

THE ENTERPRISE.

Private Lands Liable For Water

Irrigation Districts to Supersede Water Users' Association on Project

Water users' associations which have the supervision of completed reclamation projects, will be superseded by irrigation districts and thousands of acres of private lands not signed up for water and much unentered public land will be made liable for the cost of the reclamation works if the plans of the United States reclamation service are carried out. The change will enable land owners to borrow money on first mortgages, it is said.

Willis J. Egleston, district counsel of the reclamation service for Montana, North Dakota and Wyoming, with headquarters at Helena, has just received a copy of H. R. 12365, approved August 11, authorizing such irrigation districts, and a statement bearing on the matter made by Judge Will R. King, chief counsel of the service.

The New Law
Montana has a law providing for the creation of irrigation districts whereby 51 per cent of the land owners in a given area can force the minority of 49 per cent to form a district for the reclamation of the land in that district. The new federal law permits such district to include unentered public lands and entered lands, the title to which has not yet been secured, providing the secretary of the interior approves of the project. While the government will not become responsible for charges against the land, these charges attach as liens which must be cleared by an entryman before his application is allowed.

It is pointed out that there are thousands of acres of private lands within the boundaries of government projects, the owners of which declined to sign up for water, but whose holdings have been enhanced in value by the construction of the ditches.

Force Owners In.
If land owners on the projects who have already signed up for water, proceed with the creation of irrigation districts they will force the owners of private holdings into the districts and thus reduce the reclamation cost per acre by distributing it over a large area.

Judge King says in part:
"The advisability of adopting the irrigation district plan in place of the water users' system has been materially increased by passage of house bill No. 12365, known as the Smith bill. This bill brings the reclamation service of the government in full harmony with the irrigation district plan.

Subject to Liens
"It subjects the land, the title to which may still remain in the United States, to liens for irrigation district purposes, requiring thereby that all lands, whether entered or unentered public lands, bear their share of the burdens of the construction, operation and maintenance charges of the project included within the district, extending the

taxing power of the district not only to the entered lands for which no title has been procured, but to the unentered lands as well. The lien created by the organization and operation purposes will follow the lands when entry is made, or when patent is secured for the entered lands, the entryman will thus be required to share the burdens with all others in the project included within the district.

"Furthermore, all private land holdings within the district, whether subscribed to the payment of water right charges or not, will with all other lands, entered or unentered, become subject to taxation for the payment of their share of construction and other expenses.

Reduces Cost
"It will thus be seen that the irrigation district system will necessarily reduce the pro rata cost of construction and operation and maintenance charges to all who have subscribed to water rights under the project included in the district.

"It requires but a casual observation of the situation to realize that, on practically all government projects, there are various, and in many instances large areas of private lands which do not share any of the burdens of the project and which remain out of the project with a view not only of escaping such financial burdens, but eventually of receiving a larger price for their lands without contributing anything toward such rise, enhancing thereby the values and profits of their lands at the expense of the pioneer water users who may have subscribed for water rights.

Has Advantages.
"In brief, an irrigation district has the same advantages over individual organizations as has an ordinary corporation, as a city or town, when organized into a municipal corporation, over an unorganized school district. The advantages of a municipal corporation, under which cities and towns are organized, over the system existing prior to such organization, are so manifest that further discussion on that point is unnecessary.

"In many respects the irrigation district system is similar in its purpose and effect to school districts, county organizations and city municipalities, differing only in details, the character of the details depending on the purpose for which organized. Irrigation districts have their officers the same as county and school districts, possessed with the same taxing power, manner of collecting the taxes, etc., with which taxes thus assessed the construction, operation and maintenance charges of government projects are paid.

"Under the individual contract system each water user has placed upon his land a mortgage lien which being of record, frequently proves an embarrassment to such individual

whenever he desires to procure a loan (upon lands subject to the water right lien) under the federal banking act, from money loaning companies, or under the recent rural credit act. But under the irrigation district plan these obstacles are removed.

"When a district is fully organized under the law individual liens upon the land are released and the district as a whole is held for the contracted indebtedness, in the same manner in which a school district, county, city or other municipality may be held upon an issue of bonds for school, county, city or other municipal purposes, leaving the liens to accrue only in case of a default in payment of taxes levied for the payment of such indebtedness or what may be termed a "tax lien" for default in payment of such tax, not a lien of record for the entire indebtedness. In other words, in an abstract of title for the purpose of protecting a loan, no lien will be disclosed, unless it be for one or more unpaid installments of taxes levied.

Necessary Steps
"It will thus be observed that, if those on reclamation projects are to receive the benefits of the federal banking act, rural credit loans, or even loans by the state or loans by large loaning companies, the projects will have to substitute the irrigation plan for the present system.

"Several states have adopted the irrigation plan, but it is important that these be further amended in some particulars.

"All irrigation districts, therefore, should be organized prior to the convening of the next legislature. By so doing any defect now undiscovered may speedily be met by procuring from the legislature soon to convene the required amendments without waiting two years more for these benefits.

