

THE HAVRE HERALD

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HAVRE, CHOUTEAU COUNTY, MONTANA, FRIDAY, OCTOBER 13, 1905.

\$2.00 PER YEAR

TO ADJUDICATE ALL RIGHTS TO WATER OF THE MILK RIVER

Suit Brought, at Instance of United States Reclamation Service, Against Many Residents of Chouteau County and Other Claimants

In the district court at Fort Benton, there has just been instituted probably the most important suit ever brought in Montana, aside from a few of the big Butte mining cases, it being an action to secure adjudication of all water rights along Milk river, the north and west forks of Milk river and Parallel and Savoy creeks, in that county. The action is brought at the instance of the United States reclamation service, and there is every reason to believe that it is the final step preliminary to the awarding of contracts for construction on the great Milk River irrigation project.

The complaint, prepared by Attorneys Geo. H. Stanton and J. A. McDonough of Great Falls and Chas. N. Pray of Fort Benton, is a printed pamphlet of 40 pages, containing about 12,000 words. There are about 40 plaintiffs and about 200 defendants, while many more may be compelled to become defendants or join as plaintiffs in the actions. Anyone who claims any right to the use of any water from the streams named must become a party to the action or forfeit his right. It has been estimated that about 1,000 water rights have been filed, appropriating water from the streams named, but many of the rights have expired, and many of the appropriators have died or left the state.

The expenses of the litigation, aside from the costs that may be assessed in judgment, will be borne by the United Milk River Irrigation association, composed of residents of the principal towns in the Milk River valley. While the Milk River project will cover lands in Chouteau, Teton and Valley counties, the officials of the reclamation service will be satisfied with adjudication of the rights in Chouteau county alone. The officials announced some time ago that they would not proceed further with the project until the conflicting rights had been adjudicated, and the suit is brought for the purpose of satisfying the government.

If all interested are anxious for an equitable adjustment of the conflicting claims, it is probable that a final decree may be secured in a few months. Many of those interested are known to be willing to let the evidence that the officials of the reclamation service are prepared to furnish go uncontroverted, and if all should do so, it would not require much time to secure a decision. Issues should be joined in the action within 60 days.

The plaintiffs in the action are The New Harlem Irrigation Co., E. Mead Kennedy, Charles H. Barton and Vincent Pauly, executors of the last will and testament of Vincent Pefaur, deceased; Antoinette Bosley, Ella Sharples, Samuel R. Birdwell, Philip Buckley, Antonio Bonacci, James B. Dorritt, Thomas M. Everett, Eddie B. Everett, John M. Everett, Esther Erbes, L. Eraux, Harris Farnum, Robert B. Ganaway, J. A. Hatch, Geo. E. Heath, Peter Larson, William J. McConnell, Jessie H. Merrill, Louden Minugh, Priscilla E. McDaniel and John McDaniel, Vincent Pauly, Mary A. Pauly, Guy M. Phillips, James Rammel, Clarence E. Sadler, Charles A. Smith, Alonzo Smith, Walter B. Sands, Herman L. Colgrove, W. M. Williams, Frank E. Benedict, Edward S. Pool, Louis E. Veseth, Amos Everett and Mary L. Farnum.

The defendants are the Fort Belknap Canal & Irrigation Co., the Bogy Mercantile Co., the Empire Cattle Co., Paradise Valley Ditch & Irrigation Co., Thos. O'Hanlon Co., Cook Irrigation Co., Charles Christiansen, administrator of the estate of Helen Christiansen, deceased; Great Falls & Harlem Ditch Co., Matheson Ditch Co., The Stockmen's National Bank, Paradise Ditch & Canal Co., Donald Graham, administrator of the estate of Murdock, L. Graham, deceased; North Fork Canal & Reservoir Co., John Buckley, administrator of the estate of William E. Buckley, deceased; St. Paul, Minneapolis & Manitoba Railway Co., Great Northern Railway Co., David C. Marrott, August Nystrom, Gustaf P. Abelin, Jennie Soderstrom, Edward Forbes, Charles E. Farnum,

