

JOHN TULLY MUST HANG FOR MURDER

DATE OF EXECUTION OF COLORED INFANTRYMAN SET FOR FEB. 26 BY THE COURT.

HE STILL HAS A CHANCE

Supreme Court May Set Aside the Judgment—Claimed Crime Was Committed on Reservation.

SPECIAL TO THE INTER MOUNTAIN. Missoula, Dec. 30.—Friday, February 26, 1934, will witness the execution of John Tully, convicted of murdering Thomas Kennedy at Fort Missoula, unless the supreme court sets aside the judgment of the district court. Judge Webster has sentenced Tully to pay the penalty on that day. The court did not pass sentence until he had overruled the motion of E. E. Hershey, Tully's attorney, for a new trial.

A bill of exceptions to the sentence will be prepared by Attorney Hershey, who was allowed 25 days to do it in, and this failing to arrest the execution of the sentence, an appeal will be taken to the supreme court.

The motion for a new trial was based on the alleged ground that the crime was committed within the limits of Fort Missoula, a government reservation, over which the local court had no jurisdiction, the defendant claiming that the cause should have gone before the federal court at Helena. Attorney Hershey proved that the crime had been committed on section 36, a part of which is in the reservation. Charles H. Hall, county attorney and prosecutor for the state, produced the official records of the government, prepared by the war department, which showed that while several secretaries of war had repeatedly asked congress to set aside section 36 for the use of the fort, some of the fort buildings standing thereon, congress had finally refused to do so, and, accordingly, if any part of the reservation infringed on the section, it was not in accordance with the state law of Montana, which reads that sections 16 and 36 of each township shall be set aside for school purposes.

The fact that the court held this contention by the state to be valid sets an important precedent in the judicial decision of the state.

PRESIDENT TO BE A WITNESS

Notables to Be Subpoenaed in Action of Wales vs. Mitchell.

BY ASSOCIATED PRESS. Binghamton, N. Y., Dec. 30.—It is reported that President Roosevelt, Senator T. C. Platt and J. Pierpont Morgan and other prominent men will be subpoenaed as witnesses for the trial of the action of A. D. Wales of this city against President John Mitchell to recover \$200,000 for suggesting the plan which Mr. Wales claims was followed in settling the big anthracite coal strike a year ago.

The case is on the calendar for the term of the supreme court to convene in this city next Monday. It is not known whether it will be reached for trial at this time, however, as the Cantile case may be tried at this time.

ARCHBISHOP FARLEY IS TO GO TO SEE POPE

Important Matters Will Be Discussed in the Vatican.

New York, Dec. 30.—Archbishop Farley of this city has received an invitation to visit Rome to attend the celebration of the jubilee of the immaculate conception, and will sail early next month. Three important church questions are likely to be brought to an issue while the archbishop is in Rome.

They are the supposed need for missionaries, especially for the Italians, and the selection of a coadjutor bishop for this diocese, and the placing of an American church in direct communication with the Vatican by establishing canon laws here and removing the restrictions provided for this as a missionary country.

RADIUM REMOVES CANCER

New York, Dec. 30.—Radium is reported to have removed a cancer which had spread over the entire right cheek of William Hoffman, 62 years of age, at Newark, N. J. When he came here for treatment several specialists expressed the belief that the growth could be removed by cutting away nearly all the flesh on one side of his head.

SANTA FE IS PUT ON THE BLACK LIST

MEMBERS OF A. F. OF L. ORDERED NOT TO PATRONIZE ROAD.

BY ASSOCIATED PRESS. San Francisco, Dec. 30.—The Call today will say: The Santa Fe system has been placed upon the black list of the American Federation of Labor, and all those who are affiliated with that organization will be instructed not to ride upon the lines of that corporation or ship thereon after January 1.

This action was taken by the central organization of the American Federation of Labor, at the request of the Order of Railway Telegraphers and is due to the fact that the Santa Fe system has never recognized the telegraphers' organization since the strike on that system some years ago, which the telegraphers lost.

