

MINNIE HEALY IS TO BE TAKEN UP

SECOND TRIAL OF MINING SUIT TO BEGIN IN JUDGE CLANCY'S COURT TOMORROW.

RESUME OF THE LITIGATION

Public Is Familiar With Suit Brought by Finlen and the First Trial Before Judge Harney.

It is expected that the second trial of the celebrated Minnie Healy case will open tomorrow. The nominal parties in interest are Miles Finlen, plaintiff, and F. A. Heinze and others, defendants. The real plaintiff in interest is the Boston & Montana company, and the defendant in interest is the United Copper company. The parties to the case were preparing for trial today, and Judge Clancy will begin hearing the case tomorrow morning at 10 o'clock. The case will be tried by Judge Clancy without a jury, the district court, Judge Harney presiding, having heretofore held the case to be one in chancery, in which the parties were not entitled to a jury.

The case is one in which the public has taken a deep interest, and with whose issues the public is fairly familiar.

Finlen sued to recover possession of the Minnie Healy, to which he had a deed to a quarter interest and was entitled to a deed for the remainder. He alleged that, while he was working the mine in 1898, Heinze and the latter's co-defendants went into the property and took forcible possession of it, without right or title to the property.

The defendants answered in the pleadings that Finlen had sold his rights to them, and had agreed to assign the same in writing, and that he had delivered possession of the property peaceably.

Denied the Sale.

Finlen denied that he had ever sold his rights to the mine or agreed to sell them, and gave an interesting history of his dealings with the United Copper company.

His transactions with them took place in 1898. At that time he was known as a friend and associate of Marcus Daly. With the intention of making it appear that Marcus Daly was supporting the Heinze people in the latter's fights with the Boston & Montana company in the courts, John MacGinniss had a contract drawn in which Finlen agreed to sell the Minnie Healy, or his rights to it, to Heinze and the latter's associates and to bring a suit against the Boston & Montana company to recover possession and title to ore bodies in the Leonard mine.

To Close Shaft.

The purpose of the deal which MacGinniss hoped to bring off was to "close down the Leonard shaft," as Heinze tersely put his description of the motive, according to Finlen.

There was a conference after the drawing of the contract, and at it Finlen met the Heinze people, but refused to sign the contract. He was on the eve of departing for the East, and he left for that section of the country next day, retaining all his rights in the mine.

He had been working the Minnie Healy under leases and agreements he had secured from the owners. These owners were John Devlin, Marion M. Devlin, Mary E. Reilly and Catherine Kelley. The three first named people owned a three-quarters interest in the mine and the latter a quarter share.

Granted Finlen Lease.

The Devlins and Mary E. Reilly had granted Finlen a lease of their share and an agreement to sell to him for \$75,000; Mrs. Kelley had done the same with her share, for which she was to receive \$25,000. Later Finlen deposited the \$75,000 for the three-quarters share in the First National bank, and he paid Mrs. Kelley \$25,000 for her share and got a deed from her for it.

While Finlen was gone to the East Heinze took possession of the mine, claiming that he had an oral agreement from Finlen, for the sale of the Finlen leases and agreements to purchase to him, and for the written assignment of the same by Finlen at some future date.

He claimed that, according to the agreement with Finlen thus declared, he was to pay the latter \$54,000, half of the money to be paid in one year and the other half in two years.

Heinze also got a deed from the three first named owners of the three-quarters share, but that conveyance was for five-eighths of the property only. He alleged that the deed from Mrs. Kelley to Finlen was not good, because she had parted with her right to make deeds of her share to Finlen, and Finlen had conveyed the rights to him.

Finlen Brought Suit.

Finlen brought the suit to recover the property on the ground that it was his, after he had fulfilled his contract to buy from the owners, and alleged that Heinze and the other defendants had no rights in it or claim to it at all. Later, the Boston & Montana company became the owner of the mine through purchase from him.

At the trial, as showing that he owned the mine, Finlen testified that he paid the expenses of running it for months after the conference at which the defendants alleged he agreed to sell it.

