

BONDSMEN WOULD WITHDRAW

CORNELIUS FLEMING CHARGED WITH APPROPRIATING THE PROPERTY OF ESTATE.

FLEMING IS ASKED TO EXPLAIN

Sureties on Fleming's Bond Have Petitioned Judge McLernan to Release Them From Further Liability.

Judge McLernan has issued a citation in the estate of Timothy P. Fleming, deceased, to Cornelius Fleming, the administrator of the estate, commanding the latter to appear and show cause why the court should not release his bondsmen from his bond.

The bondsmen are Nicholas Hughes and John Enkin, and they are on the administrator's bond for the sum of \$14,000. They have petitioned the court to release them from further liability, and to their petition is attached an affidavit, signed by F. O'Dugan, an appraiser in the estate, in which a charge of an unpleasant and serious character is made against Cornelius Fleming.

The bondsmen allege that they have been informed and believe that Fleming "has attempted to remove from said estate and convert to his own use certain property thereof amounting in value to the sum of \$2000." The property referred to is a promissory note.

Would Withdraw From Bond

Enkin and Hughes say that they are informed and believe that the administrator has attempted to appropriate the note without the order of the court, and that they desire to withdraw from his bond on that account. The note is secured by a mortgage on property in this county.

The affidavit of Dugan is interesting. It says that Dugan and James O'Connor and Joseph Kronenberg were made appraisers of the estate on January 14, 1902, and that there was a note for \$2000 belonging to the estate. Dugan says that he does not know the name of the payee nor where he resides further than that he lives in New York state. The affidavit does not know the description of the property either.

But he says that on January 25, 1902, Cornelius Fleming, in a conversation with him, said that the payee had given the latter a power of attorney to dispose of the note and mortgage. Fleming also asked him, he says, to assist him by not returning the note and mortgage in the appraisal of the estate, saying that he, Fleming, had performed services for T. P. Fleming and that he should have the note and mortgage as his own.

Dugan also alleges that the administrator said that if he would comply with his wishes in the matter he would convert the note and mortgage to his own use, and that Dugan could and should assist him to do that by failing to list the property.

The citation requires Fleming, the administrator, to appear and show cause in the matter on February 24, 1902, at 10 o'clock in the morning.

JURY IS SELECTED

JUDGE HARNEY TODAY FORMED PANEL TO TRY CASES.

THIRTY-NINE MEN WILL SERVE

Many Civil Cases Have Been Set for Trial and the Business of Disposing of Them Will Begin at Once.

Judge Harney held a session of his court this morning and selected a jury panel from the jurymen brought into court by the venire issued a few days ago and made returnable this morning. Court opened at 10 o'clock and the jurors summoned were allowed to present their excuses and exemptions from jury duty. There were the usual number of sick, deaf, halt and non-linguists.

Nick Daub, Frances A. Stephenson and John Rinaldo did not appear in answer to the summons, and attachments were issued for them. The following 39 jurors were selected: W. H. Winters, Joseph Shackleton, Richard Bray, Ed Rogers, Lajur Michaud, J. D. Jones, F. J. Lynch, Frances A. Stephenson, Richard Jenkins, Pat McIntee, Dennis Rhee, Jack Weidenbach, Dan Harrington, W. C. Young, Nick Daub, George Roper, C. W. Palmer, Chas. Merrifield, H. J. Hochmiller, John Rinaldo, Con C. Harrington, John Casey, D. H. Powell, Alfred Cox, F. Colligan, Mike Callahan, Ed C. Crave, W. H. Castleman, Peter Doble, James Byrne, W. T. Packard, Frank Bates, Pat Casey, A. J. Castle, M. J. Brake, Joseph Nadeau, George C. Grosse, A. J. Mullan, W. H. Chellev.

Two cases had been set for trial at 10 o'clock this morning, but Judge Harney continued them to the afternoon.

A Literary Suggestion.

(Los Angeles Herald.) Novelists afflicted with the short conversational story habit are heartily welcome to the following suggested plot: The doors of the idiot asylum had been carelessly guarded, and the hero and heroine were at large.