The Order of Railway Telegraphers is connected with the American Federation of Labor and it is now announced that immediately after the first of the year the general organization will declare a boycott on the big railroad system and will prohibit its members from patronizing it in any way.

For Sale—Reasonable terms; beautiful 8-room modern cottage; hot water heat. Inquire at premises, 806 West Granite st.

DEAD IN HIS CABIN

SPECIAL TO THE INTER MOUNTAIN. Plains, Dec. 30.—An elderly man by the name of Newlander, employed as a herder by Angus McDonald, near here, is dead. He was found dead in a cabin on the reservation. Death is supposed to have resulted from natural causes, but it is being investigated.

RAIFF SUIT AGAINST N. P. SOON TO COME UP

SPECIAL TO THE INTER MOUNTAIN. Missoula, Dec. 30.—S. G. Murray, local attorney for the Northern Pacific, has been taking depositions for use in the \$100,000 damage suit of Mrs. Raiff of Seattle against the company.

Last spring, in company with a number of others, Mrs. Raiff was injured in a wreck on the Northern Pacific near Bonner, and, with several others, brought to the hospital in this city for treatment. Some time afterward, when she was able to travel, Mrs. Raiff left for her home in Nebraska, and soon after that instituted suit against the railway company for \$100,000 damages in the United States circuit court. The case has been pending since last summer.

Look at the display of Ozotonic in Grocery department windows at Hennessy's tomorrow.

DISTRICT COURT ADJOURNS

SPECIAL TO THE INTER MOUNTAIN. Missoula, Dec. 30.—Judge Webster yesterday adjourned district court in Missoula until the February term. Court will be held at Hamilton during the interim.

County Treasurer Dan J. Heffron sent out notices last evening to all professional men in the county requiring them to pay the county license of \$8 per quarter on or before January 4, in compliance with instructions handed him at the last meeting of the board of county commissioners.

The class of professional men embraced in the order includes lawyers, physicians, dentists, realty and insurance agents. Considerable interest attaches to the sending of the notices in that similar notices have been ignored in the past, only one or two barristers responding to the call.

Married in Missoula.

SPECIAL TO THE INTER MOUNTAIN. Missoula, Dec. 30.—Judge William Hayes married John Waller, 40 years old, yesterday, and Elizabeth Sanson, 28 years old, yesterday, the ceremony being performed in his justice court. The groom is a son of Mr. and Mrs. Andrew Waller, and the bride a daughter of Mr. and Mrs. Riley Sanson. Each of the contracting parties lives at Plains.

930 Men Out of Work.

Chicago, Dec. 30.—On account of the closing of the Illinois Steel mills at South Chicago, 800 employees of the Chicago, Lake Shore & Eastern railway, which is operated by the steel company, have been laid off and 130 more discharged.

UNION MEN BARRED BY FIRE CHIEF

MUST WITHDRAW FROM UNIONS OR LEAVE THE DEPARTMENT.

BY ASSOCIATED PRESS. Chicago, Ill., Dec. 30.—Chief Musham of the Chicago Fire department will compel union labor members in the department to withdraw from unions or retire from the city service.

The fire chief will commence his work next week. Sufficient time will be given the firemen to withdraw from the unions in compliance with the rules of the organizations, but if any employe has not withdrawn by January 15, charges will be preferred against him for violation of orders.

AT CHRISTIAN CHURCH

WATCH-NIGHT SERVICES BY CONGREGATION IN MISSOULA—THE PROGRAM.

SPECIAL TO THE INTER MOUNTAIN. Missoula, Dec. 30.—There will be elaborate services at the Christian church tomorrow evening, commemorating the passing of the year 1933 and the dawn of a new year. There will be excellent music and addresses as well as devotional exercises in keeping with the day. The program is as follows:

Piano solo, Miss Zona Shull; recitation, "The Drawing Singer," Miss Ella Peters; vocal duet, Mrs. Collins and Mrs. Cook; vocal solo, Mrs. VanValen; instrumental selection, mandolin trio; vocal duet, Mr. and Mrs. McKay; reading, "The Day of Judgment," Miss Ruth E. Kellogg; vocal solo, Mrs. McKay; piano solo, Mrs. R. H. Hall; vocal duet, Mrs. McKay and Mrs. Winstanley; piano duet, Miss Zona Shull and Miss Eva Coffey; vocal solo, "Life's Lullaby," Mrs. Winstanley; vocal solo, Mr. McKay; piano solo, Mrs. Tillingshast; selection, mandolin trio; hymn, "When the Roll is Called Up Yonder," congregation. Roll call of members.

