

**GANS & KLEIN.**



TO DAY the National Fraternal Congress will hold its eighth annual session in Buffalo, N. Y. It will be a gathering of representatives of various fraternal and beneficiary associations of the United States and the Dominion of Canada, which have a membership of over two millions, and a grand total of benefit funds amounting to \$2,400,000,000. This vast total of membership and benefit funds is steadily increasing from year to year.

We try to make our goods the best advertisement—try to make this the best place to come for dependable goods—and it seems as if you appreciate it from the way you crowd our store.

This is good Mackintosh weather—but then at what time of year isn't a Mackintosh handy? The prices run \$5.00, \$7.00, \$10.00, \$15.00, \$20.00—the two latter kinds with or without Capes, and with the four inch velvet collar.

Men's Overcoats—Ulster, Box, Sack and Poole—any price you want—but always full value for your money.

Men's Suits—and that means everything from the rough and ready Business Suit at \$7.00, \$9.00 or \$11.00, to the finest and swellest Prince Alberts or Dress Suits.

Speaking of full dress—we've a line of Full Dress Shirts that are worthy of your attention.

Plain bosoms.....\$1.50  
Embroidered bosoms.....2.00

Haven't told you much about rubber goods lately—but there's three things we'd like to jog your memory on:

Candee Footwear in complete assortment.

Rubber gloves for ladies and gentlemen.

Boss of Montana gum coats for miners and mill men—patent sleeve, single or double back.

Boys' Suits of all fabrics, all grades, all styles. \$2.50, \$3, \$4, \$4.50 and upward.

We sell dependable underwear—the sort you can depend on for comfort and service. The price starts at \$1 per suit—but good grades cost more.

**GANS & KLEIN.**

## DON'T OWN THE TOWN

Judge Knowles Decides Against J. A. Carter in His Suit for Valuable Helena Property.

HE CLAIMED PART OF THE TOWNSITE

The Court Holds, However, That He Has No Ground on Which to Base His Suit.

Judge Knowles, in the United States court, yesterday handed down four decisions, one of which was in the important case of J. A. Carter versus J. D. Thompson and others. It involves a large slice of the townsite of Helena, which Carter laid claim to on the ground that the land was mineral and known to be such at the time patent was issued to the probate judge. The land has been sold and resold and is mostly covered by valuable business property now. The case came before Judge Knowles on demurrers to the complaint. Judge Knowles sustains the demurrers and dismisses the complaint at Carter's costs. The decision says:

"J. A. Carter in this case commenced an action to quiet title. He sets forth that he located the premises as a placer mining claim. There is no doubt that the only title he has to the premises is derived from this location. The only claim of interest the respondents have in privity with the United States is asserted by them under a pretended entry patent to the Helena townsite of Lewis and Clarke. The patent shows a grant of the premises in dispute, with other lands, to M. F. Truett, probate judge of Lewis and Clarke county, in trust for the use and benefit of the company of the townsite of Helena according to their respective interests. In the bill is an allegation that the premises in dispute are mineral land and known to be such at the time of and prior to the application to enter the land under the townsite law. The location of the claim under which Carter asserts title was made Sept. 7, 1893. The townsite patent was issued June 15, 1872. The claim seems to be that the patent was issued before the land was offered for sale at public auction. Complainant has not noticed the difference between the statutes which provide for the pre-emption of public lands and the one providing for the sale of such lands for townsite purposes, and the statute for the private sale of lands. In the case of Kansas Pacific Railway versus Dunmeyer, the supreme court points out that 'sale, pre-emption and homestead are three different modes of acquiring an interest in public lands.' There may be added to this list the acquisition of interest in lands by the proper officials in trust for townsite purposes. Public lands could be pre-empted or obtained as a homestead or for townsite purposes without the land having been offered for sale at public auction. Public lands could be acquired at private sale until such an offer was made. So that the authorities cited upon that point have no bearing.

"It seems to be claimed that as the lands were known to be mineral before application or the issuing of the patent, that therefore it is void. The question as to whether the land was mineral or not was one upon which the land department passed in issuing the patent to M. F. Truett, the probate judge. In speaking of the functions of the land department in the case of Steel versus Smelting company, the supreme court said: 'Necessarily therefore it must consider and pass upon the qualifications of the applicant, the character of the land and whether it is of the class which is open to sale. Its judgment upon these matters is that of a special tribunal and is unassailable except by direct proceedings for its annulment and limitation.'

