

ACTIVE CAMPAIGN WILL SOON BE ON

HUMANE SOCIETY TO APPOINT SPECIAL OFFICER, WITH POWER TO MAKE ARRESTS.

NATIONAL ORGANIZER IS TO WORK IN MONTANA

No Arrests Will Be Made for Cruelty to Children as Lower Animals Only Are Wards of Association—New Officers Are to Be Elected at a Meeting to Be Held July 17.

Butte's Society for the Prevention of Cruelty to Animals is going to get on itself and, notwithstanding the fact that it locked horns with the city officials and was worsted in the encounter, it is going to get up in the collar and fight for the under dog.

All of which is prompted by a communication from Charles W. Clark to the effect that in order to help the cause of the dumb animals of Butte, he will pay half the salary of an officer who will go around and protect the interests of persecuted cats, impetuous canines and collar-galled horses.

Children Not Included. It will not be part of the officers of the executive department of the association to make arrests or file complaints for cruelty to children. Lower animals only are the wards of the society, but the society is organized in such a manner that their work hereafter will be more effective and their wards will be duly cared for.

President H. Rosenzweig has just been notified by the secretary of the national organization that Mrs. E. Irene Rood, an earnest and effective advocate of the cause, will come to Butte as soon as arrangements can be completed for her reception.

While it is not in general the policy of the national organization to make any campaign in the interests of local or state branches, it was believed by those interested in the cause that much could be accomplished by Mrs. Rood that would be impossible in any other way. She will visit most of the principal cities in Montana, illustrating the work of the organization and, where feasible, inaugurate branches.

There will be a new set of officers chosen at the annual meeting of the Butte branch, which will be held July 17 at the office of the vice president, Dr. Louis Bernheim.

Local Officer to Be Appointed. Many matters of interest to the association will come before the meeting, among which will be the selection of an officer whose jurisdiction will extend over all of Silver Bow county, and who will have special power from the county to make arrests in emergency cases.

There are a number of applications already filed with the secretary, W. H. Orr, so that a suitable choice will probably be made at the meeting. The members of the society have pledged themselves to raise the other half of the salary, as stipulated by Mr. Clark in his offer.

The following are the present officers, whose successors will be elected the 17th: President, H. Rosenzweig; vice president, Dr. Louis Bernheim; treasurer, Rev. F. Tonge; secretary, W. H. Orr. These, with the following, constitute the board of directors:

H. R. Bartlett, W. H. Bray, Adolph Wetstein, J. H. Dixon, George W. Whitmore, Clinton H. Moore, George W. White-man, Mrs. A. H. Jones, Mrs. Mary Farnham and Mrs. A. S. Christie.

GUILTY MEN MAY BREATHE EASILY

MONA BELL IS RECOVERING SLOWLY AND IS NOW THOUGHT TO BE OUT OF DANGER.

NAMES OF ASSAILANTS WILL NEVER BE KNOWN

Police Knew the Men and Kept Them Under Surveillance, but No Charges Will Be Made—Wounded Girl Came From Lincoln, Neb., and Has Long Since Ceased to Use Her Own Name.

Mona Bell will live. That simple statement means much to two men well known in Butte who were the cause of her being shot. Had she died one or both of them would have gone to the penitentiary, one perhaps to the gallows.

Who these men were will never be known publicly. Their friends know who they are and the police have had them under the closest watch ever since the night of the shooting, but there has been no direct charge that would give the newspapers an opportunity to make the facts public property.

Everlasting disgrace would have been the lot of the two had the woman died—or had she not stoically refused to admit that any one save herself was responsible for her being at death's door, for she was a woman whose name could not be linked with that of a man who was "good"—and both of these men were "good," as the world goes.

Name Is Not Bell. Mona Bell is not as good as she was when she lived in Lincoln, Nebraska, where she went to school and where she was not known as Mona Bell or any other fancy name, but as simple—but as she was willing to die to keep two men's names from the world, perhaps it would be only fair not to make her's public. It has been a good many years since she has heard it and Mona Bell has been her name almost as long as the other one had for she is now well along in years.

Mona Bell was shot some time after midnight, June 28. A large calibre bullet tore an ugly hole through her breast and ranged downward through her body.

Physicians were hurriedly summoned. It was a cold night and the good doctors did not care to get up. They were not sure that a fee would be forthcoming. Anyway the patient was not a "good" woman and hardly worth consideration.

At last a physician was secured and the woman was hurried to St. James hospital. There it was said that she could not live but a few minutes. Twice she was reported dead.

Was Willing to Die Unavenged. All the time, however, she was firm in her statements that she had inflicted the wound upon herself—a physical impossibility. She alone was responsible, she declared, and she was willing to die making that statement.