Address, church finances, E. E. Hershey; report of treasurer, S. J. Coffey; paper, "Help Those Women," Mrs. N. G. Tevis; symposium, "Looking Forward," J. J. D. Jenkins, W. S. Byram, Dr. Brown, J. Shul and R. F. Perkins; social session; "He That Hath Friends Must Show Himself Friendly."

Illustrated songs, "The Old Kentucky Home," Mrs. Stephens, Mrs. Winstanley, Mr. Sutcliffe and Mr. Perkins; solo, "The Star Spangled Banner," Mrs. Van Valen; "Albion With Me," the choir; duet, "Rock of Ages," Mrs. Sawyer and Mrs. Collins. Devotional service led by pastor. Mizpah benediction.

See the grand display of Ozotonic of Malt and Hops in Hennessy's Grocery department windows.

ACCIDENTALLY SHOT

SPECIAL TO THE INTER MOUNTAIN. Bozeman, Dec. 30.—Coroner Trent has gone to the East Flathead to investigate the killing of Fred Bowen, a rancher, who accidentally killed himself while out hunting. He was with two others, one of whom is his half brother, and was in the act of placing his rifle in the wagon when the weapon was discharged.

The ball entered his breast, death being almost instantaneous. He leaves a widow and four small children, who are living in Livingston. The dead man came to Montana recently from Kansas.

"As You Like It" Entertained.

SPECIAL TO THE INTER MOUNTAIN. Missoula, Dec. 30.—The "As You Like It" club was entertained at the home of Mrs. S. G. Murray at 338 East Spruce street yesterday afternoon, the following being present: Mesdames Murray, Lombard, Hatheway, Hall, Miles, Tevis, Pearson, Knowles, Grant, Myers, Catlin, Gallows, Sterling and Worden, and Misses Hatheway, Taylor and Winstanley. Refreshments were served at the close of a delightful program, in which Miss Winstanley sang a number of solos; Miss Alice Hatheway played several instrumental solos on the piano, and Mrs. Murray, the hostess, gave a reading.

INTER MOUNTAIN'S DAILY SHORT STORY

SATURNIN ERNEST BENJAMIN.

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Saturnin is a juggler and an honest man; he was married before the war and before the cure, he loves his wife like a bourgeois, and he amuses the people like an artist; he is already as popular as a hero; he is the Roccius of the people.

He was born at Batignolles and at Batignolles he desires to die. To be sure, he visits every year the big cities of France—Bordeaux, Toulouse, Lyons and Marseilles—but his visits are of lightning speed, and, like Talma, who refused to play when the audience did not suit him, he does not let himself go at any of them. But at Batignolles, before this audience of the elite that trembles and vibrates, and feels and marks the strong places, Saturnin plays for all there is in him, proof of his art and content with his audience.

And so it happens that tonight, after an absence of three months, he is about to celebrate his homecoming in his greatest piece; he is going to play the role of Don Pablo, the count of Mongibelo, in "The Hand of God, or the Reconquest of Virtue." It is a gala night for all the artisans, the employes and the storekeepers of Batignolles. They have had dinner early and rushed frantically through it, and they are now dressing.

Saturnin's return is a great event. These honest people are going to amuse themselves at little expense, their enthusiasm will be real, their applause sincere and their critics a just. Saturnin will be grandly feted and he will have deserved it.

