

That had the said representations of the said defendants been true and had the assessment been levied, and had twenty-five thousand (25,000) shares or any considerable block of the stock of the defendant corporation been thrown on the market the stock of said de-fendant corporation would have greatly depreciated in value, and this plaintiff would have been enabled to pur-chase the same, to have returned to the said Sullivan and Merrill at a price much less than the then market price of said stock.

STOCK WAS BORROWED.

MINING NOTES.

for which he asks judgment.

it was understood at the time the agreement was entered into that he was

to have \$11,000 to redeem his obligation to Merrill and Mrs. Sullivan. He therefore offers to pay into court the sum of \$11,000, and places the amount in which he has been damaged at \$50,000,

in Colorado next week and the season will then end. Mr. Miller expects to have a number of changes made in it after he confers with the author, Mr.

first work in the present play. Next season it is likely that the play in its

Shipman, who is a college man and who, it should be said, has done his new shape will be put on for a run in the East. Mr. Miller is aware of its several shortcomings and has a number

weak, closing stronger. Mixed and butchers, 5.50@6.12; good to choice heavy, 5.60@6.20; rough heavy, 5.45@ vious starring performances. 'D'Arcy of the Guards'' will be played

4.25: fair to choice mixed, 3.25@3.75, western sheep. 3.25@4.35: yearlings, 3.75@4.40; native lambs, 2.40@5.55;

KANSAS CITY.

light, 5.40@5.95; bulk of sales, 5.70 Sheep-Receipts, 20,000; generally weak. Good to choice wethers, 3.65@

western lambs, 4.30@5.55.

are Artistic in POSE, LIGHTING and FINISH. Used by the best soci-ety and professional people, in fact.-"You see JOHNSON allover the World.") termediate points No. 8-For Eureka Payson, Heber, The JOHNSON CO., C. E. Johnson Supt., 54 s. W. Temple, Salt Lake. Utah.

Johnson's Photos.

For Descriptive Matter, Raice, etc., en Ticket Agent, or address C & CRANE, Gen'l Puss'r and Ticket Agent, ST. LOUIS 8 00 a m **UNICACO**

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AND INTERMEDIATE POINTS.

by this

label

KANSAS CITY, ST. LOUIS, CHICAGO

"That acting upon the information and instruction of the said defendant and for the purpose of securing said stock for them the said plaintiff did on the 2nd day of April, A. D. 1901, borrow from the said Ella Sullivan five thousand (5,000) shares of the capital stock of the defendant corporation, the Yan-kee Consolidated Mining company, and did on the same day borrow from the said J. W. Merrill six thousand (6,000) shares of the capital stock of the said defendant corporation, the Yankee Consolidated Mining company, and sold the same to the said defendants. That after said stock was procured and turned over to said defendants as heretofore alleged, the said defendants failed and refused to levy an assessment on the capital stock of said corporation, and failed and refused to sell twenty-five thousand (25,000) shares or any of the shares of said defendant corporation, but proceeded to and did by their own efforts and by the expenditure of large sums of money inflate the price of said stock.

"That the said P. A. H. Franklin, acting on behalf of himself and the other defendants herein, and in consideration of the procurement of said stock from the said Sullivan and Merrill, promised and agreed with the said plaintiff to protect him from all loss or liability whatsoever by reason of his obliga-tion to return to the said Sullivan and Merrill the said eleven thousand (11,000) shares of stock. That said representations, promises and agreements were made by the said P. A. H. Franklin at divers times.

"That afterward, to-wit, on or about the 22nd day of April, 1901, the said de-fendant, John E. DuBois, in consideration of the procurement of said stock by this plaintiff, promised and agreed with this plaintiff to fulfill all prom-ises made on his behalf by the said P. A. H. Franklin and promised and agreed to protect the said plaintiff from all loss or injury by reason of his obligation to return the said eleven thou-sand (11,000) sharps of the capital stock of said corporation to the said Sullivan and Merrill.

IMMUNITY PROMISED.

