

Local News

Sunday night was the coldest to date. Thanks to the New North West for its calendar.

Alice Dunning and Horace Langard have opened in Salt Lake.

See advertisement by Robert McMinn of valuable mining claims for sale.

The Madissonian doesn't care much for locals. It prefers inaccurate correspondence.

The regular schedule on the U. & N. road will go into effect next Tuesday, the 17th inst.

The entire circulation of the First National Bank of Butte is now ready for circulation.

Young Ehrig continues to improve in general health, although still paralyzed below the waist.

About ten Chinamen are still chopping wood in the timber. They will finish and get out this week.

In amalgamation the Moulton Company has not so far lost more than a pound of quicksilver to the ton.

Mr. J. R. Walker, president of the Alice company, inspected the Magna Charta yesterday with Mr. W. E. Hall.

Up to yesterday, no decision had been rendered, as far as heard from, in the case of Kennon vs. Gilmer & Salisbury.

Although the thermometer at an early hour Monday morning marked twenty degrees below zero, none of the Butte Water Company's pipes froze.

The public schools in Deadwood opened January 9 with three hundred pupils in attendance. Deadwood has a public school building to be proud of.

Messrs. Butler & Doran, both old-timers, well and favorably known, have started an express line between Butte and Walkerville, and solicit general custom.

We are not surprised that the local editor of the Madissonian confesses his inability to discover errors in his proof except when he is drunk. What a Good Templar he must be!

The attempts at an agreement between the Union and Northern Pacific roads, as already stated in the MINER, are facts, and can be sustained by written evidence now in this city.

Puck's Annual will pucker the stoutest lips into a smile. Richards & Grix presented a copy to the MINER office, and somebody about the establishment has been smiling ever since.

Mr. J. K. Clark, the efficient and gentlemanly superintendent of the Moulton Company, will move his family into his new residence, just west of the Moulton mill, some time this week.

Mr. L. E. Manning, who has been in this Territory for eight years, and is well known in this community, has opened a real estate and brokerage office over J. D. Thomas' store on West Park street.

Monday the Tombstone Mill and Mining Company declared and paid its twenty-second dividend, of fifty thousand dollars, making a total of one million one hundred thousand dollars which it has paid to its share owners.

Before Judge Wilcox several prisoners were arraigned yesterday. Billy Besanello, whose arrest was mentioned Saturday, was brought up for hearing on the charge of having been drunk and committed an assault. He was fined \$10 and costs.

The poet Pope once said: "Behold the child, by nature's kindly law Pleased with a rattle, tickled with a straw."

The Helena Independent and New North West are trying each to prove the other the biggest baby, using the straw process.

Wonder if they use disinfectants in the Utah Legislature? It is said by the Tribune that all the lobbying is done by the crook of John Taylor's big toe. Close on the heels of this intelligence comes the statement that a crank wants to kill John.

The Helena papers are squabbling over the question whether Mr. Napton did or did not ask for a mail package awaiting him at the Helena office, and if he did whether he got it, and if he didn't get it, whether or not he ought to have gotten it.

Mr. Speck will commence a rehearsal of the "Chimes of Normandy" on next Wednesday evening, Jan. 25th. Rehearsals will take place regularly every Wednesday and Friday evenings, at Speck's Hall. It is his intention to produce the opera in grand style in Bensch's Opera House on about April 10th. All singers are invited to attend next Wednesday evening.

Gold wire is a rarity in any mining camp and its discovery several months ago, in small quantities in the Stevens, created much interest in this district. There is an exhibition at a Denver hotel several pounds of native wire gold taken from the Ontario mine. It was just as it was gathered from between the rocks. With the exception of a little sand which clung to it, the gold was pure, and was estimated to be worth between \$700 and \$800. The Ontario is probably the richest fine gold yielding mine on the globe.

Supreme Court Decisions

Interesting Decision as to Validity of Mining Locations.

As already mentioned in the MINER, the case of John Hauswirth and others against Rolla Butcher and others was decided on the 14th inst., the Supreme Court reversing the judgment of the court below. The decision involves, among others, a point of mining law of general interest, as to the validity of mining claim locations under act of Congress of May 10th, 1872. The following is an abstract of the decision as given by the Helena Independent of the 15th inst.:

Respondents claimed the ground in dispute by virtue of their location of the Triumph lode mining claim, which location the appellants contended was void for the reason that the Triumph location was 2,000 feet on the south side and therefore not authorized by law.

