AGAINST FOOTE.

Judge Blake Renders a Decision in What is Known as the Lot Jumping Cases.

Mrs. Ming, the Plaintiff, is Sustained and the Judge Gives His Reasons in Detail.

Full Text of the Decision Which Will Have Bearing in Similar Cases Yet to be Determined.

Yesterday morning Judge Blake rendered his decision in the case of Katherine L. Ming vs. George B. Foote et al., against the defendants. The decision will affect a number of similar cases. The history of the case determined is about as follows: Mr. Foote and others applied to Probate Judge Clements for lots 1, 2, 3, block 417, Helena townsite, according to the McIntire survey. The lots front on Eighth avenue, just west of the central school house, and Judge Clements on representations made issued the deeds. The lots are also claimed by Mrs. Ming under a deed from Probate Judge Hilger to Ming and Wells, which deed simply describes the property as lots a 1, 2 and 3 in block 417, according to the Wheaton survey. The Wheaton survey, or what is left of its townsite map in the clerk and recorder's office, and the McIntire differ slightly as to the size and location of the lots, so that Mr. Foote claimed that the lots deeded to Ming and Wells are not the ground now claimed by Mrs. Ming, the executrix of John H. Ming, and that lots 1, 2 and 3 of the McIntire survey were vacant ground until Judge Clements issued the deed for them. The plaintiff, on the other hand, claims that the lots are the same as were deeded to Ming and Wells and the same ground upon which Mr. Ming paid taxes for years. In his decision Judge Blake holds that the first deed, that issued by Judge Hilger under the Wheaton survey, is good, and that the one issued subsequently by Judge Clements is null and void.

In the case of Catherine L. Ming versus George B. Foote I have prepared twenty findings of fact and ten conclusions of law, so that in any events which way the decision of this court may be, the parties who may consider themselves aggrieved by the decision of the court can have ample redress by appealing to the supreme court, and in a case of this kind it is fair to assume that somebody will feel aggrieved by my decision.

The plaintiff seeks to recover by what must be termed an action in the nature of ejectment, lots 1, 2 and 3 in block 417, and the answer alleges title in the defendant. It is to be observed, in the first place, that this answer does not seek in any way to show that the property claimed by the plaintiff is different from that which is occupied and possessed by the defendant; so that on the pleadings the tract of land in controversy is the same. It appears that in 1868 and 1869 the probate judge of this county, acting by virtue of law, Helena at that time having no corporate existence, obtained under the laws of the United States a patent for what is denominated the townsite of Helena. It further appears that by order of the probate court a person by the name of Wheaton prepared a plat of Helena townsite. There is no evidence before the court to show that any field notes of the survey were ever filed with the proper authorities. But that plat was approved by the chairman of the board of county commissioners, it was filed in the office of the county clerk and recorder of this county by the county clerk, and from that time until 1885, it constituted in my judgment the official plat of the townsite. Testimony has been offered and introduced to show that the plat was incomplete. It is claimed that there were no field notes accompanying it; that there was nothing upon the plat to indicate courses and distances, or any material fact of that character. I will say in answer to that that the court has a judicial knowledge of government surveys, and the court is presumed to know where certain standard lines have been established, those facts being ascertainable by consulting any maps or governmental surveys, and this court will presume, in the absence of anything upon the plat to the contrary, that when a plat is presented to it that the right hand side is the east and the left hand side the west, and so on with the other cardinal points; and the court will also presume that when a person holds the Wheaton plat in that way, and wishes to ascertain where a block or lot is, he will go to the nearest fixed corner that has been planted by the officials of the United States in making the survey. Those experts who have testified that this Wheaton plat is incomplete, and so far as this block 417 is concerned, inaccurate, have been enabled to demonstrate to their satisfaction, by commencing at a certain initial point that the land claimed by the plaintiff is from 80 to 100 feet distant from the land claimed by the defendant. But, as already intimated, this is a question which the defendant cannot raise under the pleadings in this case. If the land was, as stated by the defendant upon the witness stand, and as his experts appear to have shown to their satisfaction by plats, an entirely different tract, then he ought to have alleged that fact in his answer, and he has failed to do so. Therefore that much of the evidence that was introduced showing that Main street had been changed, and also in relation to various other changes that have occurred, I hold to be irrelevant and immaterial and have accordingly excluded it. And so likewise in relation to the objections to the introduction of the Wheaton plat, under which so far as I am informed every town lot in Helena has been entered and claimed, I have overruled these objections.