"That after said stock was sold to said defendants and on or about the 5th day of April, 1901, when the market price of said stock was about 24 cents the plaintiff consulted said P. A. H Franklin, acting on behalf of himself and his co-defendants, and asked him whether or not he should not purchase on the open market sufficient stock to fulfill his obligation to the said Sullivan and Merrill, and that the said Franklin, acting on behalf of himself and the other defendants herein, thereupon again informed the plaintiff that he was not to worroy on account of said obligation, and that he and his cofendants would protect him from all loss or liability on account of said con tract to return the said shares to said Sullivan and Merrill.

That the plaintiff relied on and be Heved the representations of the said Franklin, and relying thereon did not

purchase said stock to return to the said Sullivan and Merrill. "That the said Franklin, in making said representations and promises to this plaintiff, made them falsely and maliciously in pursuance of the conspiracy heretofore referred to, and made them for the purpose of keeping com-petitors for the purchase of said stock out of the market, in order that they themselves might be enabled to pur-chase all the stock offered without compeltion, and at a lower rate than would otherwise rule. That plaintiff then made no attempt to purchase said stock in

The market. "That the market price of said stock at the date of the filling of this com-plaint is five dollars and twenty-five cents (\$5.25) per share,

HUMBUG MINE BOUGHT.

"That on or about the 26th day of April, A. D. 1901, the defendants, John E. DuBols, J. M. Gambill, P. A. H. Franklin, E. W. Genter and M. P. Glibert and this plaintiff entered into ar agreement to purchase the north half of the Humbug mining claim and cerother ground, which said property adjoined the property owned by the defendant corporation, for the sum of two hundred and fifty thousand dollars

It is said that "McCornick & Co." have been dealing in California. The Johnny is beginning to show up

with rare offers for goffee, etc. For engineers and others.

Hon. David Evans, J. N. Whitecot-ton, Jr., and S. A. King have been on a trip over and about their Tintic property.

Manipulated from Boston, stock of the United States Mining company is reported to be scattered among many owners, with others anxious to buy.

Gordon Woolley has been looking at the Tetro property and gives a favor-able report. The stock is a little low-er, but only because the bears are temporarily on top.

Carisa was to have had its inning on the stock exchange at Boston yester-day, and it is expected that when the figures are all cast up Boston capitalis's will have discovered that this proposition is a good one.

Since the sale to W. S. Cornick of the Buckeye mine at Eureka, it is thought that Messrs. Sappington, Hyde and Fox will purchase the prop-erty and consolidate it with the East Buckeye

The state geologist of New Jersey for 1900 gives the total quantity of zinc ore, including franklinite, mined in the state during the year, at 194,881 tons; an increase of 40,434 tons as compared with 1899.

Col. R. M. Wilkinson, who has been employed as night watchman at the Mammoth mill for years, went to Salt Lake Wednesday afternoon, where he expects to enter the Mammoth company's office as secretary, to succeed his son, Morris Wilkinson.-Mammoth Record.

Notwithstanding the fact that the Selby smelter, near San Francisco, was rebbed of over a quarter of a million the other day, Walter Filer, manager of the Arris Laurie has placed with that corrtany about \$17,000 worth of ore. This was the output of eleven days at the mill.

The Denver Post says that the Specie Payment mine, located in Clear Creek county, Colorado, has just been sold through the agency of Frank J. Alexander of Denver. The group was the property of Edward J. Williams, and has been bought by Colley & Co., a banking firm of Boston and Providence. The group comprises fifteen claims, covering the summit of Belle View mountain at Clear Creek, extending down to Fall Creek, on one side, and to Virginia canyon on the east. Up to date it has produced over \$600,000.

Butte Intermountain: The report cirand week to the effect that ore had been struck in No. 3 shaft on the McQueen placer, which shaft is being sunk by Franklin Farrell, is without foundation. Engineer McDonald, who is interested in the works, says, he shaft has reached a depth of 200 feet, but no has been struck in No.