Yet never has any day seemed longer to Saturnin and never was there any evening so cruel and deceptive. All the time that the crowd was piling gaily in upon the wooden seats, and while the hand-organ was breathing the most wonderful airs, and the heavy soles were falling in handfuls into the iron box, put there to receive them, Saturnin was hiding his face in both hands to stifle the sobs that were breaking his heart. As there in the green wagon sits the must-stained wheels, connected with the theater by a traveling stairway, and which serves at once as the artists' greenroom, the manager's office and private apartment, a sorrowful drama is being enacted, in this movable house, dragged by a half pay horse who had tasted the grass of every country fair, there, in the beg bed, a woman of 30 years lies dying. She is Saturnin's wife. It is typhoid fever that is killing her.

Only last week she was as brisk and gay as the birds in May, playing with Don Pablo's halberd, striking the black beard on the chin of the wicked traitor, snuffing herself in the furs of the beautiful princess, and holding Saturnin lovingly around the neck, saying: "That art my lion-hero, superb and generous." Now, tonight, she is dying. And Saturnin, the Hercules, wept, beating the planks by his repeated walkings, sitting down, rising again, going out, coming back, overwhelming and broken by his sorrow.

The scene was terrifying. Already his comrades, from force of habit, have assumed their costumes and are preparing the stage, but without any real or eager interest. They all love Saturnin and from moment to moment, come to hear the latest news of the poor sick woman. It is breaking their hearts. Under their splendid costumes, these people whose business it is to laugh and cry without desire, are, this time, weeping real tears.

Their consternation was at its height when Saturnin, utterly crushed, declared that he would not play.

"Make the announcement, my good Julius," he said to a boy as long as a day of fasting and as wrinkled as the witches of Macbeth, "You can play the part! But understand, my children, count no more on me, I am a finished man." "Saturnin, Saturnin, courage," replied Julius. "Without you, nothing can be done! It were better to give back the money." "Very well, give it back." But just then the sick one raised herself in bed, her face pale, her lips colorless and drawn, and said: "Saturnin, they have cheered thee, have they not? They are cheering thee again. Listen, how they clap their hands. They are calling thee, go on to the stage, go and salute them, go, go!—He has gone—good. You know the great scene where he learns his wife is dead. It will be superb tonight. I am tired, oh so tired. Good-night. To your places, friends, and be proud. Saturnin is with you."

The fifth act is about to begin. The sick one is dying softly, the death that God keeps for his chosen ones. She smiles, Saturnin is on his knee by the bed, his face hidden in the coverlet, his arms hanging, his fingers tightly clenched. Julius enters.

"Saturnin," he says gently, "it is thy turn, thy great scene has come, go, my part is finished, I will stay with her. Be content, I will watch well." And the poor man, springing up like a man gone crazy, climbs the little stairway with a single bound and goes upon the stage, his hair in disorder and his eyes wet with tears.

His entrance made the hall shake with cheers. Then, intoxicated with this echo of former happy days, he plays his great scene like a master. His looks are wild, his demeanor overwhelming; his speech has periods and gradations where the torture of his soul is painted clearly. His voice at first is filled with tears, then supplication and now threats. It is grand. Justice descends in the drama as the day descends upon the earth.

At this moment Saturnin recognizes Julius' step behind the curtain at the back and hears the words: "It is all over; she is dead." Then, beating his face with his fists, tearing at his hair by handfuls, his body thrown back, he cries: "My wife is dead! My wife is dead, do you understand, she is dead!" And he fell to the floor in the midst of his frightened companions and before the audience delirious in its applause. The play was ended.

The next morning the public letter-writer, the oracle of the honest people of Batignolles declared that Saturnin had played his part as though it were a reality. At nightfall, many who had not seen the renewal of "The Hand of God," and many more who had seen it, wended their way toward juggler's theater. Alas! each

one was forced to turn their steps homeward again, silent and full of consternation.

Saturnin was seated on a chair, at the window of his wagon, his elbows resting on his knees, his face between his hands, indifferent to the noise outside, suffering a man's agony and weeping the tears of a child. Outside, on the front of the theater was fastened a notice, deeply bordered with black, upon which was written in ink: "Closed on account of death."

ADVERTISED LETTERS

Letters advertised at Butte, Mont., for the week ending December 26, 1933.