The act provides that a lode claim "shall not exceed 1,500 feet in length along the vein or lode." In the course of the opinion the Court says: "Before there can be a valid location there must be a discovery. Taking the discovery as the initial point the boundaries must be so definite and certain as that they can be readily traced, and they must be within the limits authorized by law. Otherwise their purpose and object would be defeated. The area bounded by a location must be within the limits of the grant. No one would be required to look outside of such limits for the boundaries of a location. Boundaries beyond the maximum extent of a location would not impart notice, and would be equivalent to no boundaries at all. A discovery entitles the person making the same to a mining claim embracing the discovery, not to exceed 1,500 feet in length by 600 in width. Within these limits, if the boundaries are properly marked on the ground and the location properly made and recorded, the grant of the government attaches, and third persons must take notice. But they would not be required to look for stakes or boundaries outside of or beyond the utmost limits of a location as authorized by the statute. "As to the length of a mining claim there must be a substantial compliance with the law, as there must in all other respects pertaining to the location. The claim in question as is shown by the stakes and boundaries thereof is of two thousand feet in length, whereas the greatest length as authorized by the law is 1,500 feet long.

The minutes of the court as far as heard from are as follows:

January 13, 1882. Ming and Kinna, appellants, vs. A. M. Woolfolk, respondent; respondent's motion to strike out portions of transcript sustained.

J. K. Pardee, respondent, vs. Hugh T. Murray, et al., appellants; argued and submitted.

P. W. McAdow vs. L. M. Black; submitted on briefs.

Adjournd until January 14, at 10 a. m.

January 14, 1882. John Hauswirth et al., respondent, vs. Rolla Butcher, et al., appellant judgment of the court below reversed and cause remanded for a new trial; opinion by Wade, C. J.

Silas F. King, appellant, vs. Gropper & Williams, respondents; oral dismissing appeal act aside and cause reinstated upon motion of appellant's attorneys.

Adjournd until January 16, at 10 o'clock a. m.

Butte Fables.

What is this queer-looking thing in the Show Window of the Restaurant? It is a Butter Knife. What is it used for? Oh, nothing, except for Show; it is not acquainted with the Butter. The Routine of the Proprietor's Life is so dull that he likes to see the Guests fight for the Butter with their Own Knives. They might Carve him if he interfered. Is a Butter Knife ever used for anything but Show? Yes, sometimes in the Far East.

Oh, Do tell, who has spoiled this fine large Sheet of Paper? It is 28x42 inches. Yes, an Evening Publishing Company did it. Is it not a Shame? One would think at first that it is a Map of the Great Sandy Desert, but it has not enough Sand for that. Is it Alive? We give it Up?

Goodness Gracious, what is All this? It looks like a mixture of Barnum's Circus and Noah's Ark! Is it the Greatest Spectacular event of the Pacific Coast? It is, and you can gamble on it. There will be a Masque Ball to-night. Will the Devil be barred out? He will Not, that would kill the Fun!

It is the Holy Sabbath Day. See the Boys going toward the Race Track. Are they Going to Church? A Dollar that they are Not! Two of them Seem to be on their Muscle. As the Ferocious looking Cop approaches their voices wax loud, Each Hoping the Other will be arrested. The Cop goes the Other Way, will the Boys fight. Oh, No; it is too cold; they will go back to Town, to see their Dear friends—Tom and Jerry.

Bozeman Edition

The Wood River Times of January 11th, says: "The Denver Republican, Sacramento Record-Union, Butte Miner, and Salt Lake Tribune published extra holiday editions. They are all valuable publications, evincing a great deal of labor, ability and enterprise, and a credit to the sections where they are published. The Times will endeavor to imitate them next year.

Says the Avant Courier of the 11th inst.: Next comes the Butte HOLIDAY MINER—a large 32 page pamphlet, well illustrated with cuts of handsome and substantial buildings which, during the past few years, have sprung up in the Silver City as if by magic. The work is replete with useful and interesting articles about Montana—its mining, agricultural and grazing industries and immense resources. Typographically, the work is excellent, while the form of the publication is all that could be desired for preservation and future reference.

The editor of the Denver Mining Review writes as follows of the HOLIDAY MINER, under date of January 12: "Many thanks for the excellent paper you sent me. It is a daisy and pronounced so by everyone."

A Big Contract.

We are informed that Messrs. Daniel Maxey and W. L. Perkins have been officially notified by the Northern Pacific authorities of their appointment as special agents of the company to furnish ties, piles, and dimension lumber required on the line of the road from the mouth of Fishman creek to the mouth of Crow creek, a distance of seventy miles. The parties have a big contract on hand, but they are good for it.—Bozeman Courier.

