

Butte Department.

SUIT ON A JUDGMENT

Against the Davis Estate and J. R. Boyce, Jr., & Co. et al.

IT IS FOR MORE THAN \$61,000

The Habeas Corpus Proceedings in the Case of Jones and Peters Ended—Mrs. Curtis Examined as to Her Sanity.

The H. B. Clavin company of New York, the Friend Bros. Clothing company of Wisconsin, Henry W. King & Co., the Powers' Dry Goods company of Minnesota, Carson, Scott & Co., M. Beeber & Co., Finch, Van Slyck, Young & Co., the Miner Publishing company and E. S. Jaffrey & Co. filed a suit yesterday against J. H. Lanyon as administrator of the Davis estate, James A. Talbot as special administrator, J. R. Boyce, Jr., and James R. Boyce, Jr. & Co. and the First National bank to recover various amounts on judgments against the firm of J. R. Boyce, Jr., & Co., obtained in the district court of Silver Bow county last year. The complaint in the case is voluminous and sets forth that the plaintiffs at various times and dates prior to the failure of J. R. Boyce, Jr., & Co. sold the firm merchandise and goods of a total value of \$61,134.47; that at the time of the commencement of the action James R. Boyce was the sole surviving partner of the firm of J. R. Boyce, Jr., & Co.; that on or about July 29, 1887, the defendant J. R. Boyce, Jr., and Andrew J. Davis, now deceased, entered into a copartnership for the purpose of carrying on and conducting the business of dealing in general merchandise in this city; that it was agreed upon by them that each should contribute \$50,000 to the business and the firm name should be James R. Boyce, Jr., & Co.; that up to the time of his death Andrew J. Davis owned all the stock of the First National bank, also a defendant; that Davis contributed the \$50,000 from the funds of the bank and the money was to show on the books of said partnership as an indebtedness of the firm of J. R. Boyce, Jr., & Co., but was in fact the personal indebtedness of Davis to the First National bank and was not to be an obligation of the partnership; that from then until May 1, 1888, Davis held himself to the public and to the wholesale houses from whom the firm purchased goods as a partner in said firm; that on May 1, 1888, it was agreed upon between Davis and Boyce that the former should withdraw from active membership in the firm, but the \$50,000 should remain and form a part of the capital of the firm, and Davis should be wholly responsible therefor to the bank and be a silent partner in the firm.

The complaint further alleges that the \$50,000 contributed by Davis was a part of the firm's assets between March 11, 1890, and Jan. 29, 1891; that James A. Talbot, as special administrator of the estate of Andrew J. Davis, had notice of the agreement that existed between Davis and Boyce that the \$50,000 should be considered an obligation of the estate of Davis and was in fact the personal debt of Andrew J. Davis to the bank; that no settlement of the affairs of the partnership was ever had; that all of the parties who sold goods to the firm between March 11, 1890, and Jan. 29, 1891, did so without any knowledge of the \$50,000 agreements then existing between the First National bank, Andrew J. Davis and James R. Boyce, Jr., and J. A. Talbot; that on or about Jan. 29, 1891, the First National bank, in violation of the agreement of Boyce and Davis and the bank and Talbot that the \$50,000 was not to be considered an obligation of the firm of Boyce & Co., commenced an action for the recovery of the \$50,000 and levied an attachment on all the property and effects of the firm; that Boyce made no defense to the action and permitted the proceeds of the sale of the property amounted to \$50,000, but plaintiffs have no knowledge as to whether the money went to the bank or the Davis estate; that the action of the bank against Boyce was commenced and prosecuted fraudulently and for the purpose of defrauding the creditors of the firm of J. R. Boyce, Jr., & Co.; that none of the plaintiffs had any knowledge of the facts and the fraudulent intentions of the bank and Talbot in commencing the action until about a year before the commencement of the action.

The complaint further states that on Jan. 29, 1891, and on the date of the sale of the property the firm of J. R. Boyce, Jr., & Co. was not indebted to the bank and that all sums which Boyce had borrowed from the bank had been fully paid up before the commencement of the action of the bank against the firm. Plaintiffs ask the court to set aside and annul the judgment of the bank against the firm of J. R. Boyce, Jr., & Co. and declare it to be fraudulent and void.

The habeas corpus proceedings began by George B. Dygert in the cases of William Jones, John Peters and D. L. Smith, prisoners at the county jail, were brought to a sudden termination yesterday by Mr. Dygert and the men will possibly serve out their sentences. The proceedings were begun on the same grounds as the one in the Bloodgett case—an error in the judgment of Judge Turner's court. Jones and Peters are petty larcenists and Smith was sent up for assault in the second degree. The former will be out in a month, but the two latter will remain in retirement until next February.

