

BUTTE NEWS.

ATTORNEYS DO NOT AGREE

T. J. Walsh and J. L. Wines Engage in a Setto in Court Room.

DEFINITIONS OF WORDS

Heated Argument in the Case of Rueger vs. the Kenyon-Connell Company. Judge Clancy Takes the Matter Under Adversement.

The arguments in the case of Emma L. Rueger against the Kenyon-Connell Commercial company and its managing officers was concluded yesterday afternoon before Judge Clancy, and the court took the demurrers under advisement. The proceedings yesterday were marked with a somewhat sensational and rather personal character between the opposing counsel, T. J. Walsh and J. L. Wines, the former appearing for the plaintiff and the latter for the defendants. Mr. Walsh took up the greater part of the day in replying to Mr. Wines' arguments of Tuesday. He explained that the purpose of the action was to close up the affairs of the corporation. For this purpose, the plaintiff asks that the defendants be enjoined from the property of the corporation and that a receiver be appointed with power to sue on behalf of the corporation upon any cause of action which such accounting may disclose to the corporation for the corporation and against its trustees by reason of the negligent or wrongful acts of such trustees, whereby the property of the corporation has been misappropriated, or wasted, or destroyed, and to apply such property when collected, first, to the payment of the claims of creditors of the corporation, and second, to distribute the surplus remaining to the stockholders in proportion to their shares.

The receiver asked for was appointed about a week ago on the hearing, on the return of a citation issued in the case. The demurrers interposed sought to raise the question of the right of the plaintiff to an accounting. Mr. Walsh said that the individuals who hold the offices designated by statute as trustees hold the relation to the stockholders of the company of equitable trustees, and that the money invested by the stockholders in the company is a trust fund, with the management of which the trustees are charged, and that in the discharge of such duties they are bound to the utmost fidelity. They are bound also by reason of this fiduciary relation to render an account to such stockholders, as to the manner in which such funds have been used and as to what has become of it.

Mr. Walsh cited many authorities in support of his views of the case. Among others he referred to an equity rule of the United States supreme court, known as rule No. 94, and, in speaking about it, he remarked, turning to Mr. Wines, that he would give that gentleman the credit of not being familiar with the rule. Several times during Mr. Walsh's argument, Mr. Wines interrupted and corrected him. At one point in the argument Mr. Walsh attempted to define the word "relief," as it appeared in Mr. Wines' demurrer, and spoke of it as if it related to the "prayer" of the complaint. Mr. Wines interrupted him again to say that the word "relief" referred to allegations in the complaint and not to the prayer.

"Perhaps I don't understand the English language," said Walsh, and then he read the demurrer over and again argued that in ordinary English could mean nothing more or less than "prayer," as it applied to the question at issue.

"I'll admit right here," said Mr. Wines, "that you know anything but yourself. I'll admit guilty to that."

Mr. Walsh made no reply, but before he concluded his argument he made several more slighting allusions to Mr. Wines' law firm.

When it came Mr. Wines' time to reply he arose in evident anger. "Whenever I desire any information regarding the equity rule referred to by the gentleman I will call on him myself," he said, "and when I need any advice from him as to the law or my duty I will ask for it, and I require none from him, and I hurl back in the gentleman's teeth the insult he offers in the same spirit that it was given. That's what I mean."

In different parts of America—but of the first pipe. Though well known to Europeans visiting America, tobacco was not brought into Europe until late in the sixteenth century. A Spanish doctor, Hernandez, is said to have brought the first tobacco into Europe. Jean Nicot—who has left his name behind in "nicotine"—brought some tobacco in 1580 to the grand duke of France. He described it as "a herb of peculiar pleasant taste, good medicinally in fevers and other diseases." It was, in fact, as a medicine that tobacco was introduced into Europe, and for many years it remained in pharmacopoeia. For a long time the fragrant weed had no settled name. It was called by a score of different titles, the most common being "mofina." Ultimately the world returned to tobacco, the name by which Hernandez called it on introducing it in Europe, and with trifling variations, this is the name by which it is universally known.