Beet Alley, Mr. and Mrs. Antonelli (2), Miss Bert Adams, Mrs. Amanda Anderson, Albert Anderson (2), C. R. Adams (2), Charles Alexander (2), E. L. Aladala, Henry V. Anderson, Harvey Aiman, Mrs. Harrison Arkes, L. V. Arguendo, Job Anderson, James L. Adams, James Anderson, Jacob Aho, J. C. Ambrose, James R. Anderson, Mrs. Kate Anderson, Mrs. Matilda Anderson, Mrs. M. E. Ardan, Rosling Ahlsten, William T. Adams.

Mrs. William W. Butler, W. W. Bowman, Albert T. Bartelom, Annie Barnett, Ben Hood, Claude Brown, Mrs. Clara Brook, Charles F. Bateman, Edwin A. Brown, Elsie Byrne, Mrs. Eva Barker, Frank C. Bagley, G. H. Clark, Mrs. George Beach, Gabriel Boyd, J. W. Bromberg, Mrs. Johanna Bowman, J. W. Brown, L. Banchoer, Mrs. L. Brooks, Max Bauer, M. Berbo, Ruth M. Brewer, Roy M. Perry, Richard Brennan, Thomas Broderick, Thomas Brennan, Viola E. Bryson, Mrs. Wesley Bartley, N. D. Black, Mrs. Will Brown, William Brown, William J. Bray.

A. Coley, Addie Cooper, Albert Collins, Courtney Bros., Carl Griffin, Charles L. Carlson, Ed Clark, George Cole (2), Henry Cushing, Harry T. Cunningham, John Caulfield, James Collins, John Coleman, M. J. Carroll, Ming Collins, Mrs. Peter Grevera, T. J. Cummings, Sadie K. Caskey, Dr. T. Christopher, W. E. Crain, William C. Clark, J. J. Calcott, Patrick Cleary.

John Donnelly, A. A. Deusel, Charles J. Dolan, John Donnelly, Mattie M. Driscoll, P. Donahue, Rose Dennis, Sallie Davis (2), Mrs. Rose Estayana, Etha (2), W. Elderkin, Elizabeth Edleman, Julia Early, John Edwards.

John Flynn, Evan Fisher, Joe Fox, Mrs. J. Foot, John Fortin, Marie Farcy, Maud Fox, Willard B. Fletcher, Aug. Frandler.

Mrs. Catherine Gilligan, James Gallagher, Jennie Gillick, Mary Gardayse, Robert Harrison, Mrs. Hartnell, Claude Harless, Caroline Hanson, Flossie Hooper, George Harrette, George W. Howe, Gullia Handfield, Brenda N. Henay, Mattie Home, Frank L. L. Hall, Mrs. Mary Helson, Mike Hogan, Matt Hogan, Dr. M. K. Heslop, Mrs. Matilda Haase, Martin Holmes, W. W. Hoagland, Mrs. R. Hopkins.

William Irvine, William Jackson, A. Johnson, Dr. A. W. Johnson, Axel Johnson, Frank Johnson, G. F. Johnson, John Jones, May Jones, N. E. Jones, J. C. Johnson, Mrs. Tom Judge, Victor Jelick, C. B. Jefferys.

H. Koch, K. Kishimoto, S. Kameo, Maggie Kelly, Mrs. Kemp, Harold N. Kennedy (2), William Lee, Margaret Lynch, Bernard Lavell, Miss E. Lese, Mrs. C. F. Lindsay, C. S. Lewis, E. J. Long, Mrs. G. W. Leighton, John Lohan, L. E. Lakiano, M. S. Lathrop, Maud Lear, Mrs. Olive Lifer.

Miss Alice Marx, Mrs. Mary Mullenbach, Masindas Drug Store, Anna M. Martin, A. Michel, Mrs. Charles Murray, Charles J. Merrill, Mrs. C. W. Morrill, Dave Morgan, Dr. George Mohr, John Magus, Jessie Avall, Dr. J. R. Masterson, Lena Martin, Lily Maiter, Lillian Martin, Mike J. Myers, Mort Mitchell, Nat. Mitchell, Nicola Marey, Oscar Miller, Thomas Morrissey, William H. Morgan, D. S. Murphy, Charley Moe.

