

THE STREET CAR FARES.

Opinion of City Attorney S. H. McIntire as Submitted to the Council.

The Helena Electric Company Has the Right to Ask Ten Cents.

On Some Parts of the Rapid Transit the Council Can Order Reduction to Five Cents.

The report made by City Attorney McIntire to the city council on Tuesday night, regarding the street car fare question, gives a history of all the street car fare ordinances. He says the first ordinance, that of March 15, 1886, granted privileges to the Helena Street Railway company and provided that for five years after the control should not compel the company to charge less than 10 cents fare; and that, if after that time the company paid 12 per cent dividends the council could reduce the fare to not less than five cents. On June 27, 1888, the council gave a franchise to James P. Porter, William Math and W. E. Cox, and prohibited the city compelling them to charge less than 10 cents for five years, after which it could be reduced to five. Another ordinance of the same date gave the Helena Street Railway company the right to build additional lines, and made the same provision regarding 10 cent fares for five years as in the Math, Porter and Cox ordinance. Similar provisions were made in ordinances giving franchises to the Helena Motor Railway on Nov. 15, 1889; to Michael Keefe on July 13, 1890; to J. J. Palmer on Sept. 11, 1890; and to Charles A. Broadwater on Jan. 8, 1890. In January, 1890, the Helena Hot Springs company was given a franchise which provided that for five years after April 22, 1890, they might charge 10 cents after which time the council might compel a five cent fare. On Feb. 14, 1890, Franklin R. Wallace got a franchise with the same provision as to fare. Among the subsequent ordinances is one of July 8, 1890, granting additional privileges to the Helena Street Railway company and providing for a five cent fare on Main street, Helena avenue and depot route. The Winno line got a franchise for the Lennox route with a minimum five cent fare provision.

An ordinance was passed in March, 1891, allowing the Helena Electric Railway to charge 10 cents, but compelling the sale of single tickets for 50 cents, or sixteen for a dollar. It also provided that the council shall not compel a less charge than 10 cents until the company pay 10 per cent, or more dividends. An ordinance of October, 1891, gave W. H. Clarke privileges for the old motor line, and provided for five cent fares. A number of the franchises have been forfeited or died out for non-compliance with the conditions. The city attorney considers only the living franchises. He says: "As almost all the numerous franchises granted to different individuals and corporations in the past have been absorbed by the Helena Electric Railway company and the Rapid Transit Railway company, and further as a different rule of law, touching the right to increase the fares from time to time, applies to each of these companies I shall divide this subject into two classes. Taking for granted that the city council has the power to regulate the operating of street railways upon the streets of the city, and may say what fares shall be charged, the view of the city attorney is that the Dillon on Municipal Corporations and Lawson's Rights, Remedies and Practice, the question submitted for my opinion can be solved readily by a consideration of the several ordinances.

"The Helena Electric Railway company, in 1890, got the city council to pass the ordinance allowing the sale of single tickets and sell eight tickets for 50 cents, etc. Until this company shall pay a dividend of 10 per cent per annum upon its capital stock, it has the right by a separate grant, to charge ten cents for each single fare, and 64 cents for commutation tickets, and the city council cannot interfere with these charges. But a different rule applies to the other franchise, the Rapid Transit Railway company, in the absence of any general and comprehensive ordinance such as that affecting the other company. No rights of this other company must be governed by the franchises to which it succeeded by purchase.

"The principal portions of this company's lines to the Hotel Broadwater, the Northern Pacific depot, the Lenox addition and the Harrison avenue loops, and different rates apply to them. The lines to the Hotel Broadwater and the Northern Pacific depot constitute what was formerly the Hot Springs and Smelter Railway company franchise; it was purchased by one Wm. H. Clarke; and by him converted from a steam to an electric railway. By the terms of ordinance of January, 1890, after April 22, 1890, the city council can compel a charge of five cents for each passenger over the line embraced within the old franchise. The line to Lenox is subject to a five cent rate; and the line along Clarke street and Harrison avenue is governed by the Clarke franchise contained in ordinance of October, 1891, which provides for a charge of not less than five cents.

"The statement was made by the attorney of the Helena Rapid Transit Railway company before the city council at its last meeting, that by reason of some subsidy to the company by the land syndicate at the Lenox addition practically a five-cent fare was in effect on that route. To this fact only the short loops on Harrison avenue and Jackson street would be subject to a reduction by the city council until after the 22d day of next April, when upon the principal part of the line the company will be compelled to reduce the fare, if the council so directs, to five cents.