The real point in controversy was the introduction of the deed from the probate judge to the plaintiff's predecessors, constituting the very foundation of the plaintiff's title. It clearly appears that the probate judge granted more lots than he should have granted, and that the consideration was insufficient, and it does not appear that they were actual occupants of the files at the time that deed was issued by the probate judge of this county. It is claimed, therefore, by the defendant that the deed was absolutely null and void. Now, I recognize the full effect of the decision of the supreme court in the case of Edwards versus Tracy, reported in the second Montana, and also the authorities which are found in the Colorado reports, as well as a number of other authorities, as to the beneficiaries of what might be termed a townsite trust, and am also aware that the law was passed expressly to give occupants and bona fide settlers their rights in the townsite; but I am also of the opinion that is a question which this defendant cannot raise in this action. In other words, if the probate judge has conveyed away property without any authority of law to persons who were not entitled thereto, his act should be nullified by a direct proceeding by the corporate authorities holding the land in trust for the townsite of Helena, and so long as that is not done, then as between the plaintiff and defendant in this action, the defendant cannot raise the question. And then further, when the trustee of this townsite, although he may, without authority of law, have issued improperly this deed to Ming & Wells, still when he did do it, and the deed was placed upon the records of this county, the trustee then parted with the legal title, and when the grantee of the defendant, in compliance with the probate judge then in office should have looked at his books, and when he saw that his predecessor had conveyed the title to lots 1, 2 and 3, in block 417, he should have refused to execute any deed. He had no right to assume the functions of a court, and by his act seek to nullify what had been done by his predecessor, which could only be done as the result of a judicial inquiry after judgment being duly entered. I am therefore of the opinion that the deed which was executed to Ming and Wells was, so far as this action is concerned, the one which conveyed the legal title, and that the deed under which the defendant claims, issued by the probate judge to the grantors of the defendant, conferred no right, title or interest to the premises in controversy.

It appears that in 1884, under an act of the legislature passed in 1883, another survey of the townsite of Helena was made by a person named McIntire. In my judgment the effect of the McIntire survey was simply, as the law itself says, to confirm the rights and interests of the parties who had previously received deeds from the probate judge. There was no power in the legislature to pass a law by which the rights of these parties could be impaired. Now, conceding that, as these experts have testified, they could not find lots 1, 2 and 3 in block 417, and that the Wheaton plat was incomplete, yet in 1885, when the McIntire plat was approved by the board of county commissioners of this county, and filed in the office of the county clerk, it became so far as block 417 was concerned, and so far as the rights of these parties are affected, the official plat, and it was not until 1887, two years after this McIntire plat had been filed, and fourteen years after the original deed from the probate judge had been issued to Ming and Wells, that this defendant undertook to enter upon the premises; and I claim that whatever inaccuracies and incompleteness existed in the so-called Wheaton plat were cured in 1885 by the adoption of the McIntire plat, and therefore when this party in 1887 went upon the premises, he went there with full notice of the title of plaintiff to the premises in controversy. Constructive notice was given by the filing of the deed, the McIntire plat was on record, and there was no difficulty in finding lots 1, 2, and 3, in block 417. Then another fact is to be kept in view, and that is that lots 1, 2 and 3 in block 417 have always been bounded in the Wheaton plat as in the McIntire plat, and a person could find them easily if he wished so to do. On the whole, therefore, I am of the opinion that judgment should be entered for the plaintiff, and have ordered it to be entered accordingly.

Findings of fact and conclusions of law.

In the district court of the first judicial district of the territory of Montana, in and for the county of Lewis and Clarke.

Catherine L. Ming, plaintiff, vs. George B. Foote, defendant.

This cause came on for hearing before the court, a trial by jury having been expressly waived by the parties, upon the — day of May, 1889, at the present term of this court, and evidence having been submitted, and the cause argued by counsel, and the same having been taken under advisement, the court upon this 27th day of May makes the following findings of fact:

1. In 1868 and 1869, Helena, in the county of Lewis and Clarke, territory of Montana, was not an incorporated town or city, and Miers F. Truett, the probate judge of said county, entered in the United States land office at said Helena, the land on which said town of Helena is situated, under the act of congress of the United States relating to townsites on public lands, approved March 2, 1867, an entitled "An act for the relief of the inhabitants of cities and towns upon the public lands," and the acts of congress amendatory of said act, relating to said matters of townsites, and said entry was allowed as the entry of said town of Helena, and afterwards patents therefor from the United States to said probate judge as trustee of said townsite of Helena were issued.

2. That the parcels of land in controversy in this action are within the town site of said town of Helena.

3. That N. Hilger, as the probate judge of said county, and trustee of the said townsite, upon the 20th day of February, 1872, did grant, bargain, sell and convey unto John H. Ming and Charles K. Wells, in consideration of the sum of $50, fifteen town lots of said town of Helena, in which the following were thus described: Lots 1, 2 and 3, in block 417, being bounded on the south by Eighth avenue, on the north by lot 10, and on the east by Hoyt street.

4. That said deed was recorded in book M, page 527, of the records of said county, upon the 14th day of June, 1878.

5. That thereafter said Wells by deed dated January 1, 1874, conveyed his right, title and interest in one-half of said lots, 1, 2 and 3, in block 417, to J. B. Wilson, and that said deed was recorded February 1, 1884, in the records of said county.

6. That said Wilson upon the 7th day of April, 1887, conveyed by deed to said Ming one-half of said lots 1, 2 and 3, block 417, and that said deed was recorded in the records of said county upon the 8th day of April, 1887.