Tradition asserts that Sir Walter Raleigh was the first to smoke tobacco in England. This honor is also claimed for several other gentlemen, but at this point it is impossible to be settled. Captains Price and Keet were, however, the first to smoke tobacco publicly in London. They used "sogars," and selected many people assembled to see them smoke or drink tobacco, as it was called at that time. Pipes were not invented in those days. At first they were made of silver, and the bowl of a walnut shell for the bowl of the pipe, and a straw to suck up the smoke. This primitive pipe was passed from man to man round the tables in taverns, and smoking was chiefly indulged in. Smoking leaped into popular favor, and the habit was practiced everywhere, churches not excepted.

Urban VIII, issued a bill excommunicating all who used tobacco in churches, and Elizabeth thought proper to add to this penalty of excommunication against those who filled their nostrils with the odor of the pipe, and ordered the beadies to confiscate their snuff boxes. Later another pope excommunicated all who took "snuff of tobacco in St. Peter's" and warning all the American Puritans followed the example of the European Catholics and forbade smoking in church, as the service was greatly disturbed by the clinking of pipes and the clouds of smoke in church.

Hence a law was made enacting that "any person or persons that shall be found smoking of tobacco in their houses, within two miles of the meeting house, shall pay 12 pence for every such default." Under this law five men were fined "for smoking of tobacco in their houses, at the meeting house on the Lord's day." Like everything else, tobacco, by its popularity, awakened opposition. The anti-tobaccoists were headed by James L. who charged that the custom was "loathsome to the eye, harmful to the brain, dangerous to the lungs and in the black time thereof nearest resembling the horrible Stygian smoke of the pit that is bottomless."

This royal condemnation of smoking called forth similar effusions to the British Solomon's "counterblast" and for many years the tobaccoists—as smokers, not the sellers, of tobacco were then called—came in for severe criticism.

All classes indulged in tobacco, nor were the ladies scrupulous in partaking of the fragrant weed. In ordinary day smoking was a more expensive habit than it is to-day. Tobacco cost 75 cents an ounce, equal, according to present values, to \$4.50. It was sold for \$1.00, and our ancestors were accustomed to reserve their heaviest shillings for buying tobacco.

Much as the Englishman likes his glass of beer, he prizes his pipe and the storm which would arise if the house of commons took steps to stop smoking. Yet, in 1621, Sir William Stroud moved in the house of commons that the habit of smoking be banished wholly out of the realm, and not brought in nor used among us. Sir Guy Palmes said that if tobacco be not banished it will overthrow 100,000 men in England. For now it was so common he had seen men take it at the plow.

James I. was not alone in his attempt to uproot the habit of smoking. Pasgans, Mohammedan and Christian monks alike, combined to crush it out. Peter, the Great, prohibited the use of tobacco, and so did the shah of Persia. Amurath VII. of Turkey ordered that all smokers should have their noses slit, and a tobacco pipe thrust through; they were then to be paraded through the streets as a warning. For smoking the leaves of a plant, death was the penalty, for smoking up the nostrils the nose was cut off. But neither the decrees of princes nor the thunder of popes could check the habit. The wit of fools and the wisdom of scholars was alike wasted in fruitless endeavors to banish tobacco. Such efforts seem ridiculous nowadays. Imagine, if you can, a Turk without his cigarette, a German without his pipe, and Englishman without his bulldog pipe.

Among the Puritans tobacco was at first abhorred, but it gradually gained ground. Quakers smoked, but friends were requested "to partake of tobacco privately and in their own houses, in order not to encourage smoking and make the use thereof excessive." In the American colonies tobacco took the form of coin. For harboring a convict for bringing one from England a fine of 5,000 pounds of tobacco was levied.

A cargo of young women was brought from England for wives for the settlers, and these were disposed of at 100 pounds of tobacco a head. The use of tobacco to-day is universal. The Americans consume nine pounds a head, while the Englishman only smokes 18 pounds a head annually. To the habit of smoking is attributed by some the irritable ill health and nervousness of to-day. But the worry and troubles of modern life demanded a sedative, and tobacco supplies that demand. What the world would be without tobacco nobody can imagine. Let anti-tobaccoists and faddists remember that it has been proved officially in France, and privately in Belgium, Germany and England that no criminal has ever committed a crime of violence while smoking. "A man who is smoking is not likely to commit a bad act. Tobacco strengthens the mind better natured and more resigned."

The Montana Union has put on a full line of tickets to all points East and West via the O. S. L. For rates and other information call upon or address your nearest agent, or S. R. Childershead, general passenger agent, Butte, Mont.