"In the case of Davis versus administrator of Wieboldt the supreme court, in speaking of the effect of an exception in grant of mineral lands, said as to the effect of a patent. 'The grant or patent when issued would thus be held to carry with it the determination of the proper authorities that the land patented was not subject to the exception stated.' In the case of Barden versus Northern Pacific, the supreme court held that it was within the province of the land department to inquire into the character of the lands when a patent therefor, as to whether it was mineral or not. And if land were determined to be non-mineral this determination would be conclusive in the absence of fraud, imposition or mistake. The court says upon this point: 'Their judgment in such cases is like that of other special tribunals upon matters within their exclusive jurisdiction, unassailable except by direct proceeding for its correction or annulment.'

"The conclusion is that the land granted to M. F. Truett in trust for the Helena townsite must be classed as non-mineral. It was so determined by the land department. This determination cannot be attacked in a collateral proceeding. This was so held in the case of Barden versus Northern Pacific. If any fraud was practiced or any mistake of law or fact occurred in issuing the patent to Truett, complainant cannot take advantage of this. He had no rights at that time to be affected by either the fraud or mistake. His rights, if any, accrued, according to his own showing, twenty-one years after issuing of the patent. The supreme court has fully decided this matter in the cases of Vance versus Burbank and Bohall versus Billa. The only way this patent can be set aside or annulled is by a direct proceeding instituted by the United States for some fraud practiced on it on account of some mistake of fact or law occurring when the patent was issued. Complainant, therefore, by his own showing, presents facts to the court which show that he is not entitled to recover in this case.

"There is another point which I have not discussed in this case. The complainant has only a placer mining right. He can only be a licensee to work the ground located or it may amount to an easement. Whatever the right is it can only be acquired in public land, not in land that is already patented. But admit that complainant has this license or easement, with only such a title can he institute proceedings to annul a patent of the United States to this ground? I think not; I do not think he has sufficient interest in the land to justify him in maintaining such an action. He has only a very limited interest in the land, if any, and only to the extent his interest is interfered with can he maintain a suit to remove a cloud therefrom, or to quiet a title thereto. If only a licensee as some authorities maintain he would have no such interests, for he would have no title to be quieted.

"The demurrers in this case are sustained and the bill dismissed at complainant's costs. Judge Knowles also overruled the demurrer to the complaint in the case of E. A. Penrose versus the Pacific Mutual Life Insurance company. Mrs. Penrose is the widow of W. J. Penrose, who was murdered in Butte some years ago. He had a \$5,000 policy on his life in the Pacific, which the company refused to pay. Mrs. Penrose brought suit, and the company demurred to the complaint on the ground that it did not state facts sufficient to constitute a cause of action. Judge Knowles overruled the demurrer. The demurrer to the complaint in the case of E. D. Weed against the government was also overruled. It is a suit for \$800 for services rendered while the district attorney, most of them being the examination of titles to the property used for the post.

In the other decision Judge Knowles allows John M. McDonald \$1,237.50 for

Highest of all in Leavening Power.—Latest U. S. Gov't Report.

## Royal Baking Powder

### ABSOLUTELY PURE

clerical assistance to District Attorney Weed from March 12, 1891, to Dec. 31, 1891. McDonald sued for \$2,737.50 for services for 1891 and 1892. The judge finds authority from the attorney general for the 1891 services, but not for those of 1892.

### THE THIRD OF ITS KIND.

Annual Banquet to the Employees of Miller & Co. at the Brewery.