Harris Farnum, Abbie E. Farnum, John Soderstrom, Alfred Watkins, C. Booper Linn, Julia Buckley, Alonzo Smith, Robert B. Ganaway, Geo. E. Heath, Priscilla E. McDaniel, Louis E. Veseth, Clarence E. Sadler, Anson J. Weimer, Antonio Bonacci, James B. Dorritt, Louis V. Bogy, Albert Newman, William M. Woodriddle, Alex Clyde, Andrew H. Reser, Ida M. Ross, Isaac S. Frey, William Skillen, Walter B. Sands, Lulu M. Raymond, Ezra T. Reser, J. A. Fifer, Frank Thibedeau, Robert Seymour, W. M. Jones, Arthur Benton, John Flynn, John Matheson, William R. Hensen, Theodore D. Hensen, Henry Winter, John H. Ruhe, James O'Herron, Henry C. Reynolds, Geo. Davidson, David E. Martin, Charles W. Hansen, Sarah A. Hansen, John W. Luce, Edward Marriott, James Clowes, Fred Wallner, Nils Peterson, Harvey D. Riegel, William Weaver, Thomas F. Burns, William R. Leet, John Paxton, Elmer E. Riegel, J. S. Whitehead, Charles Battles, Henry Kremer, Rudolph Hermes, David J. Martin, John Prosser, Henry C. Gelder, Fred Prosser, Josephine Prosser, Robert Clarkson, Calvin C. Schuler, Mary S. Martin, Susan E. McIntosh, Sarah A. McIntosh, Lucy Plunkett, Donald Graham, Amos Ladley, Emory C. Newby, Isaac Hedges, William T. Hulbush, John Brunner, George Rasmussen, Fred Brockman, Edward E. Bitzer, James Griffin, Helen Dye, John McLaren, William McLaren, Aaron G. Stator, Stephen Adams, George Jones, Arthur E. Lewis, John C. Lynch, Robert F. Morris, Regina A. Morris, W. Wallace Cook, Jane W. Cook, John A. Cook, Mary C. Sands, Clinton E. McClanahan, Joseph Loschy, Thomas O'Hanlon, James Morgan, William Smotherman, Joseph F. Birdwell, Charles Christiansen, Amelia Kremer, Henry Bosch, Abbie J. Smotherman, Marie Bosch, Fred Bosch, James N. Cook, Rudolph Friede, Chris Kruse, Abbie R. Cook, Matilda Riegel, Carl Otzen, Mary B. Blackstone, Mary E. Blackstone, John D. Blackstone, Daisy J. Blackstone, Theodora Blackstone, Edith Westcott, John J. Hollenberg, Michael H. Murphy, George Henson, Frank Nessler, John Matheson, John Roberts, Annie Matheson, Thomas M. Burrus, Sarah Burrus, Newton T. Sharples, Judson F. Sharples, Alice K. Sharples, John W. Acher, Charles E. Riegel, Jurgen H. Kuhl, Thomas Downen, James Buckley, Celia Gelder, James Davis, U. S. G. Sharp, Alice Anderson, Mose Anderson, Frank Bowes, Hattie E. Clows, Hattie F. Burnes, Maggie Bowes, Oscar M. Dougherty, Christina Adams, Stanley Bowen, W. D. McFarlane, Thomas Conant, Simon Pepin, Edward T. Broadwater, Andrew S. Lohman, Celia Oswood, R. L. Clinton, Charles Acher, William H. Bates, David R. Thorne, William S. Hedge, Albert W. Ziebarth, Henry J. O'Hanlon, Amelia Lange, Susan E. O'Herron, Dora C. Coffey, Newton T. Lease, Thomas C. Richards, Jesse E. Ross, Oscar B. Reed, John B. Wasesha, John Servant, Mary Servant, Louis Turdeil, Henry Bosch, Josephine B. Westcott, John W. Clark, Henry Corregan, Sarah Corregan, Agnes A. Downen, A. L. Prichard, M. T. Ridout, P. T. Gibbs, Louis Hulbush, Jane W. Cook, Amelia Kremer, Frank Rokita, John Buckley, Len T. Bateman, Vernon Butler, Bernard Eilers, John C. Cronk, Annie Cronk, William T. McDaniel, Silas Gamble, Ida C. Gamble, Nathaniel Wolary, John Forgey, Catherine Forgey, Alpha Wolary, H. Frederick Tegen, John Tegen, Alonzo Ellis, John Doe, Henry Doe, Fred Doe, William Doe, Edward Doe, Ezra Doe, David Doe, John Poe, Henry Poe, Fred Poe, William Poe, Edward Poe, Ezra Poe, David Poe, Sadie Poe, John Roe, Henry Roe, Fred Roe, William Roe, Edward Roe, Ezra Roe, David Roe and Sadie Roe.

The plaintiffs allege that each and all the persons and corporations named as the parties to this action, whether designated as plaintiffs or joined as defendants, have diverted water from the same stream or source of water supply, viz., from Milk river, West Fork of Milk river, North Fork of Milk river, Parallel creek or Savoy creek, and all such persons and cor-

porations are necessary parties to a proper and complete determination of this suit, to the end that the court may, in one judgment or decree, settle the relative priorities and rights of all parties to this action, and these proceedings are brought to determine and finally adjudicate and settle the relative priorities and rights of all appropriators and persons using or claiming the right to use, for any purpose whatever, any of the waters of Milk river or of any or either of its tributaries aforesaid; and the plaintiffs further allege that the dates, amounts, nature and extent of the pretended appropriations and claims of the defendants, and each of them, are to the plaintiffs, and to each of them, unknown, and the plaintiffs now ask that each and all of said defendants be required to answer and set forth the nature, dates and amounts of their respective claims.