CASTORA

For Infants and Children.

IN JUDGE CLANCY'S COURT

James Coyle, a 15-Year-Old Boy, Sent to the Reform School.

A STAKEHOLDER IS SUED

One Thousand Dollars Involved in a Bet Recently Made—Two Banks Made Plaintiffs in Suits to Recover Money.

James Coyle, another youthful criminal, entered a plea of guilty in Judge Clancy's court yesterday morning to a charge of burglary, and was sentenced to the reform school until he is 21 years of age. His attorney stated to the court that the boy was but 15 years old. Nothing was stated as to the crime of which he was accused, and no information was brought out as to his parents or antecedents. The information filed against the youth charged him with stealing and selling a lot of carpenter's tools.

W. H. Price yesterday commenced an action in the district court against the Emmanuel Presbyterian church for \$122.25, and to foreclose a mortgage lien on the new church building of the defendant in the Leggat & Foster addition. Price was the contractor on the building and the amount sued for is claimed to be a balance due for material and labor. An attorney's fee of \$50 is also demanded, and the usual decree for a sale of the property is asked.

A complaint in a suit of James Macfarlane against John Gillie, an action for \$1,000, was filed in the district court yesterday. Macfarlane and C. S. Battenman had a dispute about a month ago over the sale of the Sullivan and Shaw Bird mining claims for the Anaconda company to F. Aug. Heinze, for \$100,000. There was a bet of \$500 a side made, Battenman contending that the sale was not made. Gillie was made stakeholder, and Macfarlane furnished proofs that the sale had been made, and then Battenman squealed and ordered Gillie to pay the balance due on the suit which was instituted yesterday.

W. A. Clark & Brother brought suit against Walter J. King and Warren C. King for \$5,147.50 and interest on a note dated March 29, 1898, at 12 per cent. The note was executed by Walter J. King to Clark & Larabee, and two paid-up life insurance policies on the life of Warren King were given as security. There has been paid out \$3,000 on the original amount of the note, which was for \$6,000. The court is asked to order the insurance policies to be sold to satisfy the claim. Another suit by the same plaintiffs was brought against Warren C. King for \$5,147.50 due on a note for \$5,918.85, executed March 19, 1898, and secured by still another life insurance policy.

Hoge, Brownlee & Co., commenced suit yesterday against William H. Conine, Edwin H. Irvine, Forbie E. Irvine and John E. Lloyd for \$1,438.57 due on a note of \$1,600 executed Dec. 31, 1894.

The case of Nicholas Hughes against O. D. Holmes and others was dismissed by Judge Clancy at 10 o'clock yesterday. The attorneys because it has been settled.

KLONDYKE

PAID HIS BILLS IN FIGHTS.

Debtor Whips a Landlord and Lawyer Until They Call H. H. H. From the Louisville Dispatch. In relating a fight he once had with a man from Illinois, S. H. Files of Paducah, says: "At that time I lived in Smithland, W. P. Fowler was judge, I was sheriff, J. W. C. was clerk, Blount Hodke was there and Ben Barnes, Dr. Sanders, T. C. Leech, Judge Bennet, J. W. Bush and many others of the old timers lived there then. I kept a hotel and a saloon in the house. The man from Illinois put up with me. I gave him one of the best rooms. He stayed several days. I got uneasy about my bill and asked him for it. He said that he was in a hurry, and that he would pay it when he got ready. I very foolishly told him that if he did not pay me right then I would take it out of his hide. He rolled up his coat and gave me the money. By this time I was very tired of the fight. He got me down on the floor, and after thinking about it for years, I think I was whipped. When he let me get up I told him as yet I owe me one cent, and could stay at the Waverly house free of charge as long as he wanted to. This man from Illinois had a lawsuit in our court, and David Groer was his lawyer. He had the suit up in nice shape, and expected a big fee, but alas for David! This man from Illinois, flushed with victory after getting through with me, concluded to settle with David as he had with me. He went to David's office and told him he had settled his bill with Sam Files, and now he was ready to pay his bill. For an hour he argued, but he got up his chair and backed himself up in the corner and told the man from Illinois that he did not owe him one cent, and also told him that if he would be unkind for him to stay longer with me that he could go home with him and it would cost him nothing to stay as long as he desired to. But the man from Illinois had not completed his mission at Smithland as yet. He owed Tom Robertson a lively stable bill and he called on him to settle. Tom told him he owed him nothing. He then called on Mr. Cade, and he told him the same thing.

