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For a 105-piece decorated Dinner Set, English Semi Porcelain, two colors.
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- Jardiniers, Assorted Tints and Gold Stippled
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Admirers of pretty China should not fail to see our line. Finest line of Lamps ever displayed in Helena.
- ROGERS' SILVERWARE.**
- F. J. EDWARDS,**
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NEAR EDWARDS STREET.

THE MINERAL LANDS.

Annual Reports for 1893 and 1894 Made to the Governor by Commissioner Irvin.

HISTORY OF THE CONTROVERSY.
Bill of Congressman Hartman and the Rules and Regulations of the Interior Department.

The annual reports of George W. Irvin, mineral land commissioner, for the fiscal years ended Nov. 30, 1893, and Nov. 30, 1894, made to Gov. Rickards, have been printed for the use of the legislature. The reports detail the status of the mineral land controversy between the state and the federal government on one side and the Northern Pacific railway on the other. They call attention to the act of congress of 1864, granting to the Northern Pacific a charter for a road from Lake Superior to Puget Sound. This act gave the road a right-of-way and the use of material from the public lands, and a grant of every alternate odd numbered section for forty miles on each side of its line, and an additional grant of lieu lands of ten miles on each side of its track. It is not so well known, continues the commissioner, that in 1870 an act was passed by congress authorizing the company "to issue bonds for the construction of its road and to secure them by mortgage," which, among other things, granted a further indemnity of ten miles on each side of the track adjoining the first indemnity limits, the whole making a tract of country through Montana effected thereby 120 miles wide and approximately 750 miles long.

Commissioner Irvin then speaks of the claim of the company to lands not known to be mineral at the time of the filing of its map of general route in 1872 and its map of definite location in 1882. On this point he says: "The Northern Pacific company has found a convenient plan to claim these mineral lands, and a circuit court, which seems to the lay mind to have been profound in technicality and lacking in common sense, has evaded some decisions in its favor."
The commissioner next speaks of the organization of the State Mineral Land association, and the creation of the office of mineral land commissioner. Prior to the time Hon. Martin Maginnis took office as mineral land commissioner, the case of the Northern Pacific versus it. P. Barden and others was tried and decided in favor of the company by Circuit Judge Sawyer, Judge Knowles dissenting. Commissioner Maginnis appealed the case to the supreme court of the United States. The final decision, rendered this year, is given in full. The substance of it is that the Northern Pacific, under its land grant, acquired no title or right to land valuable for mining (except coal and iron), and that such lands were expressly excluded from the grant; that the land department of the government, under laws now existing or hereafter to be enacted, had the power, and it was its duty, to investigate and determine the mineral or other character of the lands within the grant before it issued its patent to the railway company, and that the company had no claim to any land known to be valuable for mineral before patent to it. The opinion says that it was never the intention of congress to grant any land valuable for mineral to the railway company, but, on the contrary, the intention was to preserve all such lands for exploration and purchase by citizens of the United States.

The various efforts to have the mineral land matter settled by legislation are detailed in the reports. The commissioner then comes down to the bill introduced by Congressman Hartman. It provided for the examination and classification of lands within the Northern Pacific grant by commissioners in each land district of Montana and Idaho through which the road passed; for reports by the commissioners as to what lands within the grant were mineral, for objections and contests against such reports by the railroad company or other persons interested, and for hearings to determine any question in dispute before the land department. The bill provided also for an examination of unsurveyed lands, and its object was to settle, after an careful examination, the mineral or other character of the lands within the grant before it issued its patent to the railway company. This bill was passed July 24 last by the house. It was reported for passage through the senate committee, the commissioner says, were good until, on July 30, the commissioner of the general land office wrote a letter to Senator Pasco, stating that by reason of the decision of the supreme court in the Barden case, and rules and regulations promulgated by the interior department on July 9, the legislation asked for was unnecessary, and requesting that the bill be not passed. "The friends of the measure," continues Commissioner Irvin, "were astounded at this sudden and unheard-of change in the position of the interior department and proceeded to examine the afore-said rules, issued twenty days prior, and a copy of which had not been furnished to the senator, representative or commissioner from Montana. The rules were found to be framed, whether intentionally or not, wholly in the interest of the Northern Pacific and entirely inimical to the interests of the people of Montana and the United States government. In view of the friendly attitude up to this time of the commissioner and the secretary of the interior, as expressed in their letters to the senate committee on public lands, of Aug. 23, 1893, and opinions the very reverse contained in their respective letters to the same committee less than a year later, and of the code of rules and regulations of July, 1894, hostile to all purposes of our bill, and being conscious that the first session of the fifty-third congress was dying of physical and mental exhaustion, it was deemed best to ask the committee for a postponement until the second session of said congress, when we felt that we would be able to meet the new conditions of affairs more advantageously."