"It is my opinion, that, except where allowed permitted by express provision, and where certain fixed charge of 10 cents, and where the franchise provides for a minimum of five cents, the city council has the power to order the street railway companies to adopt the minimum tariff; and the argument that, under an ordinance fixing the lowest limit at five cents, a street railway company, the creature of the city council, can charge 10 cents or over a dollar for each passenger, if it sees fit, strikes me as absurd. It would have, perhaps, been good policy on the part of the Rapid Transit Railway company to apply to the city council for the passage of an ordinance governing it, similar to that obtained by the Helena Electric Railway company; and such a course would have satisfied the council and prevented the introduction of condemnatory resolutions. But that has not been done.

"In the matter, then, in this condition, the Helena Electric Railway company can charge 10 cents for each single fare over its entire line. The Rapid Transit Railway company can charge ten cents over certain portions of its line and only five cents over others. But to put different tariffs in effect on different portions of the same railway line, even if practicable, would be unusual and confusing. After next April, when practically the entire line of the Rapid Transit railway will be subject to a five cent fare regulation, the difficulty will be easier of solution."

Pleno at Alhambra Next Sunday. A cordial invitation is extended to all to attend a grand picnic at Alhambra Sunday, July 17, given by Society Brea. Trains will leave the Montana Central depot at 8:30 a. m. and 2:40 p. m., returning at 6:30 p. m. and a special train at 9:30 p. m. Round trip tickets 80 cents. Dancing, foot races, sack races, wheelbarrow races, tug of war and other games will be a part of the day. Music by Major's orchestra. B. H. LANGLEY, General Ticket Agent.

PLEASURE BOAT CAPSIZED.

Ten Persons Lost in a Catastrophe at Fortia, Ill.

FROMA, July 13.—The steamer Frankie Folson came up from Pekin last evening with an excursion party to attend the production of The Last Days of Pompeii at Lake Park. The performance was over at 10 o'clock and the passengers hurried to the boat, as a storm was coming up. There were thirty-two from Pekin, and two got on board from the crew. The boat had five. When the boat reached the middle of the stream the storm burst with great violence. Capt. Edward Loesch attempted to head the boat for the shore. In doing so it turned full broadside to the wind, and the boat capsized. Most of those on deck rushed to the upper side of the vessel. Capt. Loesch assisted in the distribution of life preservers. He broke in the window in a cabin in which all the women were imprisoned, having taken refuge there. Three women, one of whom died very soon afterwards. The cries of people on board attracted from the shore and as the storm rapidly subsided boats put out to rescue the supposed victims. The boat lay a hundred yards from shore in sixteen feet of water, two-thirds under. The first boat that arrived was nearly swamped by the crowd of people who tried to get on board. The boatmen were compelled to drive desperate people back with oars to save their little craft. Four persons were taken on board and brought on shore.

Other boats joining in the work of rescue were rapidly crowded forward. As fast as people could be taken to shore they were placed in hacks and driven to places of shelter. Twenty-six were thus saved, but it was hours before anything like a correct statement of the number of dead and missing could be obtained. To-day business was almost suspended. Half the population of Pekin and Peoria lined the river banks. As far as known the list of drowned numbers nine, and sixteen persons are yet to be heard from. In addition there were nine pleasure boats out on the river at the time of the storm. Of these five have turned up, having had a dreadful experience in the willows along the shore. The following is a list of the dead: Fred J. H. McQueen, of Peoria; Mrs. Fred Fisher and daughter, of Peoria; Mrs. Andrews, Mary Platt, Mrs. Henry Brudaker, Mrs. W. H. Wills, all of Pekin; Lottie Shade, of Shelbyville, Ill. A body last night was identified as Miss Ford, of Peoria, now known to be a mistake, and the identity is unknown. Kate Reebe, of Pekin, is missing, and is supposed to be lost, as is also John Smith. Another body has been recovered, that of Lottie Keiler, Pekin, making the number ten.

The Police Patrol To-Night.

To-night Ming's opera house will be given over to an elaborate production of Scott Marble's dramatic picture of police life called "The Police Patrol." The story of which the story is founded is briefly this: A benevolent old gentleman, in helping a nephew out of financial difficulties, gives him a check for \$500 worth of unexpired young man rates to \$350. Upon the discovery of this crime an interview of a stormy character passes between the two. The old gentleman, in order to bring his nephew relative to a realization of his position holds the forged check over his head as an instrument to force him to lead a more upright life. The nephew's mission is that night entered by burglars and a fruitless attempt is made to blow open the safe. The noise awakes the occupants of the house, and with revolver in hand the uncle surprises the burglar and discovers in one his ungrateful relative. Three shots are exchanged, and the millionaire dies in defense of his property. The plot hinges upon this murder, and in various acts illustrates the methods used by the police departments of metropolitan cities in tracing a crime of this character.