He said something too silly to be remembered, much less to be recorded. So did she.

This was repeated often enough to make a story as long as the publisher needed to make up the issue. Some pictures. That's all.

For Concentration.

(Life.) Desmond—if you buy this elegant fur coat, Dorothy, how are we ever going to pay for it?

Dorothy—Oh, Desmond, don't let's talk about two things at once! Let's talk about the coat.

TALE OF A TRUNK

LOVE THAT LAUGHS AT LOCKSMITHS FINDS A WAY.

AN ELOPEMENT AT MIDNIGHT

Marco Medin and Miss Alice McManus Steal a March on the Girl's Parents and Leave on a Wedding Tour.

A trunk suspended from an upper story window, from which two men were leaning and carefully letting it down, and on the sidewalk below two anxious figures directing operations attracted the attention of the passers-by on a Butte street about 11 o'clock last night.

One of the two on the sidewalk was a dainty bit of femininity and the very evident owner of the trunk, other a young man, who was assuring the girl that the trunk would arrive on schedule time.

As it struck the sidewalk a hack wheeled around the corner and drew up; the trunk was slung up in front; the girl and her escort stepped in and waved an adieu to the two confederates who emerged from the house on tiptoes as the hack swung away in the gloom.

No, it wasn't an economical move on the part of a delinquent lodger.

It wasn't a daring burglary with a woman in the case.

It was the elopement of Miss Alice McManus, one of Butte's prettiest "hello girls," who woke up this morning in a Pullman southbound on the Oregon Short Line to remember that her name is Mrs. Marco Medin.

In the trunk that hung from the window was the trousseau of the bride—and thereby hangs a tale; the same old tale of the love that laughs at locksmiths and the father that wouldn't relent.

When Marco Medin made his successful siege to the heart of Miss Alice and announced his conquest and intention to her father, George A. McManus, the old gentlemen didn't take to it kindly.

He Was Persistent.

"You can't have my daughter," said McManus.

"Your daughter I'll have," said Marco.

"I'll lock her in a room," said McManus.

"I'll steal her in the night," said Medin.

"She can't get her trunk," said McManus.

"I'm not marrying the trunk," said Medin.

"I don't like your style," said McManus.

"It's different with Alice," said Medin. And the war was on.

About 5 o'clock last evening Mr. Medin and Miss McManus left the house on their usual evening stroll.

As Mr. Medin watched them down the street he felt dissatisfied; his interview with Medin had not been encouraging; Alice was obdurate, and resented parental interference with a determined show of feeling.

So the McManus anger grew apace.

If McManus knew as he saw them turn the corner that there was a marriage license tucked away in the inside pocket of the Medin outside coat and that he was taking his last look at his pretty daughter as Miss Alice, it would not be unreasonable to suppose that the McManus anger would grow more apace.

But he didn't know, and during the period of his blissful ignorance Judge McLernan tied hard and fast the knot that wiped out the name of Miss Alice McManus and made Mrs. Marco Medin.

While McManus slumbered in his bed and dreamed of schemes to frustrate the plans of the persistent suitor, Mr. and Mrs. Medin were being entertained at the Bohemian club by a crowd of sympathetic friends.

Toasts were drunk to the bride and groom and to their future happiness.

And a toast was drunk to the happy health and the peaceful sleep of McManus.

The Trunk Was Rescued.

About 11 o'clock two volunteers from the Bohemian club with Mr. and Mrs. Medin stole safely down to the bride's home, slipped upstairs and rescued the trunk unbeknownst to the sleeping McManus.

The party returned to the club and the merry laugh told how the trunk episode was received.

Once more a toast was drunk to the trunk and the girl that was Alice McManus.

At the Short Line depot, in the gray dawn of the morning, a baggage man trundled a trunk checked for Salt Lake, the same old trunk that held the trousseau of the bride, the trunk that a few hours before attracted the attention of late watch as it hung from the house of McManus.

As the train pulled out with the wedding party the merry crowd that had come to speed the couple on their way gave one last cheer for the love and the girl and Medin and the trunk and a cheer for the sleeping McManus.

