

IT WAS DIRTY BUSINESS

How J. H. Bartlett Defrauded Thomas Leonard.

ROASTED BY THE COURT

Judge Brantly Regrets That the Law Does Not Give Him Power to Cinch the Fellow Who Benefited by This Trick.

Judge Brantly's recent decision on the law in the suit in which Hannah G. Baker of Anaconda was plaintiff and J. H. Bartlett et al. defendants, and L. H. Sinclair of Helena an intervenor, is interesting reading. The plaintiff sued the defendants to recover the sum of \$1,500 loaned to defendants and for the reforming and correction of the mortgage so as to cover lot 16 in block 57 of the city of Anaconda. This money had been loaned by Thomas Leonard who assigned his right and interest in the same, and in the mortgage, to Hannah G. Baker, the plaintiff.

Suit was brought to foreclose on the mortgage, but L. H. Sinclair intervened, claiming that he was the owner of lot 16 in block 57, that when he bought it he had no notice of any lien or claim against it. The cause was tried by the court without a jury on Nov. 30, 1894, and the court made findings as follows of the facts in the case, last month:

That on Oct. 19, 1892, the defendant, Bartlett, was the owner of lot 16 in block 57, city of Anaconda, this being the only property there owned by him. On that date he borrowed from Thomas Leonard the sum of \$1,500, executing his promissory note therefor, conjointly with Harriet A. Bartlett, his wife, bearing interest at the rate of 1 1/2 per cent. per month from date, due at the end of one year. That to secure this note, defendant Bartlett and wife executed a mortgage upon the above described property, but the said property was described therein as lot 16 in block 57 instead of lot 18 in block 57. That this mortgage, being properly authenticated, was duly recorded in the office of the recorder at Deer Lodge on Jan. 4, 1893. That all the parties to the contract of the mortgage, including Charles Houck, the scrivener, who drew the note and mortgage, understood that the property to be encumbered by the mortgage was the property occupied by Bartlett and his family, which was lot 18, block 57.

But the scrivener wrote the description, as in the mortgage, from the statement of Defendant Bartlett, who gave it to him as lot 16, block 67, which Houck took as a correct description without troubling himself to examine a plat of the city of Anaconda which was hanging in his office.

This mortgage, with the note, was assigned to the plaintiff on Oct. 19, 1893. Soon after the maturity of said note a complaint for the foreclosure of the mortgage was prepared by counsel for the plaintiff. Then it was discovered for the first time that there was an error in the description of the property and this action was begun.

That a notice of lis pendens was filed and recorded in the office of the county recorder and that the complaint and his pendens were filed without any knowledge of the deed by Bartlett and wife to Sinclair. That defendants, Bartlett and wife, have made no appearance in this suit, and default has been entered against them.

That L. H. Sinclair, defendant by intervention, is a brother-in-law to Defendant Bartlett, and resides at East Helena, Montana. That after deliberation he bought the property from Bartlett who offered it for sale, making no mention of the mortgage and giving as his reason for selling that he needed the money to prosecute litigation which he had on hand. That he, Sinclair, went to Anaconda, saw the property, and concluded it was worth \$3,500, the amount demanded. That he secured the service of C. M. Sawyer to examine the title for incumbrances. That Sawyer examined the title of lot 16 in block 57 and found it clear, which he reported to Sinclair. Sinclair then purchased the property for \$3,500 and took a deed from Bartlett and wife, paying down \$2,500 and later on paid the balance before he knew of the mortgage in favor of the plaintiff.

The court gives as conclusions of law that the interest of the plaintiff under her mortgage in the property in controversy is inferior to the interest of the intervening defendant, Sinclair. That the plaintiff is not entitled to a decree as prayed for and that the defendant is entitled to a judgment against the plaintiff for the costs in the action. Judge Brantly then gives his opinion, which is long and bristling with authorities. He says that the facts in the case do not sustain a charge of fraud on the part of the intervenor. "It is true," he adds, "that Bartlett has been guilty of the grossest dishonesty. For there is no dispute that he sold to Sinclair the property involved, knowing that the mortgage had a prior claim; and that he did this designly there can be no question. The conclusion also seems unavoidable that he must have known at the time the mortgage was executed that it did not contain a correct description of the property to be encumbered by it. He could have had no other design in the matter than to defraud the holder of the mortgage; conduct showing depravity worthy of the heartiest condemnation. It is a very suspicious circumstance, too, that Sinclair, the holder of the deed, is Bartlett's brother-in-law. But there is nothing in the proof showing that Sinclair had any knowledge of the evil and dishonest design in Bartlett and the transaction being otherwise fair so far as Sinclair is concerned, the court cannot presume from this relationship alone that he was a party to the fraud."