The first trial of the case was held before Judge Harney something over two years ago, and everybody is familiar with the fact that the mine was given to Heinze by Judge Harney.

Everybody is also familiar with the fact that the supreme court reversed the decision and remanded the case for a retrial, and gave as a reason for the reversal the conduct of the trial judge during the hearing of the case. The scandal that developed around Judge Harney and Mrs. Brackett is too recent in occurrence to require repeating.

SEVEN COUNTIES COMPETE

SPECIAL TO THE INTER MOUNTAIN.
Helena, Sept. 15.—Seven counties of the state have already entered in the competition for the prizes offered by the state fair directors for the best county collective exhibit.

LOG BUILDING FOR THE WORLD'S FAIR

H. L. FRANK SAYS MONTANA EDIFICE SHOULD BE AS RUGGED AND RUDE AS HER SCENERY.

LET IT BE PLANNED HERE

Thinks Local Architects and Contractors Should Be Given an Opportunity to Put Up a Typical Hall.

"A log building with a beautiful rustic design, to be constructed of logs from Montana and finished in Montana lumber, is what we are trying to get," said H. L. Frank of the St. Louis Exposition committee to the Inter Mountain today. "After receiving designs from the best architects and designers in the country, the best we could do was to receive nothing but stereotyped plans of such buildings and calling for an amount far in excess of the price we decided we could pay."

"It has been a most discouraging opposition and we were at our wits end when Senator Hoffman of Gallatin county proposed to give Montana the chance to bid on the building by erecting an edifice like those the early residents of the state occupied."

"Such a building would not only be appropriate but would cost much less than any of the modern structures."

Mr. Frank called attention to log buildings at Gardiner, Mont., near the entrance to Yellowstone park, as being an example of what the commission had in mind when the subject was discussed.

Buildings of this sort are to be found in the East and are generally the homes of hunting clubs. It is the intention of the commission to feature the agricultural, horticultural and educational exhibits, but of course the main exhibit will be the mining exhibit. This, however, will be the work of the mining companies throughout the state, and the expense of these exhibits will be borne by their respective companies.

FANATICS TRIED

Labor Leaders Are Said to Have Insulted American Flag.

BY ASSOCIATED PRESS.

San Juan, Sept. 15.—Large throngs attended the trial yesterday of two public speakers said to belong to the American Federation of Labor, who were arrested for publicly abusing insular officials and for threatening to meet Governor Hunt on his return here with black flags and to kill him if he refused their demands for the improvement of the labor conditions.

One of the speakers is charged with having declared that the American flag was "a rag only fit to cover rascals" and with making other wild remarks.

The trial is expected to be concluded today.

FEDERAL COURT IS AGAIN IN SESSION

LONG DOCKET CONFRONTS JUDGE KNOWLES WHO SETS MANY OF THE CASES FOR TRIAL.

Judge Knowles convened the federal court this forenoon. The calendar is a long one and the indications are that this session will last fully two months.

There are no criminal cases on the docket at this time. United States District Attorney Carl Rasch purposes calling a grand jury before the term is over, however. Judge Knowles will summon a petit jury about October 15.

Bankruptcy Cases.

At the session this forenoon the court ordered that Austin Gibbons and Ties Picotti be discharged from bankruptcy. The petition of Frank T. Hughes for final discharge from bankruptcy was objected to and the court set the hearing for September 17.

The objections to the petition for the discharge of Edward L. Willey from bankruptcy will be heard September 21.

Set for Trial.

The following cases were set for trial: William W. Haardt against the Oregon Short Line Railway company, September 16.

United States against the Bitter Root Development company, September 16.

On the motion calendar there were several settings.

John J. Newbegin against Lulu F. Largey, September 17.

Butte & Boston Consolidated Mining company against the Geyman Mining company et al., September 17.

Livingston Cushing against the American Development & Manufacturing company, September 16.

John J. Chambers against the First National bank, September 16.