And it is to be presumed that when Mr. and Mrs. Medin come back in a few weeks they will find some jolly crowd to meet them with the same merry banter and fun, and that when they return to the old home again will find the forgiveness of McManus.

BUTTE CURRENT NOTES

Orton Bros.—Pianos and organs.

Miss Turnley's Private School, 421 West Mercury.

J. G. Bates, tuner, Montana Music Co., 119 N. Main st. Tel. 591.

The Salvation Army is occupying new quarters at 107 East Broadway.

Bowling, pool, billiards, Thornton hotel basement. Finest alley and parlors.

When you want something to read, go to the P. O. News Stand, 57 W. Park.

Eight new members were admitted into the First Presbyterian church last night by letter.

For funeral notices, fraternal notices, entertainment notices, see Want Ads, page 2.

Rev. Hosking's topic at the Trinity

Another Week of SYMONS' BARGAINS

ALTERATION SALE

More and Better Bargains of the Best Merchandise for Montana People

Cloak Store's ...Most... Sale

Special Offering of Entire Stocks of Elegant Light and Dark Colored Coats and Capes Third to Half Off

A very important announcement to those who have yet to provide a new outer garment. Monday's underselling starts in such an emphatic way as to price that every rack and table will soon be emptied. Stock larger and more select than any other house in the northwest.

\$15 to \$20 Coats and Capes at One Price \$9.75

\$5 to \$7 Ladies' Silk Waists \$2.95

Quantities of elegant taffeta waists, in many styles; some completely covered with fine tucks; others decorated with tucking interspersed with rows of hemstitching; others trimmed with contrasting colored silks and fashioned in an extremely advanced style, and so great a number of other and different models that detailed description is impossible. Every color and black represented. Values up to \$7.00. Price.....

\$2.50 and \$3.00 French Flannel Waists \$1.50

Particularly beautiful bodices of plain colored imported flannels in all shades, made with knife tucked yokes; trimmed with pretty braids; in Norfolk and other styles. A line of waists sold in the regular way at \$2.50 and \$3.00.....

Price \$1.50

\$1.00 and \$1.25 Misses' Flannel Waists 50c

These waists come in all colors, prettily trimmed, with fancy braids and sailor collars; sizes from 10 to 16 years.....

Price 50 cents

\$1.00 Dressing Sacques 49c

Pure wool elderdown dressing sacques, in all colors; ribbon tie at neck. Standard value, \$1.00.....

Price 49 cents

French Flannels

See quality French flannel, 45c. Large assortment; the latest styles and latest colorings; the Persian designs are beautiful. They come in both the large and small Persian effects; also plain colors; embroidered dots, stripes and arabesques; all at.....

One Price 45c

Silks and Dress Goods

To make this memorable to every woman who cares for silks and dress goods, we quote a few prices unheard of in retailing. Spick and span; fresh as snowflakes, and precisely the much-wanted kinds.

Silks

\$1.25 black Beau de Soie, 21 inches wide79c

\$1.00 guaranteed black Taffeta, 21 inches wide75c

Linings

25c Silver Sheen Lining, comes in black and all colors, at only15c

Dress Goods

Just one offering to hold the mirror up to a most complete stock. Judge by it how the entire stock stands. 75c CHEVIOT SERGE, in black, cardinal, navy blue, wine, red and national blue.....

50 cents

Nottingham Lace Curtains

Are reduced away below former prices. \$1.75 Curtains, 3 1/2 yards long by 1 1/2 yards wide, sell for 95 cents

Dentelles De Araba Curtains

Worth \$7.50, to sell for \$4.95. These curtains are made on cable net; richly worked with large and small designs, overlaid by beautiful appliques. To be sold at.....\$4.95

90c Swiss Curtains 49c

Eighty dozen pairs; fine quality plain Swiss; full wide ruffle around edges; good length and width; graceful in appearance and possessing excellent wearing qualities. Regular 90c. Price altered to.....49c

church, Centerville, last night was "The Rich Young Man."