3. How the report originated is not known, but it was being handed from one to another in the city during all

. ... weak. The phosphate miners in Tennesses have had under discussion for some time a project to unify their interests. It is now stated that options have been secured on all of the large producing properties in the Mount Pleasant district and in Hickman, Lewis and Sumner counties. There are a number of small operators in the region, and there has been a good deal of competition which has usually resulted to the advantage of the buyers. The combina-tion, which will probably be completed in due course of time, has been ar-ranged chiefly by Rogers, Holloway & company, who are largely engaged in

New York Aug. 13 -- The metal market was quiet today. The uncertainty regarding the sentiment of the strike had much to do with the prevailing duliness, and in the absence of business values were more or less nominal. Tin was very oulet and nominally quoted at 27.00027.25, while in London pig tin was 2s 6d lower, which closed spot at

the export trade.

of ideas of his own as to how they can be strengthened. NOT A CASE OF LUCK.

Comstock Lode Discovered After Hard Work and Perseverance.

Just beyond " the divide" two men kept a store. They were James L. Flood and William O'Brien. They had saved some money after a few years of trading with the miners, were ready for a deal in one of the mines and had faith in Mackay and Fair. Mackay walked into their store one morning and remarked, "Jim Flood, if you and O'Brien will put up the money Fair and I will put up the brains, and I think the four of us can buy the 'Con' Vir-ginia and make something out of it." "How much do you want, John?"

said Flood. "Eighty thousand dollars." The deal was closed on the spot. The history of the "Con" Virginia is as well known almost as the story of Washing-ton and the cherry tree. Before the

four miners had struck the "lead" they had exhausted their money and their credit. There seemed to be nothing in the rock they brought out of the earth. Other miners met them day after day and laughed at their apparently hopeless task. They were jeered and made fun of. But they kept serious faces and sober minds and were not to be thwarted by the idle talk of idlers. One morning when the prospect

eemed the blackest a friend said to Mackay "John, luck has gone against you. Why don't you quit and go prospect-

ing? . . . "The man who figures on luck in mining," said Mackay, "is a fool. The man who figures on doing a lot of hard work and not losing grit will get something." The four partners did not lose their grit, nor did they rely on luck. One afternoon the rumor spread over Vir-City that the "'Con' Virginia had struck a body of ore. It ginia men" spread as wildfire often swept over the Nevada prairies. The four men left their mine at sundown and walked down C street amid a babel of cheers. The next morning the Consolidated Virginia stock had gone from 80 cents \$250 a share, and in another day up to \$500 a share. In three days it was announced that the body of rock was so large that its value could not be estimated. In two weeks the United States government was negotiating with the owners of the mine for the redemption of bonds whose values had been affected by the civil war. In two months the financial centers of old Europe had felt the shock, and about the same time Mackay, Flood, Fair and

O'Brien were able to announce that they were millionaires beyond the dreams of avarice .- Success.

FRONTIER JUSTICE.

A young Arizona lawyer who recent-

ly visited Detroit gave the following as an example of the style of justice that prevails in some remote sections of the frontier. A certain justice of the peace whose knowledge of the law was never gained from books or actual practice before bar was hearing an assault and battery case. The lawyer for the defense was shouting his arguments when

the court said: That will do. Sit down." He then adjusted his spectacles and

sagely observed: Prisoner, sthand up! Accordin tah th' law an 'th' evydince-an' there is no evydince-Oi folnd yez guilty, sor, an' folne yez \$50. If yez air guilty, faith, it's a very loight sintince; an' if yez air not guilty it'll be a mighty good less'n for ye."-Detroit Free Press.

USE FOR OLD FILES.

Grind your worn-out files to various useful shapes on the end, and use for chisels, etc., says Practical Farmer. Grind the three-cornered files to drill-points, and the corners sharp; break off the handle-end, insert the file in boring brace and use it for drilling and reaming out holes in metal. Nothing better. Keep the point oiled while using.

Kansas City, Aug. 14.-Cattle-Re Choice feeders strong' ceipts 10.000. other cattle steady to easy. Native steers 4.75@5.80; Texas and Indian stears 2.80@3.90; Texas cows 2.40@2.90; native cows and helfers 2.50@5.00; stockers and feeders 2.65@4.30; bulls .40@4.50; calves 3.00@5.25.