"The last time I heard from this man from Illinois was that he was fighting the lively stable man at New Liberty, Ill., to get his horse out of the stable without pay, and he did so."

RAISING ORANGES IN KLONDYKE

NOT ANY MORE ABSURD THAN SOME OTHER CLAIMS.

A Bit of Information for Those Who Won't Go to Alaska Next Summer. Since it became known that the virile essence of celery is a remarkable nerve tonic, a horde of small vendors have been putting up decorations with a small flag of celery seed and making extravagant claims of its virtues. It would be just as reasonable for our friends now snow-bound in Alaska to certify us with tales of orange groves in that chilly region as for some small fry to put labels on bottles supposed to contain genuine celery extract. The fact of the matter is that celery won't grow in any kind of soil like weeds do in Kalamauz, Mich., raises the only good celery in the U. S., and what is not shipped to market for the table is utilized by the growers in preparing celery compound. As another important fact is that Kalamauz is the only distillery on the continent for extracting celery juice. A number of local druggists are displaying a beautiful picture of the finest field of celery in the world. This view is taken from a photograph of the Dunkley Celery Company's farm, who own the distillery and prepare Dunkley's Celery Compound of which we hear so much. This medicine is a true ingredient, is absolutely reliable, is a genuine product of the celery plant and the most beneficial, bracing, blood-purifier and nerve-strengthening medicine that goes to Alaska for oranges and the same principle don't use any celery remedy unless the bottle is labeled Dunkley's Celery Compound.

How We Make Criminals.

From the Chicago Record. I think criminologists agree that most criminals are made, not born. They are made by accident, and differ in no essential respect from other men. An individual becoming excited in discussion, or under the influence of liquor, or on account of an insult, may, at the spur of the moment, strike the offender with the nearest object in his reach; if it is a hammer, he becomes a criminal, and if it is a book, he does not. I am not overlooking the class of habitual and professional criminals, but the fact that three-fourths of the men sent to Joliet never are returned there seems to say that they do not belong to these classes. It is the occasional criminal who makes new news. If we could thoroughly trace the causes which brought many convicts into crime, we would learn

that their temptations were above those of others, who have maintained a reputation for integrity and good citizenship only because they were not exposed to the temptations which beset the men deemed fallen brothers. The chief difference between many convicted of crime and others who are reputed upright citizens is more a question of temptation than of real difference of character. Many deemed fallen would be deemed upright to-day if their temptations had been less powerful, and many regarded as upright citizens would be stamped criminals had they been tempted as such convict brothers were.

Yet these men, occasional criminals, never before guilty of crime and who likely never will be again, are received practically just as the professional criminal is received. They are treated alike, and the same attempt is made to keep them and the professional criminals apart, and they are made to feel that if they are not reprobates, they yet are among those who are weak and the vicious, the sensitive and the brutal, the gentle and the vulgar, are shut up together, with scant light, little diversion and no occupation other than the reading of books of their own selection. Their fellowship in prison does not become the habitual one, it would seem to be no fault of the people who force on him such environments for one, five, ten, twenty or more years.

Such facts seem to say that as well as we are able we manufacture what is called the habitual criminal. An unknown writer put it perhaps a little strongly but not so very far from the truth to provide a forcing bed for vice it would not have to change a single detail in its methods of dealing with occasional criminals.

BACHELOR MAIDS GIVE A DANCE.

Not One Member of the Sterner Sex Was Present at the Affair.

Young men are at a discount in the village of Daytona, Fla. That is, they are not needed by the girls of the village at balls and parties. This was fully demonstrated at the bachelor maids' of Daytona, an organization composed of the leading society girls in the town, gave what they called a "dove dance" to their numerous girl friends. Not one member of the sterner sex was present, and the girls united in saying that they never had such a lovely and enjoyable time before. The ladies and young men in love will be glad to hear that the bachelor maids' of Daytona, an organization composed of the leading society girls in the town, gave what they called a "dove dance" to their numerous girl friends. Not one member of the sterner sex was present, and the girls united in saying that they never had such a lovely and enjoyable time before. 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