"The conclusions here arrived at," says the court in closing, "while they are supported by authority and the plain provisions of our statute nevertheless permit the defendant, Bartlett, to reap the benefit of a gross fraud upon the plaintiff. The court regrets that it is out of its power to administer to him the punishment he so well deserves. The rule adopted in the decision of this case works a hardship upon the plaintiff, but so far as the defendant, Sinclair, is concerned, the proof does not show that he has participated in any manner in the evil designs of Bartlett and the adoption of any other rule would work even a greater hardship on him. The defendant, Sinclair, is, in the opinion of the court, the owner of the property exclusive of any claim on the part of the plaintiff, and judgment must be entered accordingly."

END OF AN EVENTFUL LIFE. Mrs. James G. Hunt, Well Known in California and Nevada History. C. H. Ward, associated press operator in the STANDARD'S Anaconda office, has received a telegram from San Francisco, announcing the death of his grandmother, Mrs. Jane G. Hunt, in that city. The San Francisco Call of Feb. 18 publishes the following interesting article concerning Mrs. Hunt:

"There are few old Californians, and but few of the early residents of Virginia City, to whom the name of Mrs. Hunt is not familiar. In the last named city she was the proprietress of the Williams and Bixley house, which was swept away by the great fire. Among the many who were guests at her house were Mark Twain, Joe Goodman, Dennis McCarthy, James G. Fair, before he became a millionaire, Theresa Rooney, before Fair took her to be his wife, John W. Mackay, when he was a mining superintendent, and the widow that married the only one of the quartet of bonanza kings now living, to say nothing of the bankers, merchants and mining men who had rooms there. When fire reduced to ashes what Mrs. Hunt had striven hard to save, she for a time was housekeeper at the International in that city, but this not being what she felt was her station, she came to this city about 15 years ago and became the lessee of the Washington block on Montgomery avenue and Washington street. This house before the opening of the avenue had a fronting on Washington street that extended to the west line of Montgomery street, and was connected with the upper floors of the building adjoining on the west, in which Tom Maguire had his famous opera house. In this building was the old Lyceum theater that was destroyed by fire in the early sixties. When the ruins were cleared away and the damage repaired that portion which had been the Lyceum was converted into the first San Francisco stock exchange, of which J. B. E. Carallier was president. After Mrs. Hunt took charge of the house she had among her guests: Robert Louis Stevenson, the novelist, and his wife, Dennis McCarthy; Sam Davis of Carson, Ambrose Bierce, Arthur McEwen, H. R. Haxton, who married Miss Tibbault—all of literary fame. Then among the artists who had rooms and studios there were: Virgil Williams and wife, Jules Tavernier, C. D. Robinson, the marine artist, Henry Rosenen, Carl von Pirant, Joe Strong and wife, and Lloyd Osborne. Dr. Toland had offices there and Carrie Milzner Hamilton, the singer, made her home in the block. The old building has probably sheltered more artists and literary and performance men of San Francisco than any other building of the same size. Mrs. Hunt was born in England 73 years ago and often remarked that she was present at the coronation of Queen Victoria. She married David Skidmore Hunt, a machinist, who, after his arrival in New York, became the best friend of Morse, the inventor of the telegraph, and assisted him in making the instruments for the first telegraph line ever constructed, and this work was done in the old Beckman street church after it had been abandoned by the congregation for a structure more suited to its purpose. He also assisted in preparing the machinery for the Clairmont, the first steamboat built and by Robert Fulton placed on the Hudson river. "Yes," said William Porter, the scenic artist, "the dear old lady is as amiable, kind and charitable a person as anyone could ever wish to meet. I first knew her in Cincinnati in 1856, where she was living with her husband and children. "She has but two children living, her daughter, Mrs. Catherine Holloway Ward of Virginia, and a son, Prentiss G. Hunt. During her illness she has been constantly attended and nursed by her daughter, who has watched her by day and by night. She has been visited by many who have known her, and all these have sought to make her feel that in passing away she is not forsaken. One of her friends was Mrs. 'Sandy' Rowers, the Washoe seeress, who knew her in the state of Nevada."