Hogs-Receipts 9,000. Steady. Bulk of sales 5.65@6.00. Heavy 6.00@6.10; ackers 5.70@6.00; mixed 5.65@6.00; light 40@5.85; yorkers 5.35@5.75; pigs 3.50@

Sheep-Receipts 4,000. Strong, Mut-tons 3.00@4.00; lambs 4.50@5.25; range sheep 3.00@3.50; stock ewes 2.00@2.50. OMAHA.

Omaha, Neb., Aug. 14.—Cattle—Re-ceipts 4,900. Best grades steady. Others slow to 10c lower. Native beef steers 4.25@5.85; western steers 3.70@ 4.60; Texas steers 3.50@4.30; cows and heifers 10@15c lower, 1.50@2.75; canners 1.25@2.65; stockers and feeders stronger. 2.50@3.90; calves 3.00@5.00; bulls, stags etc., 2.25@4.45,

Hogs-Receipts 7,000. Opened 5c lower, closed strong. Heavy 5.75@5.90 mixed 5.70@5.75; light 5.50@5.75; plg7 4.50@5.30; bulk of sales 5.70@5.80. Sheep-Receipts 6,000. Slow, weak to loc lower. Wethers 3.00@3.65; ewes 2.27 @3.00: common and stock sheep 2.25@ 2.90; lambs 2.75@5.00.

DENVER.

Denver, Colo., Aug. 14.-Cattle-Re-celpts, 300; weak. Beef steer= 3.2505.25; cows. 2.0003.75; stockers and feeders, freight paid to river, 3.00@.400; bulls, stags, etc., 2.00@2.50. Hogs-Receipts, 300; 5c, lower. Light packers, 5.5565.75; mixed, 5.80@5.90; heavy, 5.90@5.95, No sheep.

PRODUCE.

Chicago, Aug. 14 .- September wheat pened at 74% to 74%, declined to 72%.

Wheat-Aug., 72%; Sept., 73; Oct. 73% @%: Dec. 75% @%. Cash: When No. 2 red. 73% @74; No. 3 red. 72% @73% Cash: Wheat No. 2 hard winter, 7212@72%; No. hard winter, 721/2; No. 1 northern spring, 741/20161/2; No. 2 northern spring, 731/2076; No. 3 spring, 70/0741/2. Corn-Aug., 58; Sept., 59@59%. No. 2, 58@58%; No. 3, 57%@58%. Oats-Aug., 3614; Sept., 3614. No. 2.

37; No. 3, 364. Pork-Aug., 14.05; Sept., 14.15, Lard-Aug., 8.70@8.72½; Sept., 8.72½@

Ribs-Aug., 8.00; Sept., 8.05.

Rye-Sept., 60. Flax-Cash. northwest, 1.66. Timothy-Sept., 5.35. Barley-Cash, 48c to 63c.

SAN FRANCISCO.

San Francisco, Aug. 14.-Wheat-Steady: December, 103½ Barley-No sales

WOOL MARKETS.

Boston, Aug. 13 .- There was a steady tone to the wool market this week, with general conditions not materially Manufacturers are disposed changed. to buy freely, and with machinery well employed this makes a very liberal business. The market is in good shape, taken as a whole, with conditions firm. The best feature is that the wool taken goes into use. The sales made yet run largely to jerritory grades. Choice fine wools are costing 440 46c and fine lots or territory at 44@45. Choice staple wools are quotable at 46@48. Quotations: Territory, scoured basis: Montana fine, 14@16; scoured, 44@46; fine me dium, 14@16; scorued, 42@43; staple, 16 @17; scoured, 46@47; Utah. Wyoming @17; scoured, 46@47; Utah, Wyoming and Idaho fine, 13@14; scoured, 44@45; fine medlum, 13@14; scoured, 40@44; staple, 15%16; scoured, 46@47, Australian, scoured basis, spot prices:

Combing superfine, 74@75; superfine, 71 @72; good, 68@70; average, 65@67.

San Francisco, Aug. 12.-Wool-Ne-vada, 10012: eastern Oregon, 10012; valley Oregon, 13014; mountain lambs, 708: San Joaquin plains, 608; Hum-boldt and Mendocino, 9311.

St. Louis, Aug. 14 .- Wool-Steady, unchanged: territory and western me dium, 13@16; fine 11@15; coarse 11@14.



