

# Butte Department.

## IT WAS A WARM TIME

### Mayor Thompson Answers a Whole Lot of Questions.

### ECHOES OF THE BIG RIOT

#### The Aldermen Want to Know Why He Signed a Warrant That Mr. Dugan Refused to Sign—Minor Matters.

Mayor Thompson admitted at the council meeting last night that he had paid the warrant of \$300 to J. J. Anderson, which was vetoed by Mayor Dugan and had not been brought up in the present council, or passed over the veto. It was discovered yesterday that this warrant was issued as long ago as July 17, yet the matter has never been brought up in the council and the public had never been informed of the fact that \$300 of its money had been used for this purpose until the Standard gave them the news exclusively last Monday morning. Mr. Thompson brought up the matter himself last night, saying:

"The clerk will read the proceedings of the council of last year regarding the paying of damages incurred on the Fourth of July a year ago. There is a long communication in one of the papers regarding it and I should like to have the matter discussed in the council. It is the council's business and not the newspaper's business to discuss these things."

The mayor did not explain why, if this were so, he did not bring the matter up in the council for discussion last July, when he signed the warrant. The clerk read the minutes of the meeting of July 25, 1894, showing the report of the judiciary committee as follows:

"Your judiciary committee beg leave to submit the following report: We have duly considered the bills presented for damages incurred on July 4, 1894, of Mrs. Morier for the sum of \$50; Charles Hellbroner, for the sum of \$148; Simon Hauswirth, for the sum of \$200, and J. J. Anderson, for the sum of \$300, and after due consideration we recommend your honorable body that the following amounts be allowed and that warrants be ordered on the treasurer of the city for the same as follows: Mrs. Morier, \$50; Charles Hellbroner, \$148; Simon Hauswirth, \$200; J. J. Anderson, \$300."

Next was read the veto of Mayor Dugan in the council proceedings of Aug. 1, 1894, as follows:

"To the members of the city council of the city of Butte, gentlemen—in regard to the claims presented by J. J. Anderson & Co., and Simon Hauswirth for damages alleged to have been sustained on July 4, I have refused to sign any warrants for the payment of said claims, for the reason that I have been informed by E. S. Booth, acting city attorney, that the city is not responsible to the above named parties for damages sustained on that day. The reason given by the acting city attorney is that: First, the city is not responsible for any property destroyed by a mob or in a riot. Second, when a riot occurs within the limits of the city the mayor is empowered by statute to quell the said riot or disturbance and to use all necessary and reasonable means in doing so."

"On the day in question a riot was in progress in Broadway between Academy and Main streets, and was precipitated by the acts of the above mentioned parties in placing certain inscriptions over their places of business (and as to their right to do so I don't question, but the policy of doing so was very questionable), and by means thereof a riot was precipitated and all the available forces of the city government and the state officers were necessary to quell it. In quelling the said riot some damage might have been sustained by the above named parties, but the damage was brought on by their own imprudence and without any fault or negligence on the part of the city or any of its officers, and therefore the said claims should not be paid. The acting city attorney promised to submit a written opinion but has failed to do so, but the above is in substance the gist of the verbal opinion given to me. E. O. Dugan, Mayor."

Alderman Bowman moved that the report be received and placed on file. Alderman Pascoe moved, as an amendment, that the report be referred to the judiciary committee and the amendment was carried.

The clerk then read the report of the judiciary committee in the meeting of Aug. 8.

"We, your judiciary committee, beg leave to submit the following report: In the matter of the objections of the mayor to signing certain warrants in payment of damages alleged to have been sustained by certain parties on the fourth day of July, 1894, we recommend that the same be received and placed on file."