It has been the custom of Miller & Co. for the past three years to give their employees a banquet to commemorate the organization of the present firm. Last night the beer garden of the Helena Brewery, on West Main street, was the scene of one of the most pleasant gatherings ever witnessed in the city. The garden was brilliantly illuminated, and all the employees of Miller & Co., with their families, enjoyed the third annual banquet of this enterprising firm. In the hall the banquet table was spread with good things known to tempt the appetite of the most fastidious. There were some thirty-five covers laid. Herrmann Richter, the charming wife did the honors of the evening. Is Miller, the founder of the brewery, and his wife and daughters, graced the board with their presence. Among the invited guests were Mr. Koss, of Milwaukee, of whom Miller & Co. purchase their supplies, Henry Richter, and Mr. and Mrs. Schmidt, of Helena. After enjoying the delicious repast, speeches were made by Messrs. Henry Richter, Schmidt, Koss and others. Speeches and songs mingled with wine from the Fatherland made the evening one long to be remembered by every one present. Mr. Richter made a speech, thanking the employees for their faithfulness to the firm. It was replied to by one of the employees who had been in the employ of the company since soon after its organization. Mr. Richter sent The Independent force a keg of beer with which to drink to the firm.

### Arrivals at the Grand Central.

Wm. T. Henley, Butte; Duncan Robertson, Marysville; W. H. O'Neill, Deer Lodge; W. Smith, San Francisco; J. E. Wild, Boulder; Erwin Rudman, Mrs. Rudman, Elkhorst; Joe Madden, Mark Gordon, Wickes; Julius Hansen, East Helena; E. K. Campbell, Denver, Col.; Ferd. Dickert, Salt Lake City; Jas. Maudlin, Dillon; Pete Sanger, Butte; Oliver Stinley, East Helena; W. W. Alderson, Bozeman; J. E. Edwards, Livingston; Walter Blackwell, Washington; J. K. Davis, Great Falls; R. O. Chinnock, St. Paul; H. P. Innisland, Grass Range; Miss Belle Gurley, Wickes; Chas. Watson, Marysville; Mrs. Mary Edgar, Miss Edgar, Winston; Jas. N. Ralston, Marysville; M. H. Parker, Boulder; A. E. McKinstry, Columbus, O.; Geo. W. Reeves, Missoula.

### Arrivals at The Helena.

R. T. Bayless and wife, C. W. Goodale, Marysville; M. Kiepatrick, Wm. Owsley, Wm. McDermott, Geo. W. Irvine, Butte; J. G. Smith, Boulder; Nell McArthur, Billings; Thos. S. Rodgers, Pike Camp; Ransom Cooper, Great Falls; W. H. Kelly, Livingston; C. G. Birdseye, Avon; C. J. McNamara, Sandy; George P. Haskell, New York; Col. and Mrs. J. K. Mizner, U. S. Army; Rud M. Koss, Milwaukee; Julius Lehrkind, Davenport; P. H. Sexton, San Francisco; H. N. Cobb, W. J. Footner, G. C. Weed, St. Paul; James Durham, J. Pearl, Chicago; P. A. O'Farrell, Tacoma.

Ladies', misses' and children's cloaks at the Bee Hive.

The Northern Pacific is the only line running through trains to St. Paul, Minneapolis and the east.

### Only Two Days More.

Please call Monday and Tuesday at The Helena to select your suit and overcoat from samples and stock of the M. J. Connel Co., Butte. Henry Nelson, the cutter, is here to take your orders. We give you a try on and guarantee satisfaction at less than eastern prices for same class of work.

The best dollar underwear in the city for ladies at the Bee Hive.

Go to the Bee Hive for bargains in dry goods.

### Ranchers, Attention.

When you order your winter's supply of groceries, don't fail to get Helena flour. It is the best made in the state. All grocers handle Helena flour.

The executive committee of the Women's Helena for the Capital club will meet on Tuesday, the 20th, at 10:30, at the rooms of Mrs. W. G. Bailey, Bailey block. Mrs. R. E. Fisk, secretary.

Scarlet medicated flannel underwear for ladies, all wool, for \$2 per suit this week at the Bee Hive, a regular \$3 value.

### Wanted.

500 tons Siliceous ore. Cash paid at highest market price. Braden Bros., corner Grand and Jackson Streets, Helena, Mont.

The Bee Hive is selling standard call-cos at five cents.

An excellent opportunity is now presented to the gentlemen of Helena to pay their election bets by giving the M. J. Connel company's representative an order for a suit of clothes or an overcoat.

### No Through Trains.

Helena to St. Paul, Minneapolis; Helena to Spokane, Tacoma and Portland, except via the Northern Pacific. Ticket office, corner Main and Grand streets.