7. That the plat of said townsite of Helena was surveyed and drawn by A. C. Wheaton, by the order of the probate judge, in 1868; that said plat was accepted and approved January 7, 1869, by J. F. Forbis, chairman of the board of county commissioners of the said county, and filed at the same time by W. B. Morrison, county recorder of said county.

8. That on said plat are designated lots 1, 2 and 3, in block 417, and bounded on the south by Eighth avenue, on the north by lot 10 of said block, and on the east by Hoyt street.

9. That said plaintiffs and their grantors since 1873 have paid the taxes levied on said lots under the laws of the said territory.

10. But there are no field notes or other documents relating to the said survey of the said Wheaton on file in the records of said county, and the same do not appear to have been filed therein; that the said survey and plat are incomplete respecting said block 417.

11. That a plat and field notes of a survey of said townsite were made by McIntire, and accepted and approved on the 12th day of September, 1885, by Francis Pope, chairman of the board of county commissioners of said county, and filed upon the same day by W. E. Frederick, county clerk of said county.

12. That upon said McIntire map and field notes lot 1, 2 and 3 in block 417 are bounded and described as follows, to-wit: On the south by Eighth avenue, on the north by lot 10 of said block, and on the east by Hoyt street.

13 That said defendant on the 10th day of May entered upon the land in controversy, claiming it under a deed from Harry H. Thale and Charles Orth, and engaged in fencing it, and that said John H. Ming was upon said land and claimed the same before the fence was completed.

14. That most of lot 1, and all of said lots 2 and 3 in block 417, are now under fence, and that the defendant has refused and still refuses to deliver the possession of the same to the plaintiffs.

15. That there was no testimony offered to prove that said Ming and Wells at the time that they received the deed of the said probate judge were occupants or in the actual possession of said lots, or had made any proofs of their right to the possession and occupancy thereof.

16. The value of the property in controversy, upon the 10th day of May, 1887, was about $6,000.

17. No improvements were made upon the property in controversy by the defendant or any of his grantors before the 10th day of May, 1887, when said fence was constructed.

18. That all of the lots in said townsite of Helena have been claimed and entered according to the said Wheaton plat.

19. That the area of land embraced in lots 1, 2 and 3, block 417, under both of said Wheaton and McIntire surveys, is in effect the same.

20. That said John H. Ming died on the 27th day of December, 1887, and that said Catherine L. Ming thereafter qualified and is now executrix of the last will and testament of the said Ming.

Thereupon the court found the following conclusions of law:

1. The answer of the defendant does not allege that the premises by the defendant are located elsewhere than the premises described in the complaint, and the pleadings relate to the same parcels of land.

2. That the Wheaton plat was from and after its approval in 1869 until 1885 the official plat of the said townsite of Helena under the laws of the United States and said territory.

3. That the said McIntire plat and field notes of survey of said block 417, from and after the 12th day of September, 1885, became and are the official survey of said block No. 417, and confirmed all the rights and interests of the plaintiffs therein, as shown by the conveyances of title to the plaintiffs and their predecessors in interest from the said probate judge of said county, and cured the alleged incompleteness and inaccuracy of the said Wheaton plat.

5. That the issuance of said deed by the said Hilger as the probate judge of said county conveyed to said Ming and Wells the legal title to said lots 1, 2 and 3 in said block 417, and that the said J. M. Clements, the probate judge of said county, had no authority as the trustee of the said townsite of Helena to issue said deed to the grantors of the defendant.

6. That the deeds issued to the said defendant by his grantors conveyed no right, title or interest to the premises in controversy in this action.

7. That as between the parties to this action the defendant cannot question the validity of the acts of the probate judge of said county in conveying the property in controversy to the said Ming and Wells.

8. That the defendant and his grantors had notice of the title of the plaintiffs, and the approval and filing of the said McIntire plat about two years before the construction of the fence by the defendant.

9. That defendant upon the 10th day of May, 1887, entered upon said premises, and has ever since held the possession thereof, without any right or title thereto.

10. That the plaintiffs have suffered damage in the sum of one dollar.

And thereupon the court orders judgment to be entered in this action for the plaintiffs.

A Chance

To invest in a property where there is no risk and every prospect of gain.

FLOYD-JONES,
Room 1, Atlas Block.

Just received, twenty dozen ladies' black hats in milan, low, chip and fancy braids at 75c, $1 and $1 25, all new shapes, at H. Tomn's.

We have just received our third shipment for this season of French sateens of the best quality, and in entirely new and exclusive patterns and designs, such goods as cannot be found elsewhere in the city. An early inspection of these goods is necessary as they are selling very rapidly.

RALEIGH & CLARKE.

Fishing Excursions.

The Northern Pacific railroad will make a Sunday excursion rate of one fare for the round trip from Helena to Elliston and Avon and return. Tickets will be sold for train No. 1 Saturday night or train No. 7 Sunday morning, good to return either Sunday night or Monday morning.