On motion of Alderman Heilig the report was received and adopted. After the reading of the above abstract from the council proceedings of 1894, Mayor Thompson said: "I found after I had taken my seat as mayor of this city that three of these claims had been paid and the fourth had not. After seeing the city attorney, on his advice I signed this warrant, and in doing so I thought I had a legal right to do it and I still think so. I think it strange that Dugan would not sign this warrant when he was willing to sign the other warrants. It is the duty of the mayor to sign warrants. Mr. Dugan says he was advised by the city attorney that the city is not responsible and need not pay these claims. If so he should have signed none of them and let it be tested. But his signing three and not four shows it was a matter of preference with him. If any member of the council can enlighten us further on the subject I would like to hear him."

"I would ask as a matter of information," said Alderman Byrne, "whether before you signed and delivered this warrant of Mr. Dugan his reason for not signing the warrant?"

"I had no reason for asking him," replied Mr. Thompson.

"It might have been wise if you had done so," returned Byrne. "You should have known what Dugan's reason was before you acted, or you should have consulted some one of the eight aldermen who could have told you the circumstances. Why did you not consult us on this matter?" It was explained in this council by Mr. Dugan that he had found there was no trouble in Mr. Hauswirth's saloon at the time the fire department turned out, that all the

trouble was in the Sazerac, and as Mr. Hauswirth was innocently injured while not offending it was considered by Mr. Dugan proper that he should be paid. As the Sazerac was blameless for the trouble he refused to pay them. It would have been well for you, Mr. Mayor, to have ascertained these things and taken the advice of the council instead of acting solely on your own responsibility. This is a very strange thing to me, and probably stranger yet to the public, because we have got rather used to these things and the public has not. We are used to your strange rulings, proceedings, etc."

"There may be stranger rulings before I get through," said the mayor. "Mr. Dugan never told me any reasons why he did not sign that warrant."

"It was your place to inquire," said Byrne.

"I did inquire of the city attorney," said Thompson.

"It was your place," continued Byrne, "to ask such questions of the city attorney in this council chamber and before the members of the council. There was no occasion for all this secrecy."

Alderman Vivion took a hand next and asked the mayor:

"Do you consider that this warrant was the business of the old council or of the new?"

"Of the old," replied the mayor.

"Have you not several times refused to bring up matters of the old council in this, because, as you say, they were none of our business?"

"I have."

"Then why did you take up this matter of the old council's? Who authorized you to fulfill orders which the old council gave to the old mayor?"

"The council ordered the claim paid," said Mr. Thompson "and as Mr. Dugan had refused to pay it, I saw that it was paid."

Alderman Pascoe chimed in next and asked the mayor: "Did you stop to consider that the council has never passed this bill over Mr. Dugan's veto?"

"I don't consider that that was a veto," said the mayor.

"His refusal to sign the warrant was a veto," declared Pascoe "and the warrant was never passed over his veto. You had no more right to sign that warrant as the presiding officer of this body after it had been vetoed than I had."

"That's right," agreed Vivion.

"I am responsible for it if I done wrong," said the mayor. "I claim that I did it right."

"Why was the matter brought up here?" inquired Vivion.

"Merely to ventilate it, so all the facts can come out," said the mayor.

"Did you want a vote of confidence by the aldermen, or an indorsement, or a vote to see whether you are sustained or not?" asked Vivion.

"I am not particular about that," said the mayor. "Any alderman can make such a motion if he chooses, or any other motion if he wants to."

No alderman, apparently, was led to make any motion as endorsed.

"Did I understand you to say," queried Byrne, "that a mayor has no right to refuse a warrant ordered by the council?"

"He has no right unless he can give good reasons for it," said the mayor.

"What right—well, you are a wrong man to ask about right, because you don't know anything about such things," said Byrne. "If you read the incorporation act you will see that the mayor has a right to refuse to sign any bill or act of the council. No one will deny that the old council understood Mr. Dugan's action to be a veto, and it was accepted as a veto at the time."

Nothing further was said about having a veto or endorsement, and as the mayor did not seem to care for a test vote, the matter was dropped. The financial committee reported in favor of using the sinking fund as far as available for the payment of the matured bonds. On motion of Pascoe the judiciary committee was instructed to introduce a resolution in regard to taking up the matured bonds with the money in the sinking fund. An ordinance changing the sidewalk grades in certain blocks was read and referred to the judiciary committee.