The letter of Commissioner Lamoreux of the general land office, written Aug. 23, 1893, stated that there was urgent necessity for congressional action in the nature of that embraced in the bill under consideration. He recommended legislation to enable the land department to thoroughly investigate the character of lands supposed to be mineral, within the limits of the grant, before allowing the company patents. His letter of June 29, 1894, says: "I am of the opinion that no legislation can be had that will satisfactorily meet all the conditions arising in the adjustment of these grants. The only way in which the kind proposed would require sixty commissioners, with the necessary additional help, to examine and determine the character of 25,000,000 acres of land. He concludes that the work of a commission under the bill would be but superficial, and that the regulations of the department are much simpler and more effective, and more likely to accomplish the evident intent of the law. "The department," he says, "in the exercise of its authority, requires notice to be given by publication and posting of all applications to select lands returned as mineral and the submission of satisfactory proof that the land is in fact non-mineral in character. It has

Highest of all in Leavening Power.—Latest U. S. Gov't Report
Royal Baking Powder
ABSOLUTELY PURE

even gone further than that and has required publication and posting of selections of lands in proximity (within six miles) to lands containing mineral claims. This would seem to cover satisfactorily all selections falling within what are now well known mineral regions. It is fair to both the corporation and to the government to assume that all lands within six miles of known mines are prima facie mineral, and that lands beyond that distance are prima facie agricultural. This places the burden of proof upon the one denying such presumption. The regulations afford the company and the citizen ample opportunity to secure a thorough investigation as to the character of any particular tract of land.

Congressman Hartman wrote to Commissioner Lamoreux asking if the letter to Senator Pasco had his approval, or whether it had been prepared by a law clerk. In reply the commissioner wrote that he had endorsed the regulations in question, pointed out how they would facilitate the settlement of the question, much more satisfactorily and at much less expense. He said he believed it was for the interests of the government and the people of the west that a determination be had as soon as possible as to the mineral character of lands claimed by railroad companies under their grants and those they were entitled to have patented to them, and the mineral lands declared so by the company could take their indemnity in lieu thereof. Commodore Power, Congressman Hartman and Commissioner Irvin united in a letter of protest to the secretary of the interior. They criticized the rules of the land department and claimed that they nullified the effect of the decision in the Barden case. In conclusion the report for 1894 says: "When after infinite labor and expenditure, the people have had their case in the highest court of the land, and that court has declared in unmistakable language that they and the government of the United States have no claim whatever to the lands in question, and in face of this declaration an executive department goes to work and formulates rules and regulations under the sanction of an already constraining act, in order to effect to nullify it, it is then time to erect a measure so plain that nothing will be left for a mischievous and unscrupulous officer of misconstruct or pervert."

TOO MUCH IN ONE PAPER.
A Demurrer to the Indictment in the Timber Violation Case.
The publishers are determined to make it a necessary and indispensable part of every office.

A demurrer has been filed in the United States court to the indictment against James A. Coram, manager of the Butte and Montana Commercial company, for violating the law and regulations regarding the removal of debris after cutting timber, so as to prevent the spread of forest fires. The ground stated in the demurrer is that the indictment does not state facts sufficient to constitute a cause of action; that the acts alleged are barred by the statute of limitations, and that the indictment is bad in that it charges several offenses in the same count—failure to remove tops, failure to remove brush, failure to remove all the tops, brush, logs and bodies of the trees so as to prevent the spread of forest fires. It also charges duplicity in the indictment, which gives offense from day to day which, if committed on those days, should be separate offenses. There is a similar indictment against the company.