The above are the best trout fishing places in Montana.

A. D. EDGAR,
General Agent.

District Court.

Judge Blake disposed of the following business in the district court yesterday:

4550—Emma Steible vs. George Steible; demurrer of defendant sustained.

3989—Andy Cowan vs. Henry Seigle et al.; motion to vacate judgment overruled.

4328—Charles Glitscha vs. Katherine A. Ming, executrix; demurrer of defendant overruled.

3966—John H. Ming vs. George B. Foote; trial resumed; judgment for plaintiff.

4590—Sarah C. Gardiner vs. Edward G. Gardiner; default of defendant entered.

4170—Iver Wulff vs. Emanuel; on trial.

MARYSVILLE vs. BUTTE.

A Great Game Played Sunday, but Weak in the Last Two Innings.

About 700 people gathered at Seymer Park base ball grounds Sunday afternoon to witness the match game of base ball between the Butte and Marysville nines. The attendance would have been much larger but the general impression seemed to have prevailed that it would be a one-sided affair and that the Butte boys would win with "both hands down." A more surprised crowd never was upon a Helena ground when the game had ended. Mr. Gossman, of Butte, was selected to act as umpire, and at 3 o'clock the game was called with the Silver City team at the bat. In the first inning the Butte team scored one run through an error and fumble at first. The Drum Lummon boys went out in one, two, three order. In the second the Buttes made another one on the strength of two passed balls by Donahue. A whitewash was administered by both sides in the sixth, when the Marysvilles began to catch on to Larry Gleason's twirl and knocked out two runs. The westsiders were again retired in the seventh inning, while the east side club added two more to their score. At this stage of the game the Butte team, which had been two to one in favor of the Silver city boys, turned and the odds were given in favor of the Marysville nines. Cronin, the Marysville pitcher, instead of tiring, seemed to improve as the game progressed. In the eighth inning the Drum Lummons team knocked out five more runs through errors of Kick on third and Moffit at second. The Butte team were blanked in the ninth inning and the game ended, the Butte team having been whitewashed seven innings while the Marysville team held themselves down to five. The following is the score by innings:

	1	2	3	4	5	6	7	8	9	Total.
Butte	1	1	0	0	0	0	0	0	0	—3
Marysville	0	0	0	0	2	2	5	0	0	—9

The feature of the game was the pitching of Cronin. He was the centre of attraction throughout the game, and the universal opinion expressed was that he was the best twirler that ever stepped into the box upon any grounds in Montana. A beautifully formed and well built young fellow of about twenty years of age, it seemed that he could have kept up his gait for nine innings more. He had three different styles of delivery, an in and out curve and an underhand drop, which were all puzzlers for the Butte aggregation. The catching of Donahue was good as was also the base running of Shea. Some good playing was done by the Butte boys. Moffit made a beautiful double play and Gleason up to the seventh did some good pitching. Kirby, as usual, was good behind the bat. The Butte team did not make an earned run while their opponents made but two. There were some mistakes made by the umpire, but they seemed to have been as much against one side as the other, and the general impression seemed to be that he tried to be impartial.

The return game will be played at Butte on the 13th of June, the date of the Butte Miners' union anniversary.

TAKEN OFF THE BAT.

The Marysville is the name of a new base ball organization that has sprung into existence in Helena, and if it keeps up the record it made in its first game it will carry off the territorial pennant and be able to meet any and all comers. At the Seymer park grounds the Marysville nine completely shut out the Helena team which is composed of the best base ball talent in the city, the score was up to 0. The game was hotly contested and very interesting, but the Helena team could do nothing with W. F. Lewis' pitching, which was the main feature of the game. Only two singles were made off him during the nine innings.

The same teams will try conclusions again on decoration day at Seymer Park.

The Helena team and that of Fort Assiniboine will play two games at Seymer Park next Saturday and Sunday.

The Bozeman team will be unable to come as expected.

The Helena team will be reinforced by two Salt Lake men who are expected to reach here this evening.

The Drum Lummon gold miners downed the copper miners in good shape.

The Butte team was a two-to-one favorite at the beginning of Sunday's game while the Marysvilles combined heavy in one after the seventh inning, when the score stood four to two in favor of the Drum Lummon boys.

Must be Sold at Once.

A lot on Eighth avenue 100x140 feet, near Raleigh, for $1200. Very easy terms. French & Pyfer, rooms 11 and 11½ Pittsburgh block.

Excursion Rates Decoration Day.

The Montana Central will make rate of one fare for the round trip to Boulder and return on Decoration Day.

Parents should take advantage at once of the unequalled opportunity which Raleigh & Clarke are offering them this week to secure light summer dresses for their little ones. We have thrown a quantity of children's ready made wash goods on our bargain counters, in sizes from one to four years, at prices from 35 cents to $2 each. They will not last long at these prices.

Garfield Beach,

The Union Pacific railway beg to announce that they will open their bathing and pleasure resort, Garfield Beach, on Great Salt Lake, on June 1.

