BAS 079 Destroying Angel Welcome to Butte, America’s Story. I’m your host, Dick Gibson.

Lee Mantle, mayor of Butte and U.S. Senator in the 1890s, got his start as a miner and entrepreneur. About 1880, he established the Diadem Lode Claim, a narrow block that extended from Montana Street between Broadway and Park to the intersection of Galena and Main, and a bit beyond. This was in the middle of the Butte townsite, an area that was fast becoming occupied by homes and businesses. In 1882, Mantle and his partners sought to evict the surface landowners and their businesses from the Diadem Claim.

The surface business owners banded together and, finding a possible legal flaw in the Diadem, established the Destroying Angel Claim, completely encompassing the Diadem. The name was chosen deliberately, to reflect the expected “destruction” of Mantle’s eviction attempt.

The Destroying Angel’s boundaries ran just inside the block on the west side of Montana Street from Broadway to Galena, and angled slightly southeast to a line about halfway between Main and Wyoming Streets. The partners in the Destroying Angel Claim agreed to pay into the claim and its expenses in fighting Mantle proportionally to their ownership. The partners won their challenge, and Mantle’s claim was dismissed in 1884.

Then the partners began to fall upon each other. In 1887 it was alleged that some of the partners had not paid their fair share, that the partners among them all contributed $1,445.53 toward the case, and that $1,900 was spent but not all had contributed to the $450 excess costs. The Montana Supreme Court in 1889 upheld the lower court decision against those who hadn’t paid their share.

But it wasn’t over yet. In 1895 another case involving some of these same partners reached the Montana Supreme Court. This time it was a squabble between most of the group (Thomas et al.) and one V. Frank, who had, they claimed, agreed to pay $200 against the $450 excess mentioned in the previous case. Yet another member of the group’s pro rata assessment had been $41.25, but he had defaulted on that payment, so in lieu of payment he sold his lot to Frank. The deed of sale did not include a price, and Frank reportedly said he didn’t care what they filled in for the sale price. An amount of $200 was filled in, with a notary going between the two parties. The plaintiffs sued to recover the $200. The defendant denied everything, more or less casting aspersions on the go-between notary. Two separate juries found for the plaintiffs, and the defendant appealed to the Montana Supreme Court.

The Montana Supreme Court in a decision June 10, 1895, found in favor of the plaintiffs, and ordered the defendant to pay the $200 plus interest.

The three-member Montana Supreme Court that rendered that 1895 decision included Chief Justice William Y. Pemberton of Butte. Pemberton’s home at 39 East Granite was just two blocks from the east end of the Destroying Angel Claim, while Lee Mantle’s house on North Montana was two blocks north of the west end.

A mine was ultimately developed on the Destroying Angel Claim, but never seems to have produced much (if anything) even though its location was given as 35 West Galena (rear) from 1895 to 1910 – a parking lot today.

Headframe Spirits commemorates the Destroying Angel in its whiskey, distilled in a 1919 building that stands on the western boundary of the Destroying Angel Claim.

As writer Edwin Dobb has said, "Like Concord, Gettysburg, and Wounded Knee, Butte is one of the places America came from." Join us next time for more of Butte, America’s Story.