The report of the judiciary committee was as follows:

"In the matter of the petition of Mrs. M. E. James, asking for a reduction of the tax assessed upon her property, in the matter of the petition of Mrs. Hilda Reink, asking the remission of the taxes assessed against her property, and in the matter of the account of the Washoe Copper company against the city, asking a rebate of \$8.25, money alleged to have been paid by said Washoe Copper company upon property owned by the city, we report that under section 456 of the political code of Montana, it is necessary for the petitioners to file an affidavit with the city clerk setting forth the facts upon which his petition is based before action can be taken upon such petition by the council."

"Relative to all other matters heretofore referred to us and not reported on, we ask for further time."

The report of the judiciary committee was adopted.

City Engineer Blackford presented the following report:

"I beg to inform your honorable body that I am now prepared to make the special assessments to defray the cost of property purchased for the opening of streets and for sewers and grading work done during the present year."

"Following is a list of the assessments to be made:

Sanitary sewers on Broadway.....	\$ 833.56
Sidewalks in various places—total cost.....	783.09
Grading of Nevada avenue.....	1,364.94
Grading of Emmet and Excelsior avenues and Caledonia street, in the Volunteer addition.....	2,525.58
Cost of land and removal of house on Copper street, between Excelsior avenue and Alabama st.....	550.00
Cost of land in Colorado st., near Iron.....	500.00

"I would recommend that the sewer assessment be referred to the sewer committee and the other matters to the street and alley committee to recommend the rate of assessment. I beg to request that the committees be called at an early date."

"I take the liberty of calling the attention of the council to the matter of the opening of the alley in block No. 28, in rear of city hall. Since the purchase of the tract from Lee W. Foster the matter is in a fair way for settlement with all of the parties interested; an assessment to defray the cost can then be made."

"Under the present law special assessments are collected by the city treasurer and due as soon as levied, and must be paid within 30 days."

The report of the city engineer was referred to the committees mentioned. The street and alley committee recommended that the proposal of A. W. Barnard be referred to the street and alley and judiciary committees joint-

ly, which was done. The petition of George Broughton to change the grade of East Park street was denied. The public building committee was then granted further time to report on the coal contract. The sewer committee recommended that the contract for the construction of an arch on the storm culvert under the Thomas building be awarded to Parrington & Pheazy at \$4.40 per perch. Adopted.

Petitions from Ed Blewett, P. J. Leyden, Nicholas Powers, Peter McIntyre and others for the refunding of city taxes were referred to the judiciary committee.

The fire marshal reported six fires in November with a total loss of \$8,775, insurance of \$14,000, and \$18 paid for services of volunteers. Everything in the fire department is in good running order. The reports of chief of police, building inspectors, health officer and sanitary policemen were read, and placed on file. Adjourned for one week.

### CHIEF TEBO'S REPORT.

Nearly Everyone Arrested Was Convicted—The Offenses.

The monthly report of Chief of Police Tebo, which was completed yesterday, shows that out of a total of 323 arrests during November, 237 convictions were secured against only 36 dismissals. The police court fines and the fines paid by women during the month amounted to \$1,234.25.

Chief Tebo's report in full is as follows:

"There were 323 arrests made, 169 males and 154 females; convictions, 237; dismissals, 36; number of prisoners in jail Nov. 30, 8; number of meals to prisoners during November, 1,140; lights reported out by police during November, 551 hours; amount of property reported stolen during November, \$2,045; amount of property recovered during November, \$511.00.

The following offenses were charged: Assault in the first degree, 2; assault in the third degree, 2; highway robbery, 3; burglary in daytime, 2; burglary in night time, 1; held as witness to district court, 1; intoxication, 35; nuisance, 5; indecent exposure, 1; carrying concealed weapons, 1; unloading coal on sidewalk, 2; running houses of prostitution 146; grand larceny, 2; petit larceny, 9; disturbance, 49; vagrants and secretaries, 43; stolen goods in their possession, 4; running saloon without license, 2; malicious mischief, 3; begging money on street, 4; insulting ladies, 1; street walking, 2; passing liquor in jail, 1; violating Butte bill poster ordinance, 2.