Garfield Beach is within a few minutes ride of Salt Lake City, and is the only beach on Great Salt lake having a clean, sandy bottom, free from mud and weeds.

Bathing suits to rent for ladies and gentlemen, grand concert every afternoon, restaurant and a magnificent dancing pavilion, make this the finest pleasure resort in the west, and is best reached via the Union Pacific, "The Overland Route."

For genuine pleasure, go to Garfield Beach. For excursion rates or descriptive pamphlets, apply to your nearest agent or

E. L. LOMAX,
General Passenger Agent.
Omaha, Neb.

Ho, for St. Paul Races.

The Northern Pacific railroad will make a rate of $65 from Helena to St. Paul and return on account of the Twin City Jockey Club running meeting, to be held at St. Paul in July.

Tickets to be sold on July 21st, good to return until August 22, and see the great Derby winner, Spokane.

CHAS. FEE, G. P. & T. A.
A. D. EDGAR, General Agent.

Gilt edge dressing never injures the finest shoe. Acme polish beats the world for brilliancy, one shine wears a week. Sold at Fred Gamer's.

500 Per Cent.

Five hundred per cent. Who wants it?

FLOYD-JONES,
Room 1, Atlas Block.

"It's only a question of time," and a short time, too, as to when your rheumatism will yield to Hood's Sarsaparilla.

Something Good.

Floyd Jones Real Estate and Loans, Room 1, Atlas Block.

Pugilistic Pointers.

A fight has been arranged between Geo. Kessler, of Butte, and Dave Harris, of this city, to take place in Butte in two weeks. Harris agrees to knock the "Little Giant of the Rockies" out in ten rounds for a good purse, and he will have his hands full. Harris is in training under the direction of Dame McDonald. The fight will take place at Butte.

Peter Jackson, the colored pugilist, will probably give a sparring exhibition when he passes through here in about a week on his way to England.

100x140 Feet.

Flower Garden corner for $700. A big bargain. French & Pyfer, rooms 11 and 11½ Pittsburgh block.

MEMORIAL DAY.

It Will be Properly Observed in Helena by Members of the G. A. R. and Others.

Marshal of the Day, Judge Sanders, Appoints Assistant Marshals for the Parade.

Mayor Fuller Issues a Proclamation Asking that Business be Suspended That Day.

Gov. Toole Will Be Present.

Memorial day will be celebrated in Helena with appropriate ceremonies, the members of Wadsworth Post, G. A. R., having the affair in charge, and they will be assisted by the Woman's Relief Corps. At the last meeting of Wadsworth Post a letter was received from Gov. White who signifies his intention to take part if he can possibly arrange to be here on that day. The county and municipal authorities are also expected to appear in the parade, attend the exercises at Encore hall in the afternoon and the evening entertainment. The militia companies will act as an escort to the Grand Army, and the Sons of Veterans and Patriotic Sons of America will also be in line. The full programme of exercises will probably be announced today. The marshal of the day, Judge Sanders, makes the following announcement:

The following assistant marshals are hereby appointed for the parade on memorial day, May 30, 1889:

Andrew O'Connell, Meagher Guards.
John R. Miller, U. S. Grant Camp No. 1, S. O. V.
Sergt. Charles A. Donnelly, Troop A, M. N. G.
R. H. Beckwith, Patriotic Order Sons of America.
Charles F. Gage, Wadsworth Post, No. 3, G. A. R.
Sergt. Harry R. Thompson, Battery A, M. N. G.

Assistant Marshals will report to the chief at the court house at 9:40 a. m.

The several military organizations and societies will report at court house square at 10 o'clock a. m. sharp, and take position as follows:

Band—Ewing street between Sixth and Seventh avenue.

Meagher Guards—Ewing street, right resting on Fifth avenue.

Patriotic Order Sons of America—East side Grand street, right on Breckenridge street.

Troop A, M. N. G.—Breckenridge street, right on court square.

Wadsworth Post No. 3, G. A. R.—West side of court house, right on Breckenridge street.

U. S. Grant Camp No. 1 S. O. V.—North Main approach to court house.

IN CARRIAGES.

Wadsworth corps No. 1, W. R. C. and decoration committee.

President of the day, orators and chaplain—Fifth avenue, between Warren and Ewing streets.

Governor, territorial and county officers—Breckinridge street between Warren and Court square.

Mayor, city council, and municipal officers—Fifth avenue, between Ewing and Rodney streets.

The column will move promptly at 10:30, in the following order:

Platoon of Police.
Marshal and Aides.
Band.
Company C, M. N. G. (Meagher Guards.)
Battery A, M. N. G. (Helena Light Artillery.)
Patriotic Order Sons of America.
U. S. Grant Camp No. 1 Sons of Veterans.
Wadsworth Post No. 3 G. A. R.
Troop A, M. N. G.

IN CARRIAGES.