The chief of police of a police patrol barn is shown, with the horses standing in their stalls, the wagon in place and everything in readiness for the alarm. When the bell sounds the horses are hitched and the swinging harnesses are hitched and off the stage in less than five seconds. In the following act Haymarket square, Chicago, is shown, with the policeman's morning marking the spot where on that fatal May day the anarchists cast the bomb which cost the lives of so many brave officers.

Butcher & Bradley have the nicest line of infants' wear at lower prices than any other house in town.

Legal blanks at this office.

Prices at the Bee Hive this week will knock out all competition of bankrupt and assignee sales. They mean business.

Excursion, Union Pacific System.

July 15 this system will sell round trip tickets, Helena to Pacific coast points, limited to sixty days going, with privilege of returning any time within six months, at the following rates:

To San Francisco, going via Ogden, returning same route, \$75.

To San Francisco, going via Ogden and returning via Portland, and vice versa, \$80.

To San Francisco, going via Portland and returning same route, \$75.

To Los Angeles, going via Ogden and Sacramento, and returning via San Francisco, or vice versa, \$83.

To Los Angeles, going via Ogden and San Francisco, and returning via San Francisco and Ogden, \$83.

To Los Angeles, going via Portland and returning via Sacramento, or vice versa, \$89.50.

Tickets will also be on sale the 15th to Salt Lake and return, fare \$30, limited to ten days going; final limit, sixty days.

Remember, the Union Pacific is the southern route for the fastest and quickest time to San Francisco than any other line.

Through sleeping car reservations and further information can be had by calling or addressing 28 North Main street, Helena. H. O. WILSON, Freight and Passenger Agent.

Misses Jackman & Smith are prepared to do typewriting and stenographic work. Rooms 48, Bailey block.

No dull times at the Bee Hive when goods are sold at prices that would be considered cheap anywhere.

Samuel K. Davis' Special.

INVESTMENT STOCKS.

Iron Mountain, 1000 and 1,000, popular dividend payer, 7 cents per share monthly, Helena & Victor; dividend payer, 50 cents per share. One block 10,000; great purchase, lots 100 to 500.

Bald Butte; great gold mine, 250 or 500 shares, 5,000 shares, one block, not to be out.

5,000 Piegan, (Marysville), snap gamble. Bi-Metallic extension, 4,000 shares. Will be sold at 25 cents per share this week.

Polaris (Bearhead) contains one of the best mines in Montana, 5,000 or 10,000; no small lots.

Comberland, 10,000. This is as low as the stock will be offered for the block. Combination; 300 shares. Stock scarce and advancing.

MISTAKEN IN THE MAN.

William Dugan Not in Helena When Policeman Soharrenbroich Was Shot.

The Accused Proves an Alibi and the State Abandons the Case.

Judge Hunt Instructs the Jury to Find a Verdict of Not Guilty, Which They Do.

William Dugan, the man suspected of being in the party who shot Policeman Soharrenbroich on the morning of May 16, and who escaped from the custody of the officers at the time, was honorably acquitted in the district court yesterday. It was a clear case of mistaken identity, and Dugan proved an alibi that would have gotten him off even had the evidence against him been stronger than it was. The jury men selected to try the case were Sam Schwab, A. M. Thornburgh, Frank J. Edwards, Wm. Dinges, Wilson Carpenter, W. D. Smith, Moses Morris, J. A. Mack, Isaac Marks, A. P. Dodge, J. J. Geier and William DeLoay. Mack is a colored man, and is the first of his race drawn on a district court jury for a long time.

The principal testimony of the state was from Henry Wolf and Thomas Fawcett, barkeepers at places where the three men who were in the affair of May 16 had been drinking during the night, and Policeman Soharrenbroich, the officer who was shot. The barkeepers were positive that Dugan was one of the men. The policeman's testimony, however, was not so positive. He said Dugan was of the same build and appearance of one of the men whom he had under arrest when he was shot.

"When did you first identify this man?" was asked. "When he was brought back from Bozeman."

"Did you swear positively when you first saw him after his arrival from Bozeman that he was the man?"

"I said I believed he was the man."

"Do you say now he is the man?"

"I have a little doubt about it."

The officer then went on to state the reasons for his doubts. After Dugan's arrest he was told that a man named Al Meilen was suspected of having been connected with the outrage of that night of May 15-16.

When a description was given of Al Meilen it corresponded exactly with that of one of the men in the party of prisoners when he was shot. That made him uncertain about Dugan being one of the men.

