana, I, Charles M. Palmer, a licensed auctioneer, doing business in the city, county and state aforesaid, will sell at public auction, to the highest and best bidder for cash in hand, on the front steps of the courthouse of said county above mentioned, situated on West Granite street of said city of Butte, on Thursday, the 23d day of January, A. D. 1902, at the hour of 2 o'clock p. m. of said day, the following-described personal property, to-wit:

One pair Diamond Ear Drops.

One Diamond and Fancy stone "Butterfly" Pin.

Said sale being made for the purpose of satisfying an unpaid demand of said J. H. Leyson against one Grace McGinnis in the sum of (\$1525.53) Fifteen Hundred and Thirty-five and 53/100 Dollars.

C. M. PALMER, Licensed Auctioneer.

Butte, Mont., January 18, 1902.

# January Clothing Sales



Most determined, emphatic and progressive events this store ever made. Growing greater in volume each week, each day; becoming decidedly more interesting to all, and offering better inducements as the selling time gradually shortens and the season draws to a close. Enthusiastic response has followed every announcement from this clothing store; the public are quick to realize the splendid opportunities that are now awaiting them and business has received an impetus that bids fair to place January among the best CLOTHING MONTHS AND HERE ARE SOME OF THE REASONS:



### Suits and Overcoats, really worth \$13.50, \$15.00 and \$16.50 at \$7.50

Forty styles of suits, chevots in stripes, checks and mixtures; fancy worsteds, hairline stripe serges, black worsteds, black thibets and black chevots; both sack and frock shapes shown.

Twenty styles of overcoats, fine cloths, meltons, chevots, kerseys and frizzes. Fashionable raglans, box and ulster shapes; all garments strictly first-class in cut, fit and finish. Values from \$13.50 to \$16.50.

Price \$7.50

### \$22.50 Men's Overcoats \$11.85

They're in the full loose-yoke style, the long and the medium long box shapes. The materials are imported kerseys and rough-surface chevots. The colors are tan, blue, gray and black. The linings are silk plushes, corduroys and warranted satins. Every point of excellence possible in an overcoat is contained in each garment, and the price. \$11.85

### \$30 to \$35 Men's Overcoats \$17.75

Our finest coats, three tables of them, and a handsome collection was never presented to a Butte man for consideration. Many classes of select materials included; the real high-grade kerseys, beavers and chevots predominating. Styles are raglans, yoke-coats and box shapes; linings are all warranted satins and fine cassimeres. These coats are worth from \$30 to \$35. Price. \$17.75

### \$22.50 and \$25.00 Men's Suits at \$14.85

Imported worsted suits, any quantity of them. They're shown in the plain blues and black, but the greater number are in those neat, quiet, colored stripes that seem to strike the keynote of most every man's taste. Linings and tailorings are what you'd expect in suits of such elegant material, while the style of garments is strictly in accordance with late fashion. Values up to \$25.

Price \$14.85

### \$9.00 Pea Jackets and Vests \$4.95

A very fine wool chinchilla coat and vest in dark navy blue; coat cut in double-breasted style with velvet collar; vest single breasted; linings of heavy cashmere. Value \$9.00. Price. \$4.95

### \$7.50 Men's Pea Jackets \$3.65

Extra heavy weight pea jackets made from blue chinchilla of good quality; garments cut in double-breasted style with large storm collars and lined with twilled material. Value \$7.50. Price. \$3.65

# Boys' Clothing Is Extraordinarily Cheap

### \$5.00 Boys' Suits \$2.48

Materials are most excellent; fine serges, imported worsteds and novelty cloths of several types are the chief fabrics, while the patterns and colorings are distinctly exclusive; three-piece suits, our Russian blouses, for the little fellows, and two-piece suits for the larger boys. Price. \$2.48

### \$4.50 Boys' Reefers and Top Coats \$1.98

Reefers are of all-wool boucle cloth, in blacks and browns; also olive and Oxford meltons; sizes 3 to 8 years. Top coats are of tan covert cloth; size 7 to 15 years. Throughout the line garments are strictly all wool and worth up to \$4.50. Price. \$1.98

### \$6.50 Boys' Reefers \$3.40

The very finest reefers, just quantities of elegant melton, kersey and frizee garments in red, Oxford, and blue shades; some made with yoke; all have raw edges; are stitched in silk and are lined with fine Italian cloth; all sizes; values \$6.50. Price. \$3.40

# DECISION RESERVED

## JUDGE CLANCY TAKES TIME TO CONSIDER MATTER.

### TWIN SUITS OF MACGINNISS UP

Boston & Montana Company Asks Dissolution of Restraining Order Because MacGinniss Has Two Suits Covering Same Matters.