Asa McAfee, William MacBrown, R. H. MacCarroll, Margaret McCaffery, Miss E. McCullough, Robert McCovey, Mrs. George McDonald, Mercy McDonald, John McDonnell, John McDermott (2), Katie McOrath, T. McGlan, Mrs. J. J. McGrath, Mrs. Sallie McGraw, Harry McIntyre (2), J. McIntyre, Tene McPherson, Mrs. John McKeenan, Thomas McLaughlin, Mrs. M. G. McLeod, Mrs. Tom McMillen, Billy McNeely, J. McNaught, Jas. McNamara.

Beatrice Netz, Chris Nelson, Elizabeth Nichols, Mrs. Mary H. Norris, Francis Nichols, Miss A. Nash, Mrs. Kittie Naynes, Mrs. S. Nicholas, Marie Nelson, No. 501 South Main, No. 90 California avenue, P. C. O'Neill, Olaf Olsen, Mary O'Connell, John C. O'Reilly, H. E. Olson, Dan O'Neil (2), Charles Olson, C. E. Olson, George O'Malley, Mrs. Adelia Osburn, Mr. O'Brien.

A. W. Pinkerton, Belle C. Price, Mrs. Belle Peck, Bessie Peck, Nels S. Peterson, Patrick Prendergast, L. Foole, Lillian Paschall, L. F. Proclomon, Mrs. J. E. Pampin, John Powers (2), Joe Pondergast, George Prente, Grace M. Pteard, Eugene Price, E. C. Paige, Charles D. Perkins, Mrs. Cerecie Potter, A. B. Peterson, Alice C. Fraul, P. Powers.

Queen Wing, E. W. Riggs, Miss Etta Rowe, Mrs. G. W. Rust, Mrs. Harry Remick, J. M. Rieley, Dr. J. W. Reed, John Richie, J. R. Russell, Mrs. Jeannette Rogers, M. D. Ring, Mary Ruchola (2), Mary R. L. Riggs, Minnie Rogers, M. Richey, Miss N. Robinson, P. Richards, Mrs. May Reosp, Zella Randel.

Lee Smith, S. D. Sunswalt, James J. Sullivan, Timothy Sullivan, Clifford Spicite, Lottie M. Smith, J. W. Smith, John Smith, Araminta Stewart, A. Stott, Albert Swanson, N. Sugahara, Ben Shuster, Corinda Scott, C. J. Silk, Mrs. E. Steinberg (2), Emilie Spontoni (2), Fred Seixas, Mrs. Florence Schultz, G. H. Steater, G. A. Shoemaker, Henry Scholl, James Speller, Lynn Sime, M. Stribinger, Mai Shaugnessy, Mabel Slater, Netale Simon, Mrs. Nellie Slater, Mrs. R. Schmitz, R. A. Scott, T. Sasahi, W. Schuessler.

Annie Treague, Cynthia Taylor, Eliza Tippet, Ed Thompson, Frank Thompson, Harry Taylor, Ida Takai, J. H. Tremury, Jevto Tomasevich, William Thomas, William Tracy, George L. Ulrich, E. Underwood.

Mrs. Grace Vall, M. G. Vanina, Earl E. Van Antwerp, F. T. Vincent, Alexander Walker, Mr. Watson, Alice Wilcomb, A. Wickman, Clara Wilkinson, C. F. Woodman, Charley Wagner, Deenie Weaver, Elmer Woodman, Mrs. Amanda Wilderstedt, E. Leroy Wilkinson, George Wedekind, Geo. H. Whiteman, H. W. Weems, Mrs. Jane Weir, Jennie Wilson, J. Ward, Lizzie Wiedeman, Mrs. Lucinda Warner, Mrs. Mary Wall, Robert Whitney, Rae Williamson (2), Mrs. R. S. Whiteman, Tom Weston, Uola Woodman, William Winte, Western Co-Operative Teachers Agency.

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