Judge Hunt now directed Dugan to stand up. "Now look at him," said the judge to the officer, "and say whether that man was one of those you arrested."

"I cannot say that that he is," replied the conscientious officer.

The doubt that was thus thrown on Dugan's identity was clinched when Andy O'Brien and L. H. Hatching were put on the witness stand for the defense. O'Brien had worked with Dugan on the Great Northern extension, and swore they were both at Sand Point at the same time in April until May 15. Hatching is time keeper for the contractors for the Great Northern work. He brought his time-books along and they showed that O'Brien had told a straight story.

When the defense was through County Attorney Nolan said it was clearly a question of mistaken identity. The evidence was that Dugan had not been in Helena on the night of May 15 and 16. Early in the night a man was robbed at an upper Main street lodging house by three other men. The police were informed and began searching for the thieves. Policeman Soharrenbroich arrested the men in the Atlantic Garden saloon, about three o'clock in the morning, and the policeman of the Carlisle street with the prisoners to the city jail. At Broadway and Main street one of the men drew a pistol, pushed it under his arm and shot Policeman Soharrenbroich in the shoulder. The three men then ran off, and though pursued, succeeded in getting away. A few hours later it was found that a Swede named John Swanson had been beaten and his three men near the gas house. Swanson died within twenty-four hours after being beaten. This crime was laid at the door of the same gang. The man for whom the three men were sought was not the one who shot the officer.

Five new line of hair ornaments at Butcher & Bradley's, 100 Broadway.

The Linon sale at the Bee Hive this week will clear their counters, as prices cannot be met by any other house in the city.

Military Post.

At a meeting of the committee for obtaining proposals for land suitable for a military post near Helena, held in this city upon this date, it was

Resolved, That whereas it is absolutely necessary that all proposals for selling or donating lands suitable for a military post near Helena be put in such form as to enable this committee to feel warranted in offering same for the consideration of the board of land appointed by the government, and whereas, this committee will upon July 18 give notice that several locations are now ready to be submitted to such board; this committee hereby offering to make bids for the selling or donating of lands for the purpose above mentioned that after the date of July 18 no proposals will be received, and that all bids now on hand that are not corrected by that time will be withdrawn from consideration.

The chairman was instructed to publish this final notice in two daily papers of this city for five days.

H. M. PARSONS, Chairman.

Mrs. Lamberton will give private lessons in dancing during the summer months at independent office during afternoons.

Corens, corsets, corsets, Butcher & Bradley lead the town in prices for corsets.

The Bee Hive makes a special announcement in today's issue which will be of interest to their patrons.

Place Your Orders Now.

Mr. E. C. Babcock is making arrangements for his annual trip to New York. Ladies should place their fur orders in his hands and get the latest and best. The best buyers place their orders in the hot months—thus getting low prices and selected skins.

If you want a baby carriage be sure and take advantage of the sale at the Bee Hive this week. A full size carriage, first-class material in every respect, only \$35.00.

Store Your Furs.

There are lots of moth millers about and the moth will soon follow. If you desire to keep your furs it will be prudent to store them at Babcock's, in the Bregrout vault. They insure against moth and fire.

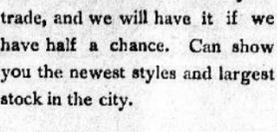
N. HILGER, Helena, Mont., May 29, 1894.

COOL SHOES FOR HOT WEATHER.

We want the bulk of your trade, and we will have it if we have half a chance. Can show you the newest styles and largest stock in the city.

J. P. Woolman & Co.

Next Door to First National Bank.



They Have Their Hands Full.

It is just as important to know where to buy groceries as it is to know how to buy them. Go to the wrong place, and it will never do to relax your vigilance—you must always be on the lookout, no matter how experienced and shrewd you may be. Go to the right place and you will as once be relieved of all anxiety. We invite your confidence as well as your patronage, and when you find that you can't repose one in us we won't ask you to continue the other. Come to us if you want to be rested of the best in the market at the most moderate of prices.

TURNER & CO.

MING'S OPERA HOUSE.

J. C. REMINGTON MANAGER.

THREE NIGHTS ONLY.

THURSDAY July 13, 14, 15

FRIDAY SATURDAY

REGULAR SATURDAY MATINEE.

First production here of A. Y. Pearson's great play, with its wealth of scenery and realistic costumes.

The Police Patrol

Requiring two cars to transport it to the Pacific coast. Presented precisely in every detail just as advertised.

The Great Police Station, Haymarket Square, Chicago at 10 o'clock. The Police Station, Alarm and Quick Hitch. The White Patrol.