"In the past some prejudice has existed against irrigation districts, principally due to wildcat organizations by incompetents and speculators who had in view the sale of bonds on certain projects, where neither a sufficient water supply or proper surroundings were found available, which in some instances were due to lack of investigation along these lines prior to the organization of the district.

Suggests Substitution
"These defects would not exist should any of the reclamation projects now in operation substitute for the water users' association the irrigation district plan.

"The irrigation district plan of organization, of course, will not provide a water supply where none exists or make good land out of bad, nor will it convert into a success a reservoir which by reason of natural formation of its surroundings and a lack of water supply, may be fatally defective.

"In sections where irrigation is relied upon there is impliedly included in the irrigation district the plan to make all necessary contracts looking toward the drainage of such parts of the district as might be found necessary.

"This position has been upheld by the supreme court of Idaho, where the plan has been fully and successfully tried and properly presented to the courts for determination. The irrigation district plan can, therefore be used to solve the drainage problem, and it has been so held by the supreme court.

May Tax Lands
"In the case of drainage the lands within the district, like lands for irrigation, may be taxed only in proportion to their share of the cost. If there are lands in the district that cannot be irrigated, or lands for which drainage is of no benefit, then these lands may be excluded from taxation for one or the other purpose, but no lands in the district, whether in cultivation or otherwise, must pay the taxes for either purpose.

"As indicated, under the new law the same liability follows the lands, whether private lands or entered or unentered lands. Drainage districts were only devised for use in localities where drainage, and drainage only is necessary, such as in states or parts of states (as in western Oregon, for example), where ditches and canals are necessary to keep water off the land and not with a view of running water onto it. Drainage districts will not solve the irrigation problem. Hence when irrigation is necessary, irrigation, and not drainage districts should be organized.

"For the perfection of an organization under the irrigation district system, and for the placing thereof in proper condition, and for dealing with the United States, the time required under the different statutes varies from three to six months. As stated, therefore, it is important that steps should be taken in this direction without delay with a view to receiving legislative aid, if required, prior to the coming session of the legislatures of the states in the arid section.

"The members of the reclamation commission and members of the legal division of the reclamation service have unanimously decided in favor of the irrigation district plan, and I have placed in the general field service one of the district counsel, E. W. Burr of North Yakima, Wash., for the purpose of assisting district counsel on the various projects in the organization of irrigation district."—Record Herald.

FILM COMPANY NOW IN LITTLE ROCKIES.

Reports from the camp of the Great West Film company out in the Little Rockies, south of Malta, are that they are having great success filming the big picture, "The Golden Goddess, or Yellowstone Pete's Only Daughter." For one of the principal scenes the entire company were taken to the bank of the Missouri and with the cameramen on the opposite shore several members of the company swam the turbulent water of the "Big Muddy" with horses, and an exceptionally good picture was secured—so good in fact that none of it had to be retaken.

The rough and rocky Ruby Gulch road is furnishing a splendid place for filming the scenes requiring break-neck horse-back riding, and in one particular scene "Yellowstone Pete" came tearing down the main stem astride one of Jake Moyers' famous bronks and when right in front of the camera the animal stopped and rearing on his hind legs did a good imitation of the turkey trot with Pete yelling for dear life. This was said to be about the best photo taken so far and was just the kind of action the director wanted.

Wallace Colburn is making good in every part he has taken and his genial disposition has made him a general favorite with all the members of the company. This seems to be the particular brand of work which Colburn was cut out for and we are glad to hear he is making the big feature such a success.

Manager Tobin says the addressess are taking to camp like a dog takes to fleas and already some of them are talking of casting their lots in the future with the bold brave men of Montana and become permanent residents here.

Several cars have been out to the camp from Malta and it proves very interesting work for the visitors.

J. A. BATTRAM BUYS STORE

This week James Battram closed a deal whereby he will take over the Ellis Mercantile store the first of the month and again become identified with the business men of Malta. Mr. Battram is no stranger to the people of this locality, as he has been the general manager of the Malta Mercantile store for the past seven years, where he made numerous friends who will be pleased to see him again enter the business life of Malta. Mr. Battram has had years of experience in the mercantile business and will no doubt, meet with catering success. For a number of years he was connected with one of the big firms at Big Sandy and the people of Malta are pleased to have him decide to remain with us.

Mr. Blumenthal is disposing of the business on Fifth Avenue so as to be able to give his entire time and attention to the new wholesale business recently opened by himself and Mr. Platt.

We wish Mr. Battram all the success in the world in his new enterprise and stepping into the business he is his success is assured from the start.

MALTA SCHOOL NOTES.

The current week closes the first month of school. Report cards for the grades will be issued. Parents are urged to note these carefully and ascertain reasons for poor work, if such is reported. The report cards for the high school will be given out only every six weeks instead of each month.

New enrollments during the past week in the high school are E. Jan Hewitt, Ellen Swanson and Douthill Wood. This makes a total of 34. Those who have not yet entered should try to enroll at once as it is difficult to keep pace with those who have had a month's start. Furthermore, late entries retard the work of those who have been in attendance from the first.