Wadsworth Corps No. 1, W. R. C. and Committee on Decoration.
President of the Day, Orators and Chaplain.
Governor, Territorial and County Officers.
Mayor and City Council and Municipal Officers.
Citizens and Visitors.

The procession will move on the following line of march: Ewing to Seventh avenue, to Warren street, to Broadway, to Main street, to Lawrence street, to Benton avenue, to cemetery.

After the exercises at the cemetery the procession will reform and march back to the city to be dismissed on Broadway.

JUNIUS G. SANDERS,
Marshal of the Day.

AFTERNOON EXERCISES.

The programme for the afternoon exercises at Encore hall, commencing at 3 o'clock, is as follows:

Music by the band.
Invocation by chaplain.
Anthem.
Oration by Hon. H. N. Blake.
Song.
Oration by Rev. D. J. McMillan.
Song.
Benediction.
Music by band.

EVENING EXERCISES.

In the evening commencing at 8 o'clock there will be a grand musical entertainment under the direction of the Woman's Relief corps, in which the Encore club, the children of the public school and others taking part.

PROGRAMME.

PART I.

Roll call—Assembly of Rallers.....Reveille
Opening chorus.....Encore Club
Recitation—Tom Sawyer Whitewashes Fence.....Miss Bladedell
Recitation—The Pauper Soldier's Story.....Hirst Yaeger
Chorus.....Song of Veterans
Recitation—A Woman of the War.....Miss Brown
Recitation—Gettysburg.....Andrew Fraser
Chorus—Battle Hymn.....G. A. R

PART II.

Bugle Call—Boots and Saddles.....Camp Calls
Recitation—Barbara Frietchie.....Alice McDonald
Recitation—Somebody's Darling.....Harvey English
Solo—Weeping Sad and Lonely.....Miss Walkinshaw
Recitation—Our Woman Heroes.....Miss Douglass
Instrument—Patriotic Medley.....Mrs. D. W. Pack
Memorial of the Flowers.....By forty-four children representing the states and district of Columbia.

Mayor Fuller has issued a proclamation for observance of the day, which is as follows:

PROCLAMATION.

The 30th of May has been designated by the veterans of the Grand Army of the Republic and formally recognized by the congress of the United States as a day on which to decorate the graves of the soldier heroes of the war for the preservation of the union: to revive the memories of the dead, and to revive our gratitude to living whose deeds and sacrifices saved to us and to our children the blessings of free institutions and a strengthened and purified national existence.

It is requested that the citizens of Helena unite in the observance of the day, and that all places of business will be closed between the hours of 9 a. m. and 5 p. m.

The city marshal will detail a platoon of police to report for duty to the commanding officer of Wadsworth Post, G. A. R.

THOMAS P. FULLER, Mayor.

Dated Helena, May 27, 1889.

Something Good.

Floyd-Jones Real Estate and Loans, Room 1, Atlas Block.

Five Hundred Per Cent.

I am organizing a syndicate to buy an acre tract. Who wants to join? Small cash payment; low rates of interest. Similar deals made by me last year have netted 500 per cent.

FLOYD-JONES,
Room 1, Atlas Block.

REPORTORIAL NOTES.

Helena Commandery Knight Templars will attend services at St. Peter's church, 11 a. m. Sunday next.

A German employed at Kessler's was thrown from his sulky, in a runaway, last night and sustained some severe bruises.

A number of Maj. Ronan's wards are encamped northeast of town, and have a lot of ponies for sale. The Indians are on a vacation.

The Helena Lumber company supplied the Anaconda company last year with 35,000,000 feet of mining timber. The great copper concern also used 10,000,000 feet besides from other sources.

Raleigh & Clarke are showing something entirely new and very handsome in embroidered robe patterns for warm weather dresses, in white India linen with entirely new designs in embroideries, colored French zephyr cloths embroidered with silk, and light wool albatross embroidered with silk. These goods are extremely nice and we would be pleased to show them to you.

Something Good.

Floyd-Jones Real Estate and Loans, Room 1, Atlas Block.

Smiling Albert's Opening.

Baker & Werther will open to night an elegant saloon on South Main street in the place formerly occupied by Mr. Wallace, the grocer. The place has received the attention of carpenters, painters and decorators for some time past and is now as neat and tasty a place of the kind as can be found in the west. The bar fixtures, the costliest and most elegant that could be secured, were furnished by the Brunswick-Balke Collender company. Smiling Albert proposes to run a first-class saloon and will spread a lunch to-night that will astonish the natives. An orchestra will be on hand and furnish excellent music. The proprietors propose to keep a first-class place with the choicest wines, liquors and cigars that can be secured and will have a lunch every day superior to anything of the kind ever seen in Helena. Smiling Albert will furnish his customers with his justly famous clam chowder.

Something Good.

Floyd-Jones Real Estate and Loans, Room 1, Atlas Block.

Contract.

Sealed proposals will be received at the office of Stephens, Bickford & Higgins, Missoula, M. T., up to the hour of 12 m., June 5th, A. D. 1889, for the erection of the Higgins Bank building. The plans and specifications can at any time be seen at the office aforesaid.