Ladies' fleeced Jersey ribbed underwear, only 50 cents at the Bee Hive.

In a transcontinental journey nothing can keep out of the cars the volcanic ash or alkali dust raised by the whirl of the passing train. But the Great Northern is entirely free from this annoyance; it runs through no sand deserts and its roadbed is rock blasted.

The Bee Hive will sell ladies' natural grey wool underwear at \$1.00 per suit this week, worth \$2.50.

### Awarded

Highest Honors—World's Fair.

**DR. PRICE'S CREAM BAKING POWDER**  
MOST PERFECT MADE.  
A pure Grape Cream of Tartar Powder. Free from Ammonia, Alum or any other adulterant.  
40 YEARS THE STANDARD.

Warning to Miners. All miners are cautioned that the wages paid by the "Little Nell" mine at Lump Gulch is but \$2.75 per day, while the union scale in all other mines operating in that district is \$3.50. You are therefore notified to pay no attention to advertisements for men to work in the "Little Nell" until further notice from this union.  
CLANCY MINERS' UNION.

### Only Two Days More.

Please call Monday and Tuesday at The Helena to select your suit and overcoat from samples and stock of the M. J. Connel Co., Butte. Henry Nelson, the cutter, is here to take your orders. We give you a try on and guarantee satisfaction at less than eastern prices for same class of work.

Kid cambrie only five cents per yard at the Bee Hive.

## 50 NEW FUR CAPES.

Just Received.

Wool Seals.  
Electric Seals.  
Moire Astrachans.  
French Conneys, etc.

At Eastern prices.

Now is your time to buy your Fur Goods.

**BABCOCK & CO**

Anything you Want  
... in the Fancy ...  
... or Staple ...

## Grocery Line

... Can be found at ...

**PEARSALL, THE GROCER,**

Telephone 324.

Cor. Main and State Streets.

## FOWLES CASH STORE

107 N. MAIN ST.

## GRAND PARCEL SALE

A Grab-bag is a part of every well-regulated Chun Fair. We will have a grab-bag that will lay in the shade everything of its kind.

500 GRABS FOR 25 CENTS.

On one of our counter tables will be stacked 500 parcels, each one containing merchandise or an order for merchandise, varying in amount from 25c to \$5. You will pay 25c and take one package and get—you don't know what. These will be sold without limit at 25c each during this week or until all sold.

### WE GUARANTEE

That the contents of each and every package will be worth not less than 25 cents, and that many of the packages will contain goods to the value of \$1.00 to \$5.00.

You Take Your Choice at 25c.

If the customer gets a Cloak, Corset or Glove, it may be exchanged for the proper size.  
This is our plan to wake up the community and get them going the right way—INTO OUR STORE.

### OUR PREMIUM LIST:

Parties holding the following tickets will please call for books: Series C, 59, White House Cook Book. Series E, No. 8, United States Secret Service. Series G, No. 6, Facts for Ladies. Series K, No. 6, Popular Atlas. Series M, No. 35, Gem Cyclopedic. Series O, No. 85, Facts for Ladies. Series R, No. 41, National Encyclopedia. Series T, No. 91, White House Cook Book. Series U, No. 91, Pictorial Wonderland. Series W, No. 6, White House Cook Book. Lot 2, Series A, No. 29, Columbian Gallery. Series B, No. 8, The Home Beyond. Beyond. Series C, No. 37, Shams; Series D, No. 29, Shams.

## Do You Want Them?

If so come and carry off what you want for immediate and future needs. If you don't want them all ask your neighbors to come along with you. Thousands of dollars worth of new fresh goods in all departments which we are bound to close out before the first of the new year. We buy our goods strictly for cash, which enables us to make you offers like these. Examine them carefully and note what others ask you for inferior goods.