At last it was decided that an operation, seldom performed and still less frequently successful, was the only hope of saving the woman's life. She was told that in all probability she would never come from under the influence of the anaesthetic. The police wanted her death statement. She gave it to them with a laugh, "I shot myself."

Mona Bell did not die. Instead she underwent the operation and is now on the road to recovery. She will live. What she has to live for she does not know. The nature of the terrible wound makes her past life—her life as Mona Bell—an impossibility. What else is open to her she does not know, or care, perhaps. It may be that the man who did the shooting and whose name she protected at such great cost, will see that she does not want.

CALIFORNIA IS AFTER THE MINING CONGRESS

Believes Los Angeles is the Place to Meet in 1903 and Will Endeavor to Land Convention.

Several states are after the 1903 meeting of the International Mining congress and each aspirant will make an effort to get it. California is the latest one to declare its intentions, and its delegates to the meeting of the congress in this city in September will make a desperate effort to land the coveted prize. During the meeting of the congress in Boise last year, the California delegates suggested their state as the proper place for the meeting this year and backed the suggestion with a strong argument in favor of it, but the delegates from other states desired to see Butte and its wonderful mines.

P. A. Maher, publisher of the American Prospector of San Francisco, has written Secretary Mahon of the congress a letter in which he says he may issue a special edition of his paper in August for the purpose of advertising Los Angeles as the place for the next meeting of the congress. He desires to know what Mr. Mahon thinks of the project. Mr. Mahon will encourage the publisher in the matter, as he is of the opinion that if California sends a strong representation to the meeting in this city it will stand an excellent chance of landing the prize. He bases his prediction on the fact that California has always been well represented at the meetings of the congress and has been a candidate for congressional honors so long that its right to recognition now cannot be ignored.

The annual meeting of the stockholders of the Silver Bow Oil company will be held at the office of H. L. Frank, city of Butte, on Monday, July 14, at 4 o'clock p. m. The purpose of the meeting is for the election of seven trustees to serve for the ensuing year and any other business which may properly come before the meeting.

E. N. WOOD, Secretary.

JUDGE BRANTLY

(Continued from Page One.)

interest to Montana, and of what has transpired among our people during our growth to statehood and our material progress and standing in the sisterhood of states. The task yet remains, however, to some lover of our state, who has the talent and the time and the patience, to embody in appropriate form a memorial of the deeds and events which have conspired to make us a great and prosperous people.

"During the years 1862, 1863 and 1864, and until the act of congress of May 26, 1864, creating the territory of Montana, it belonged to the jurisdiction, first, of Washington, and then of Idaho. Idaho was made a territory on March 3, 1863. From that time until the meeting of its first legislature, in December of that year, Montana was practically an independent commonwealth. When Alder gulch was discovered Virginia City sprang up and became the center of population; for in the meantime, and until the meeting of the legislature, they were not subject to the statutes of any state or territory. The miners' court, the offspring of the necessities of the people and their love for fair play, pronounced its judgments and through its executive officers carried them into effect without question. These were not legally constituted courts, nor were they courts of record, but they served the purposes of a people who were satisfied, provided their rights were settled and the dispute ended. Their judgments were speedy and final. There was no appeal.

"The organization of the first court in Alder gulch took place on June 9, 1863, the day the claims were staked off, with Dr. G. G. Bissell, judge; Richard Todd, sheriff, and Henry Edgar, recorder. Todd was succeeded in his office of sheriff by J. R. Caven in September. Shortly after, upon his resignation, Henry Plummer, the leader of the road agents, assumed the office.

"This independent government gave way to the jurisdiction of the territorial government of Idaho for a few months until our own territorial government was organized and put in operation by the first session of the legislature, convened at Bannack on December 12, 1864.

"No judicial history of Montana, however brief, would be complete without some reference to the stirring events connected with the administration of criminal law during this transition period. The history of the vigilance committee has been made familiar to all by Dimsdale and Langford. Much casuistry may be indulged in as to the right and necessity of its doings. We must remember, however, that the arm of the law was not strong enough to extend to the people who needed protection, and that, wherever it is a question, as it was then, whether peace and order shall prevail over crime and lawless spoliation, society may act in its own defense, using whatever means may be necessary to preserve its life by protecting and insuring personal safety and individual rights. Necessity knows no law. Whatever wrongs or mistakes may have been done by the men constituting this organization, its existence was justified by the necessities of the times, and the salutary results accomplished by it must stand as its vindication.

"The territorial government was of the same model as that which has prevailed generally in the states, consisting of the executive, the legislative and judicial departments. The executive officers and judges of courts of record were appointed by the president of the federal government. The legislative and local officers were left to election by the people. Promptly after the passage of the organic act the president appointed the chief justice and the two associate justices authorized by it. These were H. L. Hosmer, chief justice, and L. P. Williston and Ammi Giddings, associates. They were appointed in June, 1864. Associate Justice Giddings declined to serve, and L. E. Munson was commissioned in his stead in March, 1865. The act provided that the territory should be divided into three judicial districts, and that district courts should be held in each of these districts at such times and places as should be prescribed by law. It was also ordained that the jurisdiction, original and appellate, should be limited by law.