Coach Accident.

The incoming Tongue River coach (on runners) upset on the Bozeman Divide Saturday evening, throwing driver, passengers and baggage into one promiscuous heap. The horses succeeded in getting away from the driver, and ran a distance of half a mile, when it appears that one of them fell and broke his leg. The other animals were taken back to the sleigh, and everything was brought into town without further loss or damage.—Bozeman Courier, 12th.

Freight Tariff.

UNION PACIFIC RAILWAY CO., GENERAL FREIGHT DEPARTMENT, OMAHA, Neb., Jan. 7, 1882. To the Miner Publishing Company, Butte, Montana:

As we have received numerous inquiries from our patrons in Montana asking what rates would be applied upon shipment which they might make on and after January 1st, 1882, we would respectfully state for the information of our friends that for the present all shipments of Montana freight will be billed at the regular published tariff rates.

In the spring an agent of ours will visit Montana for the purpose of making special contracts with such dealers in your Territory as will agree, in consideration of such concessions from our tariff as we feel able to offer, to make all their shipments for the year 1882 via our line.

Such contracts, when made, will be dated back to January 1st, 1882, and made to apply to all shipments forwarded during the year 1882. Any excess which may be collected from contracting parties above the contract rate, will be duly refunded upon presentation of the expense bill, after the contract for the year 1882 is completed.

E. P. VINING, Gen. Freight Agent. P. P. SHELBY, Asst. Gen. Freight Agent.

The Electric Light.

The power necessary to furnish incandescent burner lights is found by practical experience to be much less than is supposed. At the Moulton mill seven lights are kept going with a five horse power engine. The expense of lighting the city of Butte by this method when once put in operation, will be so little that tax payers will wonder it has not been adopted long since. Would it not be well for council and business men generally to consider the subject at once?

Estimating that one lamp at each corner and between each two corners will thoroughly illuminate a square, a fifty horse power engine will furnish ample power for the five principal squares of Butte.

Hospital Notes.

There are three new county patients in the Sisters' Hospital. The patients who have been at the Miners' Hospital are now all either convalescent or discharged cured.

Joe Campbell, in the Workmen's Hospital, is sitting up. His wounds continue to heal rapidly. It is thought he will be able to leave the Hospital soon.

Wm. Martin has recovered from his wounds and has been discharged from the Workmen's Hospital.

Charles Higgins, who was injured some time since in the Moulton mine, was taken to the Sisters' Hospital Saturday, suffering from hemorrhage of the lungs.

Police Court.

There will be several interesting cases before Judge Wilcox in the Police Court to-day. Among others, one Bluefield will be arraigned on the charge of grand larceny.

It is alleged that on Sunday afternoon about three o'clock, one of the proprietors of the California Beer Hall went into a side room to answer a business letter, which he took from his pocketbook, and then laid the letter by him on the table. He was suddenly called out, and forgot to take his pocketbook with him. It contained \$200 in cash and a check. Payment on the latter has of course been stopped. Bluefield was seen to approach the table during his absence, and to leave the house suddenly. The proprietor finding his pocketbook gone, at once suspected Bluefield, and looked twice through the various saloons of Butte, finally finding him in front of Fisher's. When taken to the Police Court and searched, \$130 was found on his person, two of the notes being promptly identified. The trial will take place at two o'clock to-day.

Music Class.

Having been asked by several of the citizens of Butte to form a class in singing here this winter, I have decided to give a course of sixteen lessons to all those who desire to learn to read music. I propose to begin at the foundation and teach the principles of musical notation, combining the study of the theory of music with practice in reading music at sight. That there is good musical talent in Butte no one doubts who has heard the various musical entertainments given, but that there is a great lack of ability to read music readily is also known by those who know the amount of study it has required to bring out the music successfully. I invite all those who are interested to meet me at Speck's Hall, Caplice building, at 7 o'clock, Wednesday evening next, for the purpose of organizing a class in the study of vocal music. Jan. 17-4-21 WALDO J. CLARK.

The Mullan Tunnel.

The New York Herald says: "Helena, M. T., is advancing. A young lady in one month as book canvasser took sixty-nine orders for the "Encyclopedia Britannica," representing the value of more than \$10,000. Is this to be used as an argument for the admission of Montana into the Union or in favor of female suffrage? Why certainly not. All's fish that comes to a Helena journalistic net. This is a strong argument in favor of the proposition that the Mullan tunnel will one day be used as a telescope by a solitary stranger looking for ruins of the monumental cheek of a Helena newspaper man.