THE MONTANA, ANACONDA, MONT. One of the handsomest and most elegantly appointed hotels in the United States. Thoroughly fireproof and provided with elevators, electric bells, fire alarm, running water, baths, steam heat, open fire places and all modern conveniences. Rooms en suite and single. Cuisine and service strictly first-class. Rates from \$3.50 per day upwards according to size and character of rooms occupied. GEO. W. REYNOLDS, MANAGER.

ABOUT THE CITY. F. W. Rogers of Chicago is in the city. W. H. Hahlo of Butte is at the Montana. Byron's complete works with the STANDARD. F. A. Sears came over from Butte yesterday. C. E. Roach of Hamilton is in Anaconda on business. W. W. Johnston of Billings is in Anaconda on business. L. V. Wertheimer of Butte registered at the Montana yesterday. E. T. Galt of Lethbridge was in the city yesterday on a business trip. Smoke the best cigar made, "The Oxford." For sale at Oxford saloon. A. M. Walker of the Commercial came home last evening from a trip to Hamilton. Call and see the handsome premiums that are offered to subscribers to the STANDARD. The building at 217 Commercial Ave. is being fitted up for the permanent quarters of the C. O. D. store. Miss Olive Adams has returned to her home in Butte, after a two months' visit with her sister, Mrs. Sam L. Mahan, of this city. R. T. Williams came up from Deer Lodge last evening, but will return to that city to-day. He is not delighted with his work as a member of the board of appraisers. M. B. Brownlee of Anaconda received a telegram last evening announcing the death of his father, Rev. James Brownlee, at Cranford, N. J. The fatal illness began last Saturday. Rev. Mr. Brownlee was 87 years of age. The Anaconda Rod and Gun club will celebrate Washington's birthday to-day by holding a tournament at the park. The targets will be clay birds, and all sportsmen are invited to be present and participate in the fun. The arrivals at the Montana yesterday were: J. H. Burton, Chicago; A. Smith, Denver; C. E. Roach, Butte; E. R. Manning, Minneapolis; F. W. Rogers, Chicago; F. A. Sears, Butte; W. W. Johnston, Billings; E. T. Galt, Lethbridge; A. H. Newlun, Lethbridge; L. V. Wertheimer, Butte; J. Walter Roberts, Minneapolis; W. W. Walworth, Butte; William H. Hahlo, Butte. The Phoenix hose company has made elaborate preparations for the ball to be given this evening in the Auditorium. The hall has been handsomely decorated, and in addition to the regular orchestra there will be extra musicians, Professor Carpenter, Sam Mahan and others. Word has been received from Deer Lodge and also from Butte that delegations may be expected from those cities, and a grand good time is expected. Don't forget the firemen's dance to-night. The Butte, Anaconda & Pacific is the only line running exclusive passenger trains between Butte and Anaconda. Always on time. Street car tickets free. General Pulaski cigars at L. A. King's. "Green River" direct from distillery No. 9, Second district, Kentucky. All miners are requested to stay away from granite, as there are more men here than can get work. By order of the Granite Miners' union. DAVE CALDWELL, Fin. Sec.

KEPPLER JEWELER CO Watch Makers and Jewelers. Carry the largest and finest stock of Diamonds, Watches, Jewelry and Silverwear. Anaconda, Montana. GEO. BARICH, East Park Ave., Anaconda. Just opened a choice assortment of Gents' Furnishings. All new goods, new styles, etc., and at lowest prices. Give me a call. Try a Want Ad in the Standard

FOR THE NEXT TEN DAYS Before taking inventory we will offer our entire stock of Clothing and Men's Furnishings AT SWEEPING REDUCTIONS. A FEW IMPORTANT SPECIALS! Jean Pants, warranted not to rip, value \$1.50, reduced to \$1. Overalls and Jumpers, value 75c, reduced to 50c. Nail Shoes, value \$2.25, reduced to \$1.50. Buckskin Mittens, value \$1.50, reduced to \$1. Asbestos Gloves and Mittens, warranted fireproof, value \$1.75, now \$1.25. Fine White Laundry Shirts, value \$1.75, reduced to \$1. We carry a large line of Bartenders' and Waiters' Coats and aprons at very low prices. Trunks and Valises—We have just received a large shipment of Trunks and Valises, which we are selling at Eastern prices.

M. S. ASCHHEIM, ANACONDA.

ANACONDA, Classified Business Directory.