Contractors may give figures for the erection of the whole structure, or for any department of the works. If a tender or bid is given for the whole structure the contractors must stipulate the cost of each part embraced by the figures he may submit. The owners reserve the right to reject any or all bids. Should further explanation or information be desired by local contractors, they can get the same by calling at the office of the architects, Messrs. Paulsen & McConnell, rooms 34, 35 and 36, Pittsburg block, city.

FRANK G. HIGGINS.

Try It.

Try our best patent flour, the best in the market, and Whitaker Star hams, at

JOHN T. MURPHY & Co.'s.

Spokane, the Flyer.

The Montana Central railway company have made arrangments to give the people of Helena an opportunity of viewing the phenomenal race horse, Spokane, Montana's pride, at the races which will take place at St. Paul in July next. A rate of $65 for the round trip from Helena to St. Paul and return will be made. For further particulars apply at the city ticket office, Montana Central railway company No. 34 Grande block.

JNO. J. FALLON, P. P. SHELBY,
City Ticket Agent. General Manager.

We have made some astonishing reductions in our Hamburg, Nainsook and Swiss edges, from one to twenty-two inches wide, and in India linen and Batiste dress flounces, in both white and colors. We would be glad to have you come in and inspect these before purchasing elsewhere.

RALEIGH & CLARKE.

PERSONAL.

S. C. Beebe, an Anaconda merchant, is in the city.

D. W. Allen, of Billings, is at the Cosmopolitan.

Madam Janauschek has room at the Cosmopolitan.

Judge A. H. Barrett, of Butte, was in town yesterday.

Wm. Wallace, Jr., made a flying trip to Butte yesterday.

Mr. and Mrs. Morris Sands are home from a visit to Butte.

Dr. J. L. Weitman, of Great Falls, was a Sunday visitor to Helena.

E. C. Whiting, representing the Butte Miner, is at the Cosmopolitan.

J. B. Taylor and Joe Kauffman, of Cascade, are at the International.

Sheriff E. H. Moore and James Conley, stock inspector, are at the Broadwater Lodge.

Sam Robertson, of the Boulder Sentinel, is paying Helena one of his occasional visits.

Superintendent G. W. Dickinson, of the Northern Pacific at Missoula, spent Sunday in the capital.

James M. Monteath, of the Inter Mountain, and Perrin Irvin, of Butte, attended the base ball game Sunday.

Alex. S. West, son of the Missouri senator, returned from the east yesterday and is at the Cosmopolitan. He will remain in Montana.

W. D. Weir, who has been very ill for the past six weeks, was out and just able to walk yesterday for the first time. The old gentleman has been suffering from mountain fever.

Bozeman Chronicle: Mrs. Hathaway, a lady of unusual intelligence, and a teacher of Christian science connection, has come to the city and will remain a week or so teaching those who desire an insight into the science.

J. C. Sutton, on old time Meagher county citizen, after an absence of about ten years, has returned from St. Louis and will leave for Canyon Ferry and Trout Creek in a few days, to take a look at the old stamping ground.

Mrs. Isaac O'Brien left last night for a visit to her parents in Norwalk, O. She was accompanied by Mrs. George A. Minor, wife of the ticket agent of the Northern Pacific at this point, who goes on a visit to her people at Middlebury, Vt.

Alderman Jerry Feathery made his appearance for the first time after a serious illness of mountain fever. Mr. Feathery, never a heavyweight, is slender and reduced in flesh, but as he has a vigorous constitution he hopes to be able to recover his former allpoise.

Superintendent E. P. Mills, of the Champion mine, near Deer Lodge, was in the city yesterday and had nothing but words of praise for the Champion, which he says improves with every foot of development. Five car loads per week is now the regular shipment from the mine.

We will offer some special inducements to buyers of ladies' ready made white dresses and wrappers for the next few days. We have the linen, and the ladies will see ever shown in this market at prices from $4 to $25.

RALEIGH & CLARKE.

Assault-at-Arms.

The gymnastic exhibition and assault-at-arms at the Y. M. C. A. hall this evening will introduce exercises at once pleasing to the eye and beneficial to the performer, consisting of movements which tend to give graceful movement and erect carriage of the body, while developing each set of muscles equally, enlarging the chest and giving strength and renewed vigor to the whole system. Recreative exercises for the weak and timid intended to give strong and robust gymnastic tricks and feats of strength for the daring, and boxing, fencing and broadsword and bayonet combats for those of a more combative spirit. The music loving public may also find interest, the dumb bell, wand and Indian club drills being informed by piano accompaniment and the programme being interspersed with music throughout.

Tickets of admission may be obtained from the members, office New York Life Insurance company, and Calkins & Feathery, Broadway.

Reserved seats, 50 cents; unreserved, 25 cents.

We have a larger stock of parasols, with long natural wood and oxodized silver handles, in plain black and fancy checks and stripes, than all the town besides. The last few warm days has proven this fact to us from the quantity we have been selling.