O'Meara's Court.

Sam Yek, who was arrested Saturday afternoon on the charge of perjury in the recent Chinese cases, waived examination yesterday before Judge O'Meara, and was bound over to appear before the Grand Jury in the sum of \$500.

Jack Haina, who is charged with having assaulted J. W. Rice with a claw hammer while they were at work on West Broadway on January 6, was arraigned yesterday and waived examination. He was bound over to appear before the Grand Jury in the sum of \$200.

Sidewalks.

There are two places on the alleged sidewalk of Main street which occasion a dozen falls a day. One is in front of the postoffice and the other is at Mathews' corner. It is not wonderful that Helena claims to be more of a city than Butte, as long as the latter has no sidewalks, and has a Main street, running up a hill at an angle of thirty degrees. When somebody falls hard enough to injure himself severely, and sees the city for a few thousand dollars damages, perhaps Main street will be graded.

Progress of the Telephone.

The workmen under the charge of Mr. W. W. Crossman had reached the Miner's Union Hall last evening in their progress toward Walkerville. The ground is now frozen to a depth of two feet, and the work of erecting the massive forty-foot poles is consequently a difficult one. The main line will run from the Butte exchange north to Walkerville and south to the depot. Side lines will be run to any point desired, as soon as possible.

A Valuable Well.

The artesian well which the Union Pacific has been at work on for some time at Rawlins, is finished, and is a complete success. Master Mechanic Galbraith says that water has been struck at a depth of 380 feet, it being a good article, soft and pure. It rises three feet above the surface of the ground, and flows through a 5 1/2 inch pipe—quite a healthy stream. Mr. Galbraith thinks an underground river has been tapped, and expects fish without eyes, etc., to come up before long. The well is certainly a valuable one, and will prove of great benefit to both Rawlins and the railroad company.—Pilot, 14th inst.

THE BUTTE WATER COMPANY.

Shall the City Pay for Water or go Without It.

The Water Company was organized for the purpose of supplying the city of Butte with fresh, pure water, for public and domestic use. With that object in view the company has already invested about forty thousand dollars. Before its pipes and hydrants are completed to connect with the new Montana street reservoir and its line extended to the Bull's Run source, twenty thousand dollars more will be required. This represents an investment of \$60,000, for public uses, the income from this investment depending on the amount of money received from the city for fire purposes, and from citizens for the use of water in their families and places of business.

The tariff for private consumers has already been fixed, and is not now a subject of consideration. At the meeting of the city council held last Thursday night, the committee previously appointed to confer in behalf of the city with the Water Company was discharged without having taken any definite action, or having come to any understanding. In a matter of such general importance this course was rather singular, to say the least of it. The fact that the committee did not feel it proper to accede to the terms of the Water Company by no means demonstrated the necessity of the committee's discharge. They might have made other propositions to the company which might have been favorably received. If in consideration of the fact that only four hydrants were then in use, they thought the company's terms excessive, they might easily have proposed to pay so much each for those four hydrants until the remaining eight should be ready for use, and the Montana street connection established.

In this connection a fact to be noted is the amount now paid the Moulton company for the use of their supply pipes running to the Bull's Run source. This is a charge which will be done away with as soon as the company complete their own pipes all the way out to Bull's Run. The assessment for these purposes amounting to 1 1/2 mills, is amply sufficient now, and will prove so when through connections are made, to meet all proper expenses in this quarter. Is it not worth while to make an effort to secure immediate terms?

If the Water Company find that they are not likely to be paid for the hydrants they have put in with so much expense, what is there to prevent their taking them out at once, as any business man might do under like circumstances?

Without the hydrants the costly engine is of no use. With the hydrants the natural pressure will probably suffice for all emergencies. But the hydrants cost a great deal of money, and their use is consequently worth a fair price. The saving on insurance alone, not to speak of the prevention of disease next spring and summer, by the abundant use of pure, clean water, is amply worth all that can or will be demanded by the Water Company. The Company is disposed to do what is right; why not appoint a committee who will approach the subject with a view to immediate and final action?

Suggestions.

Perhaps Mr. John Hauswirth would find it to his advantage to propose a postoffice building on his lot on the south side of Broadway, just west of Clark's new bank.

If the city does not secure water from the Water Company, what will become of the steam engine in case of a fire? If the incandescent electric light would cost the city about as much as the oil now consumed in show windows, why not consider at once the advisability of contracting for its introduction? If the Liederkranz Carnival and Allegorical Procession will be the best advertisement conceivable for Butte business men, why should they not subscribe proportionately towards making it a stupendous success?