Mrs. Elizabeth Curtis was examined as to her sanity by a commission before Judge McHatten yesterday morning. Mrs. Curtis has been residing in one of Joseph Silver's houses near the West Broadway school and for six months has been receiving aid from the county. Drs. Johnson and McDonald comprised the commission.

Mr. Silver informed the commission that he had noticed many peculiarities in the woman's actions, chief among which was a marked attachment she displayed for her dog. He said she would dress him up and address him as her son and a gentleman, threaten to buy him a piano and a bicycle and then add that some day he would be president of the United States. Mr. Silver thought that the woman was under the influence of liquor at times. Mrs. Curtis testified in her own be-

half. She wanted to relate her history from childhood, but neither the court nor the commission had time to listen to her woes from such an early date. She said she was 54 years old, and her husband had been a contractor and builder. He died seven years ago. Her only child had died in Chicago nearly 17 years ago. She had a brother in Texas who had fought through the civil war and had a sister residing in Waterbury, Conn.

Asked if she desired to get married she answered in the negative, adding that her age was such that no good man would have her and she would not have any other kind. She admitted that the county partly supported her, and she took in washing and did mending for the balance. "When people let me alone," said she, "I am all right. I mind my own business. Mr. Silver is the only one with whom I have trouble."

Asked about the peculiar manner in which she addressed her dog, she said it was all nonsense. She had two of the animals and they were the only company she had. One was a bull terrier. Questioned with reference to the quantity of whiskey she consumed, she stated that once in a while she drank a little beer and whiskey, but her means would not permit of her taking a bath in such luxuries.

After she had finished her narrative the commission concluded that her mental condition was all right and with a "thank you, sirs," she left the room.

CHURCHES TO-DAY.

Church services will be held to-day as follows:

First Presbyterian church, Rev. E. J. Groenewald, pastor—Regular services at 11 a. m. and 8 p. m. Sunday school at 12:15. All cordially invited.

St. John's Episcopal church, S. C. Blackiston, rector—Holy communion at 10:30. Morning prayer and sermon at 11. Evening prayer and sermon at 8. Sunday school at 12:30. Services will be appropriate to the day, which is Whitsunday.

There will be Swedish services in the Baptist church at 3:30 p. m., conducted by Rev. F. O. Nelson.

Meaderville—Sunday school at 2 o'clock. Epworth league at 7 o'clock. Preaching service at 7:45. Prayer meeting Monday evening at 8 o'clock. T. H. Hicks, pastor.

Swedish Lutheran service to-day at the Congregational church, opposite the court house, at 11 a. m. and 8 p. m. All who understand the Swedish language are welcome. A. G. Anderson, pastor.

Mountain View M. E. church—Sermon at 11 o'clock. "Exaltation Through Humiliation." At 8 o'clock, "Loyalty to Conscience." Sunday school at 12:15. Epworth league at 5:30. Prayer meeting Wednesday at 8 p. m. Junior league Saturday at 2 p. m. All invited. William Rollins, pastor.

German Evangelical Lutheran church, corner Silver and Dakota streets, M. Huddloff, pastor. Services to-day at 11 o'clock a. m. and 8 p. m. English preaching in the evening by the pastor. Sunday school at 9:45 a. m.

Walkerville M. E. church—There will be no services held to-day in Walkerville church. Some new cases have developed. A. Berk, pastor.

South Butte M. E. church—Preaching service morning at 11 o'clock. Sunday school at 2:30.

Second Presbyterian church, East Mercury, I. Newton Roberts, pastor—Services at 8 p. m. Mr. Henderson will preach. Endeavor meeting at 7 p. m. Sunday school at 2 p. m. Prayer meeting Wednesday evening at 8 o'clock. All are cordially invited to attend.

Scandinavian M. E. church, corner Copper and Alaska streets—Services to-day at 11 a. m. and 8 p. m. Sunday school at 2 o'clock p. m. The sewing society meets at Sister Christenson's next Thursday evening. All are welcome. P. N. Melby, pastor.

Diamonds as Dinner Favors.

The announcement comes from London that diamonds are being used as dinner favors in place of flowers and other trinkets now discarded. A South African millionaire is responsible, it is said, for starting this fashion in London. Having conceived the idea of celebrating his return to his friends by inviting them all to an elaborate banquet his generous millionaire soul overflowed naturally in the direction of diamonds as dinner favors. At dessert therefore, large, uncut gems, the very choicest product of the South African mines, were promptly presented to the guests. Wealthy Londoners have been trying ever since to eclipse the display, but it takes an American to outdo the English, and if any one in Butte wishes to try their hand they will have a good opportunity of supplying themselves this week from Ley's special diamond sale.