Positively the grandest production of the sea. Nothing like it ever seen on the Pacific coast.

No advance in price. Seats on sale Wednesday morning at Pope & O'Connor's Drugstore.

You Don't Know WHAT A

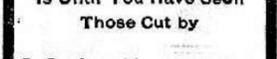
MONTANA SAPPHIRE

Is Until You Have Seen Those Cut by

D. De Sola Mendes & Co.

51-53 Maiden Lane, N. Y.

1892—THE SEVENTH SEASON—1892.



The beautiful Steel Excursion Steamer

"Rose of Helena,"

Makes regular excursion trips on the upper Missouri river from Helms' Landing (18 miles from Helena) through the

"Gate of the Mountains"

to Pieble Canyon, Willow Creek and Bear Tooth Mountains and returns on Tuesday, Thursday and Sunday during the navigable season of 1892.

Excursion parties of 15 or more persons will be carried in land wagons of Wm. McConnaughy, of Helena, or in the motor launch of the Helena Excursion Steamer, from Helena to Helms' Landing, thence by steamer down through "Gate of the Mountains," thence return to Helena, for the sum of

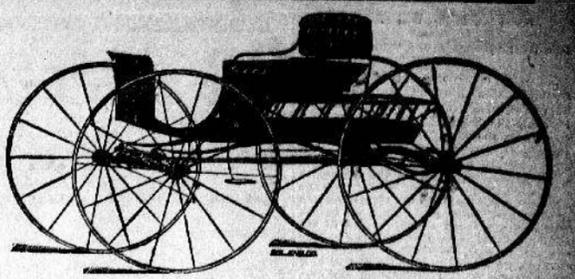
\$5.00 PER PERSON.

A reasonable discount will be made to families and children, also to religious congregations and Sunday School classes.

Will also, if desired, make special trips to Canyon Ferry, 25 miles above Helms' Landing, to Montana Central railroad, at Rock Creek, 28 miles below Helms'.

N. HILGER, Helena, Mont., May 29, 1894.

Opens at Helena, Saturday, August 13, and closes Saturday, August 20. \$25,000 offered in purses and premiums. You are invited to attend, also to exhibit. Competition open to all. Exhibition entries close August 13. There will be a good band of music in attendance, and four or more exciting races each day of the Fair. The premium list is now ready. Send your address to the secretary and you will receive one. FRANCIS POPE, Secretary.



\$50.00 | ABOVE IS A CUT OF OUR LEADER | \$50.00. Fifty different styles of Vehicles at bottom prices. Walter A. Wood Harvesting Machinery, Wagons, etc. Headquarters for Machinery of every description. Send for circulars.

... T. G. POWER & CO. ...

MONEY TO LOAN.

On Improved Farms and City Property, AT REASONABLE RATES OF INTEREST.

STEELE & CLEMENTS

\$1,000,000.00 TO LOAN.

On Improved City and Farm Property, for One, Two, or Three Years At Lowest Current Rates of Interest.

WILLIAM DE LAGY,

Rooms 21 and 22 Gold Block, Helena, Mont.

GREAT REDUCTION SALE

IN MILLINERY

THE COMING WEEK.

A large stock of Trimmed and Untrimmed Hats will be Sold Regardless of Cost.

MRS. S. A. FISHER,

No. 15 South Main Street, Novelty Block.

GRANDON CAFE.

CORNER SIXTH AVENUE AND WARREN.

Is Generally Renovated and Under New Management.

TERMS: \$7 PER WEEK. TICKETS, 21 MEALS, \$8. SINGLE MEALS, 50 CENTS.

MRS. M. C. WARMKESSEL, PROPRIETRESS.

Capital Paid in, \$5,000,000. Assets, Over \$25,000,000.

FOR ABSOLUTE SECURITY AND FOR PROMPT PAYMENT OF LOSSES INSURE WITH THE

Guardian Assurance Co.,

OF LONDON.

L. F. LACROIX, AGENT,

HELENA, - MONTANA.

Another Week of Bargains

FOWLES' CASH STORE

One Lot of Ladies' Silk and Kid Gloves, Reduced from 90c, 75c and \$1.25 to 50c.

One lot Misses' Blouse Waists, Reduced from \$2.20 to \$1.25.

One Lot Ladies' Seamless Hose, Reduced from 25c and 35c to 15c per pair.

One Lot Children's Seamless Hose, Reduced to 10c per pair.

Great Reduction in Pattern Hats

FOWLES' CASH STORE

The Leading Millinery, Notions and Fancy Dry Goods House in the City

WE CLOSE AT 6 P. M. EXCEPT SATURDAYS.