Butte Fables.

What is this Mournful Object that blots the Landscape? It looks weak, can it not be propped up? No, it is the Butte School House. Ah that explains it. Nothing more need be said. The Society for the Prevention of Cruelty to Insecure Buildings ought to take the Poor Thing in Out of the Wet. It might fall down, Don't go near it, Little Boys, and do not talk loud or make a noise. You might Knock it Down.

See the Poor Chinaman! Mark the innocence of his Almond Eye! He has Queer Looking thing in his Hand! Yes it is a Fries-seed Rat. The Rat does not cost anything, but will make John a Good Supper. Consequently John can work for less money than his White Brother. This is what makes the White Brother love John so. If one White Brother were to Hang a Chinaman, what would the other Brethren do? They would take the Cue from him.

THE COUNTY COMMISSIONERS

Meet This Morning in Regular Session.

Yesterday the Commissioners of Silver Bow County met, but adjourned on account of the necessary absence of Mr. Downs. This morning at ten o'clock they meet at the office of the County Clerk and Recorder.

Two matters of important business will come up before this session. The regular levy of taxes for the current year will be made, and the grand and petit jurors for the coming term of the District Court will be drawn in accordance with law.

Section 773 of the General Laws of Montana, 1879, provides that "the County Commissioners of any county in which a term of the District Court is or may be held, shall, at least twenty days prior to the commencement of said term of Court, select the names of one hundred persons lawfully qualified to serve as jurors, from the County Assessor's books of the county, provided that number of names are contained in such assessor's book, and the names of the persons so selected, after being written on separate slips of papers, shall be deposited in a box to be provided for such purpose, and from the names so deposited the County Commissioners shall alternately draw the names of eighteen jurors, who shall be summoned as trial jurors for the next ensuing term of said District Court."

Such is the simple process through which the county commissioners go to select trial jurors. The requirements for jury service are few and easy: "Any white male person of lawful age, who is a citizen of the United States, or who has declared his intention to become such, who is a tax payer and a bona fide resident of the county, shall be competent to serve as a grand or trial juror."

Their duties as to the selection of a grand jury are even simpler than those in regard to the trial or petit jury. Section 773 provides that, "It shall be the duty of the board of county commissioners of the county, at least twenty days prior to the assembling of a court authorized by law to inquire into public affairs by the intervention of a grand jury, to select the names of twenty persons eligible to serve as jurors," etc.

From the provisions of the law it will be seen that the commissioners have a large discretion in the selection of grand and petit jurors. When they find the name of a white male citizen on the assessor's books they may or may not select that person, as they choose.

THE POSTOFFICE.

A Subject to be Considered by Business Men.

Since the last mention in the MINER only one proposal in writing has been received at the Butte office and forwarded to Inspector Seybolt. The last is by Hon. Stephen DeWitte and has reference, as far as stated, to a brick building lying north of the present postoffice site, in the same square. It is expected that Mr. Tuttle will put in shortly a proposition for a building on East Broadway, so that the locations suggested to date are Main street above the present postoffice, East Broadway, and Montana street near Park.

It does not seem however that these suggestions ought to exhaust the subject, considering the interests of the mass of business men, or that other and more central sites should not be at once considered and written proposals therefor made.

Time is a matter of great consequence and it is not likely that written propositions forwarded later than this week will receive the attention which they might demand if sent in at once. Again, there is one particularly important feature which will do a great deal towards deciding the fate of any and all propositions, and that is that the Government will certainly not pay as much rent for a building for a postoffice as that building would readily command for other purposes. The amount now allowed to the Butte office for rent is only \$50 per month, which is of course utterly inadequate. Suppose that the Department, in view of the general demand for increased facilities, evidenced by the petition forwarded last fall, should agree to allow one hundred dollars as rent, would this be sufficient to pay for proper accommodations? By no means. At the very lowest estimate \$150 will be required as the monthly rent of any suitable building near enough to the business center. A building none too large for such a use, which is soon to be erected just south of the present postoffice, is expected to rent for \$200 per month. This being the case, how is the difference between the Government allowance and the fair rental of property to be supplied? Why, by subscriptions from public-spirited business men who, on deliberation, will readily see the advantages to their business of having the postoffice located near them. Among twenty first-class business houses a subscription of \$50 per month would be a mere bagatelle, if by that means they could secure in their immediate neighborhood the location of the postoffice, the pivot around which the entire population revolves, and which is visited daily by hundreds and hundreds of residents of the city and county.