RESTAURANT. COSMOPOLITAN RESTAURANT, Main Street. DOC THOMPSON, Proprietor. PLUMBING. PLUMBING, Steam and Hot Water Heating. Estimates furnished on application. Address J. A. Hasley, 215 Oak street, Anaconda, Montana. CITY TRANSFER. ANTON MARCHION, Freight and moving promptly attended to. Dealer in Rock Springs coal. Price of coal reduced to \$7.50. Leave orders at M. O. Dickey's cigar store, 115 Main street. PROFESSIONAL CARDS. DR. N. S. SNYDER, Physician and Surgeon of St. Ann's Hospital. Office, next to Montana Hotel, Anaconda, Mont. DR. GEORGE C. DOUGLAS, Physician and Surgeon. Office over Smith Drug Co.'s store, Anaconda.

ANACONDA LIVERY STABLE D. G. BROWNELL, Proprietor. Buggies, Horses and Saddles for Hire. Also proprietor of Passenger, Baggage and Express Line. Connection made with all trains. Office and Stable, First St., Anaconda. W. M. THORNTON, Fire Insurance.... REPRESENTING LEADING FOREIGN AND AMERICAN COMPANIES. ANACONDA, MONT.

THE MONTANA, ANACONDA, MONT. One of the handsomest and most elegantly appointed hotels in the United States. Thoroughly fireproof and provided with elevators, electric bells, fire alarm, running water, baths, steam heat, open fire places and all modern conveniences. Rooms en suite and single. Cuisine and service strictly first-class. Rates from \$3.50 per day upwards according to size and character of rooms occupied. GEO. W. REYNOLDS, MANAGER.

J. T. CARROLL COMPANY, ANACONDA, MONTANA. Manufacturers of Lumber, Lath, Shingles, Doors, Windows, Moulding. Dealers in Flour, Hay, Feed, Grain, Coal, Bain and Sweet Wagons and Extras, Buggies, Carriages, Road Carts, Harness, Saddles, Robes, Whips, Oliver Chilled and Steel Plows. State Agents for "COMMON SENSE" BOB SLEIGHS AND CUTTERS. TUTTLE Manufacturing and Supply Company. STORES—Anaconda and Butte. DEALERS—Hardware, Mining, Smelting AND Electrical Machinery and Supplies.

COMMERCIAL HOTEL. CORNER THIRD and MAIN STS., ANACONDA. This house, having been thoroughly renovated, is now open to the public. Rates \$2 per day. Your patronage is respectfully solicited. A. M. WALKER, Prop.

ANACONDA MEAT CO. WHOLESALE AND RETAIL DEALERS IN Beef, Pork, Mutton and Veal, Dressed Poultry and Fish. 227 E. First Street, Anaconda. Try a Want Ad in THE STANDARD.

Do You Buy Groceries? We Have Made A Startling Cut. The first dollar mark represents the ordinary purchasing power of 100 cents, while the second and larger one shows the relative value of ten dimes at the C. C. C. Store. For Staple and Fancy Groceries. To show you we mean Business, note these quotations: Gordon & Dillworth's qts Sweet Pickled Peaches.....65c qts Sweet Pickled Pears.....65c qts Sweet Pickled Pineapple.....65c Curtice Bros.' 3-lb. Glass Jar Mince Meat.....75c Batavia 2-lb. Cans Cranberry Sauce.....15c Tremaine's 2-lb. Cans Strawberries.....15c Sharp's 2 lb. Cans Strawberries.....15c Fruit Pudding, 15c, 2 for.....25c Southwell's 1 lb. Black Currant Jam.....25c 1 lb. Black Currant Jelly.....25c 1 lb. Red Currant Jam.....25c 1 lb. Green Gage Jam.....25c 1 lb. Orange Marmalade.....25c 1 lb. Sonoma Jelly.....20c 2 lbs. Somnoa Jelly.....35c Miller's qts Chili Sauce.....50c Gordon & Dillworth's 2-lb. Glass Jars Calves' Foot Jelly.....50c 1-lb. Glass Jars Calves' Foot Jelly.....30c Pillsbury Flour.....\$2.90 Rex Flour.....\$2.25 Four C Flour.....\$2.00 Potatoes per 100 lbs.....75c Chopped Feed per 100 lbs.....85c

Copper City Com'l Co. ANACONDA, MONT.

Manufacturers—Mining, Milling and Concentrating Machinery.

Works at Anaconda.

Manufacturers—Mining, Milling and Concentrating Machinery.