Mr. Sherry, the Northern School Supply man, paid us a friendly visit Wednesday.

The high school boys are beginning to think about basket ball season. There is good material, and it is hoped that Malta will see some good games this year.

GOVERNOR STEWART COMING

Committeeman Killall informs us that he has just received notice that Governor Stewart is billed to make an address in Malta next week Friday evening at a time and place to be announced later. The governor will speak on the issues of the day from a democratic standpoint.

BOY SCOUTS ATTENTION

All members of Co. A, Malta Boy Scouts, will assemble at the City Hall in full uniform Sunday, Sept. 30th, at 10:00 o'clock a. m., to attend services at the M. E. church. JESSE STONESIPHER, Sergt. EDDIE POWELL, Captain.

LET'S LOOK THEM OVER

It costs you nothing to have us examine your old tires. We do not undertake to repair a tire unless it is worth the expense. MODEL TIRE SHOP.

Burner Survant left on the early train Sunday morning for Fairbault, Minn., where he will again enter Shattuck Military school.

New Site Donated For Court House

Leading Malta Citizens Donate Site For Phillips County Court House.

Just as we go to press we learn that at the special session this afternoon at which all of the commissioners of Phillips county were present, it was decided to retain the Trafton site as originally planned for the reason that the new proposed site offered was inadequate for the building thereon of the buildings necessary for county purposes, and therefore the site known as the Fifth Avenue site was not accepted.

This week a number of enterprising citizens who were of the opinion that the site donated by Mr. Trafton for a court house was not as desirable as could be secured, raised enough money to purchase 140x300 feet between Fifth and Sixth Avenues in the same block as the Standard garage and have offered it to the county free of charge to be used as a court house site. With the donating of the lots in block 7 we are of the opinion that the new site will not only meet with the approval of the people of Malta but with the taxpayers of the entire county.

The taxpayers of Hill county paid \$18,000.00 for a tract of land the size as is offered by the citizens of Malta for a court house site, and if we can save this amount it will build us a jail that will be a credit to the county. A petition has been

circulated the past few days getting signatures, asking the commissioners to reconsider the selection of a site which will be submitted to them at a special meeting today.

The commissioners of Phillips county will have to decide immediately on the site to be used for court house and jail, as the state health authorities will not permit the use of the present jail much longer. If the site in block 7 is selected by the commissioners the county buildings will be in the special improvement districts where they will have both water and sewerage connections.

The offer of Mr. Trafton at the time he donated the land to the county was very generous and the same is true of the public spirited and enterprising citizens who now come to the aid of the county with the new site.

Notice to Contractors

The Board of County Commissioners of Phillips County, Montana, will receive bids up to two o'clock, October 16th, 1916, for the erection and completion of a reinforced concrete and brick jail building to be erected for Phillips county, at Malta, Montana, according to the plans and specifications prepared for the same by F. F. Bossard, architect, Havre, Montana, and now on file with the county clerk and recorder of Phillips county, Montana.

Each bid to be accompanied by a certified check in an amount of not less than 5 per cent of the amount of bid and made payable to M. J. Dabney, Treasurer of Phillips county, as a matter of good faith and the contractor submitting bid agrees to enter into a formal contract and furnish bond of approved sureties and by failure to do so, forfeits his certified check to the said Phillips county.

The board reserves the right to reject any and all bids. All bids to be made out on proposal sheet which may be secured at the office of the county clerk and recorder, or at the office of the architect at Havre, Montana. All bids to be addressed to W. G. Schneider, County Clerk and Recorder, and marked "Bid for Jail Building."

By order of the board. (Signed) W. G. SCHNEIDER, County Clerk and Recorder of Phillips County, Montana.

George Heath has moved in from Zortman and taken charge of the Fifth Avenue Hotel. Mrs. Heath will look after the hotel for some time until George can get his business matters in the mountains in a position to leave.

NOT AN EIGHT-HOUR LAW.

Recent Hold-Up Legislation Does Not Shorten Workday a Minute.

AS a matter of fact, it is not an eight-hour law at all. It does not curtail the trainmen's workday by a single minute. If an engineer has been receiving \$5 for working ten hours a day, this law will raise his pay to \$8.25; but it will not shorten his workday even the tenth part of a second. This is no more like the true eight-hour principle than chalk is like cheese.

The reason why people call this an eight-hour law is because it says that in the case of railroad trainmen they shall get their day's pay for the first eight hours work, and all the rest is to be considered overtime.

Do not tell me that this strike could not have been called off or postponed if President Wilson had shown that he meant business. I do not for one minute believe that those four brotherhood leaders started the blaze going without knowing how to put it out. One of them admitted that he could put it out so far as his own brotherhood was concerned, but that his followers would think that he had gone back on them if he were to do so.—Statement of Congressman A. P. Gardner.

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MALTA, MONTANA

Your Grain Check

WHEN YOU GET PAID for that crop you worked so hard to mature and harvest why not give the money bank protection?

You can deposit your grain check with us—pay your bills by personal check, and have a record of and a receipt for each payment made.

There are other material advantages that appeal to present customers—come in and let us tell you about them.

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