Judge Clancy this morning heard a motion to dissolve a temporary restraining order issued to John MacGinniss in a suit brought by him against the Boston & Montana Mining company to restrain the latter from allowing the Amalgamated Copper company from absorbing its business and property. At the conclusion of the hearing he said he would take the matter under advisement on briefs.

The suit in question is the second one brought for the same purpose by MacGinniss, and is the action in which Judge Knowles of the United States court restrained MacGinniss from further action.

The first case is in the United States court now, and Judge Knowles issued his restraining order on the ground that one suit should be determined before MacGinniss had the right to begin another.

### Temporary Order Not Affected.

The restraining order did not affect the temporary restraining order issued in the suit itself by Judge Clancy when the case was brought, Judge Knowles declining to interfere with that out of regard for the courtesy that exists between courts. Hence the motion this morning asking Judge Clancy to dissolve it.

Attorneys Evans and Kelley presented the motion for the Boston & Montana company and Attorneys Jones and Denny opposed it in the interest of MacGinniss.

Mr. Evans recited the history of the case and gave the dates when the first suit was brought by MacGinniss and transferred from Clancy's court to the federal court, and when the second suit was brought in Clancy's court and a temporary restraining order granted.

He said that Judge Knowles had dissolved the temporary restraining order and refused an injunction order in the first case upon the hearing of the order to show cause why an injunction should not issue and follow the temporary restraining order.

### Referred to Federal Decision.

He said that Judge Knowles had decided that MacGinniss had no right to the restraining order or the injunction order in the first suit, and that the suits covered identically the same matter. They both asked for an injunction to prevent the defendant from allowing the Amalgamated company from taking possession of its business and property, and for a receiver to take charge of the

defendant's affairs until the suit could be determined.

Attorney Jones read an affidavit by Judge McHatton to show that the Amalgamated company had no place of business in the state and no existence here and could not be brought into the suit as a party to it.

Mr. Jones said that he confidently contended that the federal court had no jurisdiction in the suit, and that he expected when the circuit court reviewed the case it would say so.

He said that he thought the proposition before the court simple. Notwithstanding what Mr. Jones had said the courts, both Judge Clancy's and Judge Knowles', had held that they had jurisdiction of the suits in question, and had acted upon that basis.

"MacGinniss has no right to be in this court, your honor, because he is already in the United States court. He has brought two suits for the same purpose and he has no right to do that," Mr. Kelley argued.

At the conclusion of the hearing the court said:

"Well, gentlemen, I've taken your contentions pretty well. There has been a great deal of litigation involving this question of state and federal jurisdiction here, and I'd like briefs and papers and I'll take this matter under advisement."

And he made an order to that effect.

### New Belt Brace.

There is a handy little article, a belt brace that costs but a trifle and is worth its weight in gold. It is a flat piece of metal a little more than a quarter of an inch wide, and cut in various lengths for wide or narrow belts, has a tiny crosswise slot at each rounded end, and a lengthwise tongue turned up into a hook at the middle. A wide ribbon is used for the belt, and under it, at the center, the brace is placed and sewed to the edges through the slots. The hook unites with a ring, eye, or loop sewed to the skirtband—and there you are!—the belt holds its width at the back and likewise its proper place over the skirtband.

### NOTICE OF HEARING PETITION FOR FINAL DISCHARGE OF BANKRUPT.

In the District Court of the United States, District of Montana.

In the matter of Charles Sinter, bankrupt.

Notice is hereby given, that on the 15th day of January, A. D. 1902, in the above entitled court, Charles Sinter filed his petition for a final discharge and that the said court fixed the 5th day of February, A. D. 1902, at 10 a. m. at the courtroom of said court, in the city of Butte, Silver Bow county, Montana, as the time and place for hearing said petition, at which time and place all creditors and other persons interested may appear and offer objections, if any they have, why said petition should not be granted and said petitioner discharged.

Witness, the Honorable Hiram Knowles, judge, and the seal of said court affixed, at Helena, Montana, this 17th day of January, A. D. 1902.

Attest: GEO. W. SPROULE, Clerk.

[SEAL]

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