California Cafe, reopened. New management, everything first class. Jackson & Priesz, Proprietors.

Sherman, the undertaker, has moved his undertaking business to his new and commodious quarters on East Broadway.

The output of the Horr coal mines is to be increased materially, according to the statement of H. G. Merry, who was in the city yesterday.

The remains of Captain Couch passed through the city yesterday en route to Great Falls. Many beautiful tributes accompanied the remains from Butte to Great Falls.

Captain C. W. Dutton, the well-known temperance lecturer, began a series of temperance meetings at the South Butte Presbyterian church last night. He delivered an eloquent address to a large gathering.

The little folks of the Pollard Australian Juvenile Opera company went to the Holland street rink yesterday and saw ice skating for the first time. They were also given their first sleigh ride yesterday morning.

Charles D. French, deputy internal revenue collector, who has been in Salt Lake City and Denver for the past three weeks in connection with the inventory of the effects of this revenue district, returned to Butte last night.

Just as you can't keep a good man down, so you can't keep down the sales of a good cigar. The Harvard was a million a week. All Havana filler; best American labor union make. If you have not got tired of the Harvard. If you have evening and smoke it after supper, and enjoy life.

The celebration of the marriages of Miss Fannie Chinick to Shadin La Hood and Miss Lizzie Paul to Gabriel Gasson, all members of the local Assyrian colony, which began a week ago, will come to an end tomorrow night. Then the revelers of a week will go home and the young people will set up establishments for themselves.

GUESTS OF HONOR.

Clerk of the Supreme Court and Attorney General Entertained.

Former Senator J. M. Kennedy gave a dinner party to a number of his friends at the Thornton cafe, Saturday night. The spread was an elaborate one, the guests discussing wines of rare vintage and other things. Some after dinner oratory was indulged in, nearly every one present speaking.

The guests included Attorney General Donovan, Clerk of the Supreme Court H. G. Rickards, Former Governor R. B. Smith, ex-Congressman W. C. Jones, Judge E. W. Harney, Carlos Warfield, F. A. Heinze, General Charles S. Warren, Former United States Senator Lee Mantle, E. H. Wilson, E. L. Blossom, Ernest Harcastle, Homer Rickards, Colonel George D. Owen of Anaconda, R. A. Carnochan, Jack Hamill of the Standard, Former Lieutenant Governor A. S. Spriggs, E. L. Whitmore and Dr. O. Y. Warren.

Some men are useful, if "manged" properly, but become worse than useless if their fur is always rubbed the wrong way.

M'KINLEY MEMORIAL FUND.

The Little Daughters of John B. Wellcome Contribute—President Scallion Has \$225 Local Fund.

The Inter Mountain has received a letter from Misses Catherine Irvine Wellcome and Katherine Perrin Wellcome, the charming little daughters of John B. Wellcome of Creeksly. They are patriotic little girls, are the Misses Wellcome, and their note explains itself. It reads:

"McKinley Memorial Fund, care of Inter Mountain.

"Dear Sirs—We send you some money, and will you please use it in memory of Mr. McKinley. We know him very well indeed, for we see his picture in the papers very often."

With the letter was enclosed \$2.

Butte's contribution to the McKinley memorial fund, now in the hands of President William Scallion of the Anaconda company, has reached the total of \$225.

THE JUVENILES ARE POPULAR.

Their Engagement Will Not Conclude Until Wednesday.

The engagement of the Pollard Juveniles has been continued three days longer at the Broadway, and will conclude Wednesday evening. The bill last night was "In Town," and the little artists acquitted themselves in their usual creditable manner. This was the first time the production was presented here. There is a novelty and freshness about the plot and music that attracts.

The burlesque turns upon the arrival in town of the Duke and Duchess of Duffshire, their daughter, Lady Gwendoline, their son, Lord Clanside, and his tutor.