"The chief justice arrived in Montana and reached Virginia City in October, 1864. Justice Williston arrived about the same time and, taking up his residence at Bannack, held court there. The territory was then three months old, and there was no law governing it except the organic act, which guaranteed nothing else, but the fact of political existence. Things were in a chaotic condition. There was pressing need for the intervention of courts to settle pending disputes, but no procedure was provided. Law libraries were not to be had and, if they had been available, they would have furnished no authentic procedure and but few precedents to guide the newly constituted courts to a correct solution of the intricate and difficult questions presented. No legislature had then met to enact the necessary provisions, and for the time being the courts were left largely to the guidance of common sense, supplemented by the previous training of the individual justices and aided by their own recollection and that of the members of the bar whose knowledge and advice was, of course, always readily offered. The district court convened at Virginia City for the first time on the first Monday of December, 1864, in the dining room of the Planter's house."

"Notwithstanding the difficulties which surrounded these men, they set about their stupendous task earnestly and with integrity of purpose, and in the end won the universal confidence and respect, if not the universal approval, of the people. The first session of court at Virginia City lasted continuously for six months, during which many novel questions, both of procedure and substantive law, were decided. In the meantime the legislature had met at Bannack and enacted a code. This, though in some respects crude and imperfect, prescribed rules of procedure, enacted many provisions of substantive law, and, in fact, furnished the basis of the codes which are now in use.

"I have been unable to find a record of any meeting of the justices at which the territory was apportioned into districts earlier than June 12, 1867. Presumably such meetings were had from time to time and proper apportionments made. In any event, district courts were regularly convened in the several counties by the different justices. At a meeting held at Virginia City on the date last mentioned an order was made fixing a term of the supreme court to convene at that place on the first Monday in August thereafter, with adjournments to such other times and places as might be necessary. At the same time the territory was apportioned

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into districts. Madison and Gallatin counties, with a portion of the Big Horn country, were assigned to the chief justice; Deer Lodge, Beaverhead and Missoula counties to Justice Williston, and Jefferson, Edgerton and Chouteau counties, with the territory theretofore designated as Meagher and Musselshell counties, to Justice Munson. Thereafter, and except as changes were made necessary by the wants of the people, courts were regularly held at Virginia City, Gallatin City, Bannack, Deer Lodge, Missoula, Helena and Diamond City, Chouteau and Jefferson counties being attached to Edgerton county (now Lewis and Clarke) for judicial purposes, and Diamond City being the seat of justice for the rest of the district. United States cases arising in the respective districts were heard and determined at Virginia City, Deer Lodge and Helena. In the summer of 1865 was held the first term of the supreme court at Virginia City, made the capital of the territory by the Bannack legislature. The court was made up of all the justices.

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until the admission of the territory into the union as a state, the supreme court was established as it now exists, and the following chief justices were appointed and served: Hezekiah L. Hosmer, 4 years; Henry L. Warren 3 years; Decius S. Wade, 16 years; N. W. McConnell, 2 years. He was succeeded by Henry N. Blake, who served until November, 1889, when, having been elected he qualified as the first chief justice of this state. During the same time there were appointed and served for longer or shorter terms as associates Lorenzo P. Williston, Lyman E. Munson, Hiram E. Knowles, George G. Symes, John L. Murphy, Francis C. Servis, Henry N. Blake, William J. Galbraith, Everton J. Conger, John Colburn, Charles R. Pollard, James H. McCleary, Thomas C. Bach, Stephen De Wolfe and Moses J. Liddell. Symes, Murphy, Servis, Conger and Colburn served but short terms. The appointment of Pollard, though he served for a short time, was never confirmed by the senate. During the year 1886 the number of justices was increased to four, and that number served until the end of the territorial government.

"The number of justices of the supreme court was fixed at three, with permission to the legislature to increase this number to five. The state was divided into eight districts, requiring the services of eight judges. The number of justices has never been increased, but the districts have now been increased to 12, requiring the service of 15 judges. "The volumes of published reports have increased rapidly in number during the 12 years of our statehood. The 27th volume is now partially completed. This statement furnishes some illustration of the volume of work demanded of our judicial officers. "All of the men who have served the state as justices of the supreme court are still living except Associate Justices Buck and DeWitt. Besides these two and those who are now serving they are Blake and Pemberton, chief justices, and Harwood, Hunt and Word, associate justices. The task of weighing and passing judgment upon their work will be left to future generations, when it can be viewed as a whole in perspective, and when experience shall have demonstrated its merit."