WHAT DOES IT MEAN?
Fact or Fiction About Two Great Fair Awards.
A newspaper paragraph denounces as "false" the claim of a baking powder company to an award at the World's fair. Whom can it mean?
Certainly not Dr. Price's. Why? Because, as the records show, Dr. Price's exhibited, competed and received the highest award in the world, the California Midwinter fair. The award in California included Gold Medal. The official examiners pronounced it the strongest in its class, the most wholesome and efficient of all the baking powders. Its title to confidence is unquestioned.
Can it be the manufacturers of a New York powder, fictitiously labeled "absolutely pure" who are making "false" claims? That would be strange, indeed, inasmuch as they were not even considered in this regard.
Was it ammonia in the New York powder that prevented its makers from competing? If not, what?

Excursion Rates to California.
The Northern Pacific railroad has placed on sale daily round trip tickets to California points, as follows:
Helena to San Francisco and return, going via Spokane, Tacoma and Portland, and returning same way, \$45.
To San Francisco, going via Spokane, Tacoma and Portland, and returning via Ogden and Butte, \$50.
To Los Angeles, going via Spokane, Tacoma and Portland, entering San Francisco in one direction either going or returning, \$55.
To Long Beach, going via Spokane, Tacoma, Portland and San Francisco, and returning via Sacramento and Ogden, \$59.50.
Tickets are limited to sixty days for going passage, good to return in time within final limit of six months from date of issue.
The scenery via the Northern Pacific and Mount Shasta route is unsurpassed. Passengers get a magnificent view of Mount Shasta from observation cars.
For further information, sleeping car reservations, etc., call on or address
General Agent, Helena, Mont.
A. D. EDGAR.

The Sisters of Charity.
Return their sincere thanks to their friends who remembered them on Christmas day—Mrs. Tracey and McDonald, Hermann & Co., Mr. Sands & Bro., Mr. John Curtin, hardware merchant, Mr. Arthur Curtin, Mr. Brass. **SISTERS OF CHARITY OF ST. JOHN'S HOSPITAL.**

A New Directory.
The business men's directory of the state is a new departure in the line of directories. It will be published solely in the interest of trade. From what has been said of it by those to whom the method of compiling the directory has been explained we predict a large circulation.
As Light as a Feather.
The latest device in the way of a camera is the Kombi. It weighs, when loaded with twenty-five exposures, about four ounces. It takes a picture two by one and five-eighths inches. Sold only by the A. M. Holter Hardware company.
For Rent.
Furnished rooms with steam heat and electric light at the Lloyd House, 113 Clarke street.
The Bee Hive can suit you if you want holiday presents.

Grand Masquerade Ball.
The German Kreiser Verein will give a grand masquerade ball on Thursday night, Jan. 10, at the Auditorium. Cash prizes will be given.
Buy the Universal paper patterns. They are the best.
Hobby horses, sleds, doll buggies, etc., at the Bee Hive.
Box 11 or \$2 per cwt.

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Seal Garments, Fur Coats, Muffs, Caps.

Eastern Prices. Largest Stock. Headquarters for Furs of all kinds.
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In our Linen Department this week that portends trouble for prices by placing on sale 100 dozen Bleached Towels, size 18x42 inches at
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Of all our WINTER GOODS, SILK HANDKERCHIEFS, MUFFLERS, Etc., which means goods at Eastern wholesale prices.
Make haste, call early or you won't get any of the good things.
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TICKETS \$1.00 admitting gentleman and ladies.
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Will change their schedule and run
Daily 4-Horse Coaches
— BETWEEN —
Great Falls and Lewistown
Making the Trip in One Day.
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Close connection at Lewistown for the Great Mining Camps of
Gilt Edge, Spotted Horse and Maiden.
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And with it comes the good tidings that we have commenced our
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Make haste, call early or you won't get any of the good things.
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After using, stop abusing the man that made the cast iron stove.

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