"Of these four were bound over to district court. Mike O'Brien and Richard Mulligan were sentenced to the penitentiary for one year each for burglary."

According to Fire Chief Werner's report there were six fires during November, entailing a loss of \$8,775, which was covered by insurance to the amount of \$14,000. Volunteers were allowed \$18 for attendance at fires for 24 hours during the month. The chief states in his report that everything around the department is in good running order.

### CHANGE OF TIME.

The Montana Union Will Leave for Anaconda at 11:15 a. m.

Under a new time card which goes into effect on the Montana Union today, the Anaconda express will leave Butte at 11:15 a. m. instead of 10:45 and will arrive at Anaconda at 12:20 p. m. instead of 11:55 a. m. The Union Pacific train from the south will arrive at 11:45 a. m. in place of 11:20. The Northern Pacific train for Garrison will leave over the Montana Union at 8:30 a. m. five minutes earlier than before.

### A DENIAL.

Ed Lowney Says He Always Treated His Wife Properly.

Edward J. Lowney, who left his wife and home on Monday to avoid the temptation to strike Mrs. Lowney, wants to deny her statement that he drove her from the house. He says the very contrary is the fact, for he left her in peaceful and absolute possession and has not been home since, always treated her better than I could afford," said he, "and better than I should have treated her."

### AN EXCURSION.

Planning a Trip to the City of Mexico—It May Materialize.

Negotiations are on foot for an excursion from Butte to the City of Mexico about the middle of January. It is thought that one or two carloads of Butte people could be induced to break a severe winter in two by taking a trip at that time. It is proposed to go by the way of Denver, Fort Worth and San Antonio and back by the way of El Paso and the Santa Fe line.

Have your hands reskinned for 25c. The Cash Clothing company's two-bit gloves do it.

Home-manufactured Ready Mixed Paints at Schatzlein's, 14 W. Broadway.

pearl and aluminum opera glasses.

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Are anxiously watching and waiting for you.

Why not go home for Thanksgiving and the Holidays?

What more appropriate time to make glad their hearts again?

Your time may be limited, hence you desire the most direct route.

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Mr. Leyson cordially invites yourself and friends to call on his Holiday Grand Opening and inspect his stock of rich Jewelry, Silverware and the new line of Opaline Decorated Ware.

Saturday, Dec. 7, 1895.

Souvenirs for the ladies.

Floral decorations by Messrs. Winters & Horn.

#### PROGRAMME.

Afternoon.

Music by Prof. V. F. Marino's Orchestra.

1. March—Grand Opening.....V. F. Marino
2. Overture—"Jolly Robbers".....F. Suppe
3. Waltz—"Spanish Beauty".....Rosa
4. Selection—"Norma".....Bellini
5. Cornet Solo—"Romanza" (V. F. Marino)..........Liesemann
6. Concert Polka.....Gungl
7. Overture—"Fest".....Latan
8. Gavotte—"My Sweetheart".....Suabeh
9. Selection—"Beggars Student".....Verdi
10. Galop—"Always Happy".....J. Strauss

#### EVENING PROGRAMME.

1. March—"Silver Bow Club".....V. F. Marino
2. Overture—"Lutspiel".....Kela Bela
3. "Awakening of Spring".....Bach
4. Selection—"La Traviata".....Verdi
5. Waltz—"The Rose of Butte".....Niemand
6. Spanish Serenade—"La Paloma" (V. F. Marino).....J. Missel
7. Overture—"Post and Peasant".....Suppe
8. "Return of the Troops".....Eilenburg
9. Selection—"Travellers".....Verdi
10. Galop—"Electric Light".....Wohanka

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