Oregon Short Line Railway company against Joseph Shineberger, September 16.

George H. Casey against Lee Mantle, September 16.

Lulu F. Largey against Lee Mantle, September 16.

The following civil causes at law were set for trial:

Joseph O. Hudnut against the Britannia Mining company, September 23.

Charles A. Moore against G. R. Nicky et al., September 23.

TURKS SACK A MONASTERY

Berlin, Sept. 15.—A dispatch to the Tagblatt from Constantinople reports that the Russian monastery at Jerusalem has been sacked by a Mohammedan mob and that all of the monks there were murdered.

WRECKS ON FLORIDA COAST

BY ASSOCIATED PRESS.
Havana, Sept. 15.—The captain of the steamer Vigilancia, which has arrived here, reports many wrecks sighted on the Florida coast.

PAYNE CANNOT BE BEFORE THE COURT

POSTMASTER GENERAL SAYS HE IS UNABLE TO COLLECT THE EVIDENCE DEMANDED.

PAPERS WIDELY SCATTERED

Documents Needed in the Investigation Are in Use All Over America—He Sends a Substitute.

BY ASSOCIATED PRESS.
Washington, D. C., Sept. 15.—In accordance with a decision of Acting Attorney General Hoyt, declaring that the subpoena served on the postmaster general yesterday to appear at the hearing in New York today in the case of George W. Beavers, the former head of the salaries and allowances division, postoffice department, was void, the postmaster general has assigned Postoffice Inspector Lawrence Lethman as his representative at that hearing.

Postmaster General Payne said today that it was a physical impossibility to comply with the subpoena in any event, aside from the law in the case.

The subpoena, he pointed out, called for papers, documents and records covering operations of his department to be produced before the United States commissioner. These papers are in constant use in connection with the investigation of the postal service and are scattered throughout the country in the hands of the inspectors.

Charles Robb, the assistant attorney general for the postoffice department, has decided to continue permanently in that office instead of returning to his former position in the department of justice at the completion of his investigation.

Mr. Payne today admitted that the resignation of George Christy, the former law clerk of the department, was submitted some weeks ago, but that action upon it had been deferred pending the investigation of the affairs of that department.

Beavers Case Begun.

New York, Sept. 15.—The preliminary examination of George Beavers, the former head of the salaries and allowances division of the general postoffice, under the indictments returned against him by the federal grand jury of Brooklyn, charging him with conspiracy to defraud the government through complicity with the Brand-Dent Manufacturing company of Watertown, Wis., was commenced today before United States Commissioner Hitchcock. The defendant was represented by his counsel, Messrs. Morgan and Seabury, who were reinforced by a third lawyer, Max Stamer, who conducted the examination. The defendant, looking worried, though attempting to appear at ease, sat behind his counsel.

Moves to Dismiss.

The government side of the case was looked after by Assistant United States District Attorney Wise, General Henry T. Burnett, the United States district attorney, was also present, but took little part in the examination.

At the beginning of the examination Mr. Stamer moved to dismiss the proceedings on grounds that the facts as alleged in the complaint were insufficient and that no proof had been presented for the commissioner's consideration in support of the indictment and complaint as required by law. Mr. Stamer read a number of decisions supporting his contention.

MURDERER GONE

Breaks Jail and Goes Abroad With Smallpox Germs.

BY ASSOCIATED PRESS.

South McAlester, I. T., Sept. 15.—E. N. Short, a deputy United States marshal of the central district, who killed a coal miner on a Choctaw passenger train at Wister on Labor day, has escaped from Poteau jail and is at large.

Short was bound over on a charge of murder. He was suffering from smallpox, contracted during his confinement, and was not closely watched.

LOSS OF LIFE REPORTED TO HAVE BEEN HEAVY

BY ASSOCIATED PRESS.
Jacksonville, Fla., Sept. 15.—No reports have yet been received from Middle Florida, where it is now feared that the loss by the recent hurricane will be severe. Near Lake Butler two children were killed by the tornado. At Hale, a small village, 20 houses were destroyed and crops ruined.