Grand Concert

A grand concert will be given by the Presbyterian church at the Auditorium on Friday evening, May 29. This will be the musical treat of the season. The following is the programme:

1. Overture.....Bergstrom's Orchestra
2. Selection.....Elk Quartet Messrs. Bogan, Sellock, Doering, Dwyer.
3. Selection.....Boston Montana Band
4. Spanish Song.....Ivo Bogan
5. Selection.....Aeolian Octet Mrs. Butler, Miss Shaw, Miss Verona, Miss Coy, Mr. Jahreis, Mr. Paynter, Mr. Butler, Mr. Krager.
6. Solo.....Miss Edna Dwyer
7. Sextette from Lucia Di Lammermoor.....Miss Finn, Miss Resnor, Mr. Pooley, Mr. Coombs, Mr. Sellock, Mr. Doering.
8. Selection.....Boston Montana Band
9. Miserere—Chorus.....Mrs. Butler, Miss Dwyer and Chorus.
10. Selection.....Elk Quartet Admission, 50 cents.

Opening and souvenirs at Prahman Dry Goods Co. to-morrow.

Furniture and Carpet Sale.

While on my trip east to buy furniture I bought at auction a large quantity of furniture and some 200 misfit carpets, which I will have on sale Monday. To make room for these goods we will make a cut in price on our already well assorted stock of household furniture. We would advise an inspection of these goods before buying elsewhere. We have stationed an agent in the east to buy at auction and private sale whenever there are bargains to be sold; so hereafter will be able to furnish your house for you at eastern prices. H. Strasburger, 73-75 W. Park street.

All the ladies of members of the Canadian institute are requested to meet at the institute room on Monday evening for the purpose of organizing a social club.

POLICEMEN ON BIKES

Almost the Entire Force Is Learning to Ride the Wheel.

THE CHIEF TAKES A SPIN

His Clever Work on the Seductive Thing Was a Complete Surprise to Those Who were Prepared for a Laugh.

Almost the entire Butte police force is learning to ride the perilous but seductive bicycle. Every evening most of the members of the day force go down on the level road which runs from the athletic grounds to the race track. They can be seen there in all stages of development. Some have become experts, others are just getting the hang of the thing and others are just learning. The expert riders are just learning. The expert riders are just learning. The expert riders are just learning.

There was a job put up on Chief of Police Tebo the other evening, but the chief turned the laugh in good shape. The policemen who have learned to ride thought it would be awful funny to see their worthy chief grappling with the wheel. So they got him down to the flat to watch the boys ride, and finally persuaded the chief to try it once. The chief did have a little difficulty in mounting the pesky thing, but after he got safely in the saddle he didn't do a thing but ride away like a whirlwind. There wasn't a man on the whole force who could explain it or understand it. They were certain that the chief had not been on the wheel before, and yet he double-discounted them all.

The chief rode three or four miles and then turned around and came back to the gang. He didn't say anything and never cracked a smile. But he confided to some of his friends afterward that, although he had never been on any of these new-fangled wheels before, yet years ago he was an expert rider of the big high wheel which was in vogue then, styled the velocipedes, and he gave the first exhibition of riding a wheel ever given in Butte. It was in the old pavilion before a vast audience, years and years ago, and the future chief of police won many plaudits by the way in which he turned somersaults on the wheel, dove off it and jumped on again, stood on his head while he made a complete circuit, and performed numerous other daring tricks. The chief had not kept up his practice, but to ride the new wheel was nothing to him.

Clyde Coulter is acknowledged to be the best rider on the force as yet. Clyde learned to ride last fall in the glare of the electric lights on Broadway in front of the city hall, after most people had gone to bed. Officers Barch, Stoneberg, Captain Waters and Detective Henry We are getting to be first-class riders, while Assistant City Clerk Wales and Officer J. J. Anderson are just beginning. City Treasurer Yoder is also a pretty good rider, and City Clerk McMillan is thinking of trying it a while. Mayor Thompson has not yet commented to venture on a wheel but a strong effort is being made to induce him to do so. Acting City Attorney Darron is an expert at it, and so is County Clerk Johnson.

All these officials and hundreds of plain citizens and citizenesses can be seen every evening that is pleasant down on the flat.

Dr. O. B. Whitford now has a partner in the person of R. H. Davidson, M. D., a graduate of the Eclectic school of medicine, who has recently arrived in Butte to assist Dr. Whitford in his extensive practice. Dr. Davidson comes with credentials from the school of medicine whose graduates make a success in the practice of their profession. He is now located in the Baltimore block, 71 West Park street, where he can be found day or night to attend to the many calls that Dr. Whitford has been unable to respond to on account of each day's hard work from early morn until late at night. The Doctor has practiced four years in San Francisco, leaving a lucrative practice through the solicitation of Dr. Whitford, who has been utterly unable to professionally attend to one-half required of him.

Opening and souvenirs at Prahman Dry Goods Co. to-morrow.

Will you attend the republican national convention at St. Louis? If so, don't lose sight of the fact that by taking the "Burlington Route" via Billings you will save 10 whole hours over other routes. Special rates and the best of accommodations.