50-inch Broadcloths, take what you want of them at, per yard.....\$3.75  
54-inch Ladies' Cloths, all wool, all colors, yard.....60  
42-inch all wool Cheviot Mixtures, an entirely new display of new fall designs and colorings, yard.....40  
40-inch all wool Henriettes, fine finish, a full line of colorings at, yard.....35  
40-inch English Cashmeres at, per yard.....25  
36-inch Novelty Dress Goods, 25 different patterns, at.....20  
46-inch all-wool Serges, wines, browns and greens, at.....48  
\$1.25 Moire Silks, a full line of colorings, at.....70  
90c Surah Silks, all shades, at.....60  
70c and 90c French Flannels at.....10  
50c red and grey Shaker yard wide flannels, all wool, yard.....35  
Apron check gingham, 1 case left, yard.....05  
Ladies' Black Hair Stuffs, each, 50c, \$1 and 1.50.....1.50  
Ladies' Fast Black Regular Made Cotton Hose a pair.....20  
Ladies' all wool Fast Black Hose, a pair.....25  
Men's all wool Socks, a big bargain, a pair.....25  
50 dozen Men's Camel's Hair Socks, 6 pairs for.....1.00  
Misses' Jackets, worth \$3.50 to \$5, take your choice for.....2.50  
Misses' Cloaks, worth \$6 to \$8, your choice for.....5.00  
25 Ladies' Coats, Cases and Wraps, former price from \$8.50 to \$12, all at one price, each.....5.50  
6 dozen Ladies' Dark Outing Flannel Wrappers, each.....25  
175 pairs Ladies' Kid Gloves, every pair warranted, this week, pair.....1.00  
60 dozen Children's White Merino Underwear, sizes 18 to 30, 30c each, unit.....35  
100 pairs Ladies' Ausalia Chemise and Drawers, each.....25  
Yard wide Fruit of the Loom and Lonsdale Bleached Muslin.....85c  
Good quality Silicas, all shades, full width at.....10

Space stops us here. Our special offerings would reach to the bottom of this page. Come early and often. It will pay you.

## RALEIGH & CLARKE

NOTE—Were you lucky enough to draw a complimentary card entitling you to a pair of our Foster's Hook Kid Gloves? If so kindly bring it in and get the gloves free of charge.

## STEELE, HINDSON & CO.,

JOBBER OF—

Hay, Grain, Flour, Feed, Rolled Oats, Corn Meal and Potatoes

WHOLESALE AGENTS FOR THE CELEBRATED

ROYAL BANNER, CROWN AND MONTANA BELLE FLOUR

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Jobs of	The Pioneer Fruit House of Montana.	Jobs of
Eggs.	ESTABLISHED 1893.	Apples.
Butter.	<b>LINDSAY &amp; CO.,</b>	Onions.
Nuts.	WHOLESALE AND RETAIL	Oranges.
Candies.	Fruits and Produce.	Lemons.
Chewing Gums.	Seasonable Fruits Arriving Daily in Car Lots.	Sweet Potatoes.
Figs and Dates.	Office and Warehouses on M. C. Track, Near Passenger Depot.	California Fruits.
Paper Bags.		Montana Fruits.
Etc., Etc.		Watermelons.

We Are Now In Receipt of the Finest Stock of

## STOVES

IN THE CITY.

Wood and Coal Heaters

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COOK STOVES AND RANGES

For Wood or Coal.

**HARDWARE,**

IRON AND NAILS,

House Furnishing Goods

OF ALL KINDS.

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MAIL ORDERS PROMPTLY FILLED.

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And have them bound. Prices from \$1.50 to \$5.00 per set.

General Bookbinding and Ruling.

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## COMMERCIAL NIGHT SCHOOL

Remember new classes begin this week in German, shorthand, bookkeeping, penmanship and ordinary English branches, at the

ENGELHORN HELENA

*Business College*

Night School, corner Main Street and Sixth Avenue. Begin this week for special low rates of tuition to all who take the winter course.

On and after Monday, July 9, the

## MONTANA STAGE CO.

Will change their schedule and run

Daily 4-Horse Coaches

— BETWEEN —

Great Falls and Lewistown

Making the Trip in One Day.

Via Belt, Armington, Cora, Geyser, Graton, Stanford, Utica and Philbrook.

Close connection at Lewistown for the Great Mining Camps of

Gilt Edge, Spotted Horse and Maiden.

Comfortable Four-Horse Concord Coaches.

Best of Stock, Fast Time, Careful Drivers.

Good meals and accommodations.

Prompt attention to Passengers and express.

J. J. DAVIS, Superintendent