MUST BEAR UNION LABEL

Labor Organizations to Protect the Products of Farmer.

The labor organizations of Butte will soon make a request of the commission merchants of this city that they handle only farm products bearing the union label coming from Stevensville and vicinity.

The Farmers' union of Stevensville has asked the co-operation of the Butte organizations and the statement and request are now being prepared for presentation.

The majority of the fruit growers of Stevensville are members of the union. It is the purpose of the organization to protect the wage scale of the laborers and to insure a fair price for the products of the farms.

MIKE CHERRY IS RELEASED

He Started to Shoot Up the Town in Centerville.

Mike Cherry, who was arrested last night and thrown into the county jail on a charge of disturbance, was released from the jail today on the order of the county attorney's office.

Cherry was drunk and had his fighting clothes on. He was accused of drawing a pistol and shooting holes in the atmosphere about his residence at Centerville.

CANNOT AFFORD TO SUBMIT TO TURKS

BULGARIAN GOVERNMENT WARNS THE POWERS THAT WAR IS BEING FORCED ON IT.

EXPECTS TURKS TO ATTACK

Does Not Believe Mobilization of Troops Is for the Purpose of Putting Down a Petty Rebellion.

BY ASSOCIATED PRESS.
Sofia, Bulgaria, Sept. 15.—Following are some of the points in the note which Bulgaria has just presented to the powers:

"What the Bulgarian government had foreseen, as expressed in its note of June 29, of the development of affairs in Turkey, has become amply verified. The Turkish government is systematically annihilating the Bulgarian people.

"The mobilization and concentration of such great forces in European Turkey, under the pretext of suppressing the revolution, gives Bulgaria reason to suppose that at an opportune moment she will be attacked by Turkey.

"The Bulgarian government can no longer remain indifferent in the presence of such a situation, which is of a nature calculated to bring about a hostile collision between Turkey and Bulgaria.

"If the great powers do not take measures to give the sublime porte councils of wisdom and of moderation, the Bulgarian government will be obliged to take the necessary steps to be ready for every eventuality and to not be taken by surprise."

Disturbances Feared.

BY ASSOCIATED PRESS.
Sofia, Sept. 15.—The American consul at Beirut telegraphs that the situation there is tranquil, although some fears are entertained of disturbances on the occasion of the feast of the cross.

The consul adds that a good impression was created by Rear Admiral Cotton's conference with Nazim Pasha, the acting wali of Beirut and the latter's repressive action as already reported by Admiral Cotton to the authorities at Washington.

Italian Fleet Ready.

London, Sept. 15.—A news agency dispatch from Rome says that the Italian fleet which has been concentrating off the coast of Sicily is held in readiness to leave for Turkish waters at a few hours' notice.

CORBIN IS COMING

Adjutant General of Army Is to Visit Fort Harrison.

SPECIAL TO THE INTER MOUNTAIN.

Helena, Sept. 15.—General H. C. Corbin, adjutant general of the United States army, will arrive in Helena next Monday. He is on a general tour of inspection of army posts in the West, and the object of his visit here is to inspect Fort Harrison.

General Corbin, in the days before he reached field rank, was an officer in the Twenty-fourth United infantry, now stationed in Montana. Company C, in which he served as a line officer, is now at Fort Harrison. The general was with the regiment 11 years, and the officers look forward to his visit with pleasant anticipations. From here General Corbin will go to Fort Assiniboine.

LIPTON IS ILL IN CHICAGO

Obliged to Retire Shortly After His Arrival in Windy City.

BY ASSOCIATED PRESS.

Chicago, Sept. 15.—Sir Thomas Lipton arrived here today from the East. With him were Colonel Neill, the well known yachting expert, who accompanied the baronet to this country, and Capt. Valentine Webster of the British army.

Sir Thomas will spend much of his time here in looking over his business interests and visiting friends. The one formal event arranged in his honor is a dinner tonight at the Chicago Athletic association to which 400 guests have been invited.