RALEIGH & CLARKE.

HELENA IN BRIEF.

G. W. Jackson, music dealer.

Dinner from 12 to 5 at the Bon Ton.

James W. Barker, merchant tailor, No. 15 North Main street.

E. R. E. Carpenter's dental rooms, room 30, Pittsburg block. Take the elevator.

Stoves and house furnishing goods at eastern prices. No. 7 cooves, $8.75. No. 8 stoves $13 at Sturrock & Brown's.

Large and select select stock of wood and iron mantels, tiles and gas chandeliers at Sturrock & Brown's.

Jewett water filters, refrigerators, garden hose, lawn mowers and lawn sprinklers. Cheapest place in town at Sturrock & Brown's.

For best plumbing, steam and gas fitting, tinning and hot air furnace work, go to Sturrock & Brown's. Out of town work solicited.

Go east via the Montana Central and Manitoba railways, the new sleeping and dining car route to St. Paul and the east. Through trains leave Helena daily at 11:35 a. m.

A GOOD

Investment!

$6.00 PER FRONT FOOT

For South Half of Block 98, in Northern Pacific Second Addition.

This embraces eight lots, each 50x140 (two corners)—a total frontage on Prospect street of 800 feet.

Price, $2400; payable $600 down, balance on time.

Matheson & Steele,
129 1-2 North Main Street.

WANT COLUMN.

For Sale.

PORTER, MUTH & COX.

AN opportunity will be offered to satisfactory parties to take an interest in a syndicate buying a very cheap piece of acre property.

BLOCKS of five acres adjoining the University, $1,000; $250 cash, balance 1, 2, 3 and 4 years.

BLOCKS in Highland Park, the Nob Hill of Helena.

BARGAINS in Hauser and Syndicate additions.

SEVERAL desirable residences cheap.

CHOICE lots near the Hot Springs Hotel cheap.

FOR SALE—On easy terms, six-room brick house, in perfect order. Cabin and barn on rear of lot. Corner Dearborn avenue and Hauser street. Enquire of Dr. E. R. E. Carpenter, room 30, Pittsburg block. Take the elevator.

OLD papers for sale at this office.

FOR SALE—First class boarding house and restaurant at Great Falls, now has 30 regular boarders and doing a flourishing business. Cause of sale ill health. Address Misses Brink and Berg, Great Falls.

HOUSE and Lots for sale. A Brick House of eight rooms, corner of Rodney and Bridge sts., 72x66 feet, 16 fine shade trees; also 50 feet adjoining same fronting on Bridge st., also 161 feet fronting on Rodney st. and 52 feet deep. Opposite new residence of A. B. Clarke.

R. P. STOUT, Agent,
102 South Rodney st.

Boot street.

Situations Wanted.

Advertisements under this head will be inserted three times free of charge.

GIRL wants place for chambermaid or child's nurse; good references given; No. 336 Water street.

WANTED—Day work or odd jobs. Address V., this office.

LOOK HERE! Any kind of work in the city by a man who speaks and writes French and Scandinavian languages. Address No. 45 Lenox House.

A YOUNG intelligent Swede speaking English, German and the Scandinavian languages should like to accept a permanent position. Ten years business experience; first class references. Address O. S. S., this office.

WANTED—A situation by a girl to do second work in a private family. Address Second, this office.

WANTED—Situation as coachman. Address Coachman, this office.

WANTED—Situation by first-class bread and cake baker. Address W. this office. You be seen at Belvedere House, Room 22.

TEACHER from east, with attractive method, rapid, intelligent, adaptable to particular cases; coaching, neglected early education, etc., (not cases strictly private). Specialties—Language—Latin, French, German, Spanish; Shakespeare a specialty, history, Oriental religions, etc. Send address to Experience, this office.

A BOOKKEEPER, employed during the day, would like to keep a small set of books evenings. Address "Bookkeeper," this office.

COOK, desiring a position in mining camp or mountains to run a boarding house, can be highly recommended. For particulars inquire at 626 East bridge.

WANTED—Situation to do laundry or chamber work. Address D. O., this office.

YOUNG MAN, experienced in horses and ranch work, wants position as teamster or any other steady job in Helena or vicinity. Good habits. First-class references. Address D. Duncan, Y. M. C. A.

LADY, highly respectable and capable, would like to take charge of lodging house during owner's absence from town. Address Enterprise, this office.

WANTED—Work in restaurant kitchen by woman. A. B., this office.

SITUATION WANTED—By a young man in the furniture line; two years experience in the business. Will go anywhere in the west. Address L. G. G., East Helena, Mont.

WANTED—A permanent position by a thoroughly practical engineer; have run high and low pressure; have first-class references and am strictly temperate. Address Engineer, German Hotel, City.

Situations Offered.

WANTED immediately, a first class chamber maid; no other need apply. Apply St. Louis hotel.

CHANDLER wants ranchman and three