Lord Clanside and a clever and dashing man about town, Captain Coddington, are the chief movers of the story, which shifts in the second act from the vestibule of the Caravanaria hotel, to the green room of the Ambiguity theater. It is the first of a new burlesque at the Ambiguity, and the scene gives scope for much variety in the way of dress. Captain Coddington is in love in a way with Kitty Hetherington, prima donna at the Ambiguity, for whom also the Duke of Duffshire has a sneaking fondness. Coddington obtains for Lord Clanside the entree to the green room, and he falls desperately in love with Flo Fanshaw, the principal dancer. Hither also comes Clanside's chaplain, the duke himself, and finally the duchess in search of her recreant husband, who has sneaked away from the house of lords to renew his unwelcome attentions to Kitty, who has been a governess in his family.

Tuesday night and at the Wednesday matinee "The Gelsina" will be repeated. Wednesday night will be the farewell performance, when "A Gaiety Girl" will hold the boards.

Verified.

(Chicago Tribune.)

"Is Bliggins still at the door?" asked Major Muehsrud.

"Yes, sir," answered the butler. "When I told him you were not at home he said he didn't believe it."

"You go and tell him I say it's so."

Jones' dairy farm. Pure pork sausages at Brophy's.

Walking-Skirt Sale

With new serpentine flare cut; all colors; fit guaranteed. Surprisingly Good Skirts.

\$12 Skirts \$8.50. \$8 Skirts \$5

\$6 Skirts \$3.75

WEINBERG BROS. & EPSTEIN

Makers of Ladies' Fine Wear. 131 S. Main St., K. of P. Bldg.

FURNISH OWN CARS

SANTA FE WILL NOT RENEW CONTRACT WITH ARMOUR.

WANT FRUIT CARRYING TRADE

Railroads Say Car Companies Not So Prompt in Furnishing Cars, and Fruit Was Spoiled—Great Loss to Armours.

(By Associated Press.)

Chicago, Feb. 10.—The management of the Santa Fe has decided not to renew its contract with the Armour freight car lines when it expires next spring, is the statement made by the Record-Herald.

The company has been busily engaged for several months building fruit cars and by the time of the expiration of the contract will have between 4000 and 4500 cars ready for carrying traffic.

It is also said that the Southern Pacific will break its relations with the Armour company and go into the fruit carrying business on its own account.

Such being the case, there will be at least 3500 and possibly 4000 fruit cars for which the Armour company will have to find other business.

It's a Severe Blow.

The decision of the two companies is considered a severe blow to the private car business and to companies owning and controlling private car lines.

The three companies which have been carrying the fruit out of California for years and which are either owned or controlled by the Armour people are the Continental Fruit Express, Kansas City Fruit Express and the Fruit Growers' Express.

The latter company formerly belonged to the Earl Brothers. None of the officials who have the management of these lines for Armour, would talk of the matter.

It is stated that the Armours have at least \$15,000,000 tied up in the private

car lines which are engaged in carrying fruit.

Under the present system the contracts with the car lines are made so that the railroad companies can call on them for cars during the season up to a certain number, said to have been last year about 2000 for each road.

Were Not Prompt.

For some reason, it is stated, cars were not furnished with sufficient promptness and in sufficient numbers to take care of the trade.

This is alleged to have resulted in a great loss of fruit and the railroads stood the blame.

Another factor for the railroads going into the business is said to be the fact that they are compelled to pay the private car companies three-fourths cent for every mile made by every private car and in the case of the fruit trade this amounts to nearly \$125,000 a year.

SHE IS IMPROVING

MRS. SOFFEL IS NOW ONLY SUFFERING MENTALLY.

(By Associated Press.)

Pittsburg, Feb. 10.—Mrs. Soffel, who aided in the escape of the Biddles and who was shot during the battle which resulted in their capture and death, shows considerable improvement in her condition today.

She is suffering more from mental distress than from the wound and it may be a week or more before she can be removed from the Butte hospital to the Pittsburg jail.

Her husband, Wex-arden Soffel, has retained counsel for her defense, but says he does not want to see her or have any communication with her in the future.

Mrs. Soffel is receiving letters from all over the country, most of them containing tracts and advice of religious nature.

When she opens a letter and discovers that it is one of this character, she turns it over to some of the nurses without reading.

Many letters are also from attorneys proffering their services free in her defense.