Shortly after his arrival Sir Thomas Lipton became ill with indigestion at his apartments in the Auditorium annex and it was found necessary to abandon all plans for entertaining the baronet today. His illness is not serious.

SHE RELINQUISHES OFFICE

Delaware Postmistress Decides to Withdraw From Field.

BY ASSOCIATED PRESS.

Wilmington, Del., Sept. 15.—Miss Huldah B. Todd, postmaster at Greenwood, Del., whose removal from office by the postmaster general because she was obnoxious to United States Senator Allee, and which attracted the attention of the entire country, has given up the disputed office to Jacob L. Houseman, who was appointed her successor.

HE WANTS HER ARRESTED

Aged Man Says Mrs. Welsh Has Defrauded Him.

An old man with white hair and trembling limbs appeared at the county attorney's office today and wanted a warrant issued for a woman whom he called Mrs. Welsh.

The old man said he lived in South Main street, and that he had been sick. He added that Mrs. Welsh came to his house and remarked that an ill man such as he should have chicken soup.

She offered to cook a chicken and make the soup if he would buy the feathered biped. He agreed to the proposal, he said, and gave the woman \$5. She went away to buy the chicken, he says, but she never returned.

Mr. Coleman of the county attorney's office said he would look into the matter.

IN FAVOR OF THE TREATY

Bogota, Colombia, via Buena Ventura, Sept. 14.—A reaction in favor of the canal treaty has occurred in the house of representatives, but the senate is still opposed to it.

CARTER HARRISON IS LOST IN BUTTE

MAYOR OF CHICAGO ARRIVES, BUT WHERE IS THE REASON HE WAS TO HAVE HAD?

TAKES STROLL ABOUT TOWN

Genial Dad of Windy City Meets a Lone New Yorker Man and Walks to See Butte.

Carter Harrison, mayor of Chicago and the big chief of the Windy City democrats, walked quietly into the Thornton hotel this morning, carrying a box containing a new pair of shoes and a small hand grip. He was tanned brown from weeks spent in the mountains hunting, and his blue suit looked as if it had weathered a storm.



CARTER H. HARRISON.

He was alone and not a soul was there to meet him save the hotel clerk. After breakfast he took a walk about the city with a newspaper man. He seemed anxious to see all there was of Butte during the short stay he made.

He Has the Grip.

"I had to run to catch the train last evening at Monida and all I got away with was a little grip," he said.

"A party of my friends and I have been hunting for the past three weeks on the Snake and Madison rivers. We got to Monida just in time to see the trains pull out. I made a run for mine and caught the rear car. My friends were going the other way, and the whole bunch got left. My baggage is down at Monida yet, I think."

He wanted to know where the mines of Butte were. His gaze was directed to Anaconda hill with its bristling smokestacks.

"Guess I'll walk up that way," he said, and he started toward Centerville.

Missed the Reception.

When he was informed that a reception had been planned for him last evening, he said:

"I didn't intend to arrive here until this morning. There must have been a misunderstanding about the time. When does the mayor get down to his office?"

He was informed that the mayor usually took up the burden of municipal affairs at 10 o'clock. The city hall was duly pointed out.

"After I finish this walk I'll go down there and call on him. I've heard a great deal about Butte and I want to see all I can of it while I am here. I suppose those are all copper mines up there on the hill."

He Wanted to Know.

The mayor of Chicago wanted to know all about the big mines.

"Lots of silver was mined here at one time, wasn't there?" he asked. I suppose they had to close down when the price of silver fell off.

"This town is somewhat different from what I expected to see. I thought Butte was a camp, but I find it a good sized city. Where is all the smoke that I have heard about?"

The sun was shining brightly, and if Butte was a smoky city it showed no sign of it this morning when Chicago's chief executive strolled up Main street.

Butte Labor Unions.

"You have lots of labor unions here, haven't you?" he asked. "I've heard about Butte and its great labor organizations."