Opening and souvenirs at Prahman Dry Goods Co. to-morrow.

FOR SALE.

The Eighty-Stamp Milling Plant of the Blue Bird Company.

BUILT BY FRASER & CHALMERS.

THE PLANT INCLUDES

- 12 boilers in first class condition.
- 1 Knowles air compressor, 10x7x12.
- 1 Worthington compound condensing steam pump 12" and 12 1/2x12x10.
- 1 No. 2 Worth agton jet condenser.
- 1 Knowles steam pump, 12x6x12.
- 1 Cameron steam pump, 7x5x12.
- 1 Knowles steam pump, 7x5x12.
- 1 Knowles duplex, 5 1/2x3 1/2x7.
- 1 No. 9 Knowles sinker.

The stamps are in batteries of ten and although constructed for dry crushing can, with little expense, be arranged for wet crushing.

For complete catalogue write

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11 Silver Bow block, Butte, Mont.

A Rip Roaring Red Hot, Sensational Spring Slaughter Sale

That's just what it is going to be. Nothing like it has ever been seen before. The history of all the other great clothing sales ever held in the entire west will pale into puny insignificance before it.

In the great race for commercial supremacy we propose to keep our place at the head of the procession at all hazards. We intend to sell double the amount of goods this season that we did last.

There's only a few days left when the summer season will have been born, and owing to the unusual lateness of the spring this year we have got to get a move on us if we accomplish our object and beat all previous records.

DOWN GO THE PRICES ON EVERYTHING FOR MEN AND BOYS

That's the way to do it. We shall not sell everything at a loss—that would be foolish, and you would not believe us if we said so—but the price on every article in the big store, with the exception of a few lines which we have contracted not to cut the price upon, will be absolutely slaughtered. Some things will go at cost, others even below cost. Everything at a sweeping reduction.

This gigantic spring slaughter sale will live in the memory of every man, woman and child in Butte for the next 20 years. Honesty and truthfulness shall be our watchwords.

To anybody who can find we have made a single misstatement we will present with a twenty-dollar gold piece and give them the best suit of clothes in the house absolutely free.

Monday the great sale starts. Watch the papers for the most startling and sensational slaughter of clothing and furnishing values ever dreamed of in the city of Butte.

You can always have your money back for the asking, but during the progress of this sale, owing to the marvelous cut in regular prices, we will be forced to suspend our regular standing offer of paying the express on out-of-town orders.

GANS & KLEIN

120-122 N. Main St., Butte. Largest Clothiers in Montana.

One Tailor....

Is just as good as another. Some people have this indefinite way of looking at things, but most of us know the distinction between good, bad and indifferent.

The Reputation

Enjoyed by a tailor depends on his ability to select material, follow the order of the customer, employ the Best Tailors, and makes it the only business to have every garment a perfect fit.

HENRY JONAS

Merchant Tailor
126 North Main, Butte, Mont.

Fellows'

49 West Broadway.

- 20 cents Per quart for Mixed Pickles or Chow Chow.
- 25 cents Quart Queen Olives.
- 20 cents For pint bottle Good Catsup.
- 12 1-2 cents Can Very Best Sweet Corn.
- 10 cents Can Lily Wax Beans.
- 30 cents Can Franco-American Soup.
- 20 cents Package Arbuckle's Coffee.
- 35 cents Pound Hoffman House Coffee.
- \$1.00 6 pounds Broken Java Coffee.
- 25 cents Pound Good Young Hyson Tea.
- 20 cents Pound Chocolate Cream Candy.
- \$1.00 Per sack Dakota Hard Wheat Flour.
- 10 cents Per pound for Hams or Bacon.
- 12 1-2 cents Pound Full Cream Cheese.

Frank J. Fellows

49 West Broadway.

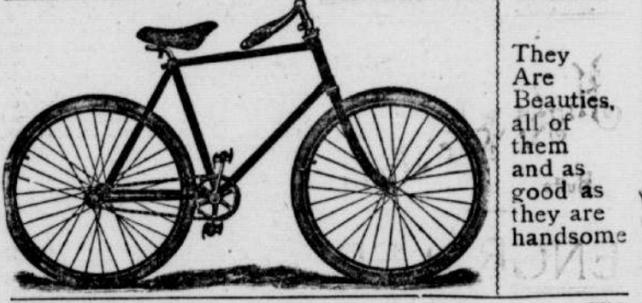
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Monarch, two models, 28-in., ladies' and men's.....\$50 and 100.00
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Defiance, 24-in., \$40; 26-in., \$50; 28-in.....100.00

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H. C. CARNY, Butte Sampling Works
C. H. HAND
Sample and buy Copper, Silver, Gold and Lead ores. P. O. Box 710, Office—Second Building, Cor. Hamilton and Granite streets. Geo. H. CASEY, Manager.