Being asked concerning the labor troubles in Chicago, he replied:

"Most of our trouble down there has been caused by dissatisfaction of some of the newly organized unions. The older bodies have no grievances that have not been settled. No, I don't think we have had any more trouble this year than usual.

"The teamsters' union had things tied up for a time, but it has taken no part in the recent strikes. There was a time when some of the smaller unions endeavored to get the teamsters to help them out, but they have seen that they were being used and have held aloof from strikes that do not concern them."

Called on the Mayor.

When Mayor Harrison returned from his walk he went down to the city hall and visited Mayor Mullins. He met the city officials and spent considerable time in discussing the management of municipal affairs.

WEATHER

Fair and continued cold with frost tonight.

RAPPING OF GAVEL BY SENATOR CLARK

IRRIGATION CONGRESS OPENS WITH DELEGATES FROM ELEVEN STATES PRESENT.

LETTER FROM PRESIDENT

Roosevelt Writes of His Interest in Proceedings—Hitchcock Promises Official Support.

BY ASSOCIATED PRESS.
Ogden, Utah, Sept. 15.—With delegates present from 11 states west of the Mississippi, representing practically every important commercial organization in the great territory included in the semi-arid and arid region of the country, state and municipal governments the eleventh session of the National Irrigation congress opened here today.

The sessions will continue until Friday, and during that time much important action is expected to be taken looking toward the reclamation of the vast unsettled territories of the west that but await the touch of water to blossom and bear fruit.

Not since the beginning of the movement looking toward government aid in a vast scheme of irrigating the arid West, has so much interest been taken in the meetings of the irrigation congress, and during the four days sessions irrigation and its kindred subjects, forestry and colonization, will not only be discussed, but practical illustrations of what irrigation is doing for the west will be given.

Distinguished Speakers.

Among the speakers will be United States senators and governors of a half-dozen states of the west, government experts in forestry and irrigation and representatives of many scientific, forestry and organizations and colonization movements.

Delegates continue to pour into the city, every train arriving this morning bringing in hundreds interested in the work of the congress.

Although the first meeting was scheduled for 9:30 a. m. it was considerably beyond that time when President W. A. Clark ascended the platform of the tabernacle in which the meetings are to be held, and rapped for order. The venerable President John R. Winder, one of the co-councillors of President Joseph Smith, delivered a brief invitation at the conclusion of which Mayor William Glassman of Ogden was introduced and delivered an address of welcome on behalf of Utah.

Address of Welcome.

Mayor William Glassman, in his speech of welcome, said:

"I congratulate you and the people of the arid section of the United States in being able to convene in session during this congress and contemplate the enjoyment of the fruits of the unceasing toil and labor of 11 years in behalf of irrigation in the United States.

"For 11 years the irrigators of this country have met year after year with one great object in view—to secure national aid. Everlastingly kneeling at the feet of this government, under the leadership of President Roosevelt, to grant us several million dollars annually. The most ardent irrigator could not ask for a more liberal appropriation.

"A prominent Eastern newspaper has asked the question, 'What is the need of any more irrigation congresses now that the government has set aside the receipts of the public lands for the reclamation of the arid West?' I want to say there is more need for an irrigation congress today and in the future than there ever was.

"True, you have the money appropriated by the government, but it will be the privilege and the duty of this congress to see that this money is properly used and not misapplied or wasted. You have greater work before you at this session than at any time during the 11 years history of the irrigation congress. You must be able to pro-

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TO INCREASE FORCE

POLICE COMMITTEE DECIDES TO RAISE THE TOTAL FROM 46 TO 54 MEN.

The police committee has decided to increase the police force from 46 men to 54. The three mounted police will hereafter be without horses.

The increase contemplated by the committee is in reality an addition of only two men. There are six policemen who have been working regularly, but who are not on the payroll. The council has refused to confirm their appointment, and although they are doing duty they are doing it without pay, so far at least.

The addition to the police force has been made necessary by the eight-hour day now in vogue in the police department.

IMPOSSIBLE TO GIVE JETT A FAIR TRIAL