Finally, the plaintiffs, and each of them, pray for judgment:

First. That each and all said defendants and all persons who have diverted water from Milk river or from any or either of its said branches or tributaries, or who have or claim to have any right to the use of such waters, or any part thereof, be required to answer this complaint and to set forth specifically and in detail the nature, dates and amounts of their respective claims or titles in and to the waters of Milk river and its said tributaries, for the purpose and to the end that the relative priorities and rights of all parties to this action may be adjudicated and finally determined by one judgment or decree of this court, in accordance with the provisions of section 1891 of the Civil code of the state of Montana.

Second. That the plaintiffs, and each of them, respectively, be quieted in their titles to the said waters and the use thereof as of the dates and to the extent and amounts and for the uses and purposes alleged.

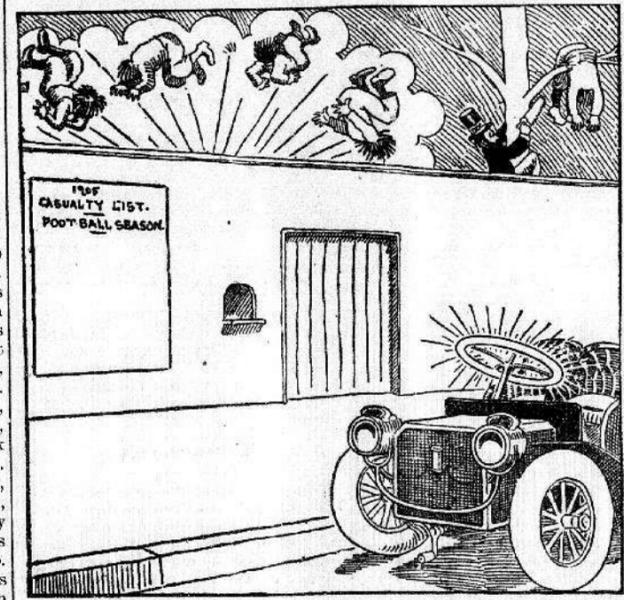
Third. That upon determination of the relative priorities and rights of each and all parties to this suit, if deemed by the court most feasible and equitable in the premises, the amount of water that may be awarded and decreed to each of the parties to this action be fixed and decreed in acre feet, and if the conditions then appear to warrant it, that the court appoint one or more commissioners to carry out the provisions of such decree.

Fourth. That upon rendition of the final decree of this court, the defendants, and each of them, and all persons acting by, through or under them, or either of them, be perpetually enjoined and restrained from in any manner interfering with the respective rights of the plaintiffs, and each of them, in and to the said waters and the use thereof, as found and determined by such decree of court.

Fifth. That it be adjudged and decreed that the plaintiff, the New Harlem Irrigation Co., is a trustee and holds in trust, for the use and benefit of "the stockholders," the legal title to the water aforesaid so by them and the plaintiff, E. Mead Kennedy, appropriated, acquired and owned.

Sixth. The plaintiffs pray for such other and further relief as to equity may appear just and proper in the premises.

NOW COMES THE SEASON WHEN THE AUTOMOBILE LOOKS COMPARATIVELY INNOCENT.



-Chicago Record-Herald.

SCHOOL CENSUS IS COMPLETE

School Clerk Allen has completed the roll of the children of Havre school district No. 16, which shows quite a substantial gain over last year's census. There are 913 children of all ages in the district this year as compared with 872 last year, but since then a new district has been cut out of the Havre district taking away about 50 children, so we have gained nearly 100 in the year. Of the total there are 469 males and 444 females; Of school age, 6 to 21 there are 637; divided into 321 males and 316 females; between the ages of 6 and 8 there are 46 males and 49 females; between 8 and 14, 132 males and 142 females; 14 and 21, 143 males and 125 females.

The assessed valuation of the district is now, \$733,000 and nine teachers are employed, including Prof. Troy. Two large school buildings are necessary to accommodate all the children. A most successful high school is now in its third year. Havre citizens are justly proud of the exceptionally thorough manner in which the schools have been built up and of the facilities now being offered to all the youth of North Montana who are in quest of knowledge.

E. R. McNEILL DEAD

The sad news of the death in Winnipeg, of E. McNeill, well known in this city, who was formerly in charge of all Great Northern engineering in Montana, with headquarters at Havre, Death was caused by typhoid fever. Mr. McNeill leaves a wife and one son.

He left the Great Northern about two years ago, to take charge of a large portion of the construction for the Grand Trunk Pacific, and was so engaged when taken ill.

On and after Monday October 23rd, the banks of this city will open at 10 a. m. and close at 3 p. m. excepting Saturday when they will open at 9 a. m. and close at 2 p. m.

The First National Bank of Havre, J. C. PANCOAST, Cashier.

The Security State Bank of Havre, ROBT. T. F. SMITH, Cashier.

M. L. Wald, one of the prosperous ranchers of the valley east of Havre was a visitor in town today and was a pleasant caller at the HERALD office, making arrangements to receive our weekly visits for the next year.

Deputy County Surveyor L. G. Smith came up from Chinook last evening and left for the Lonman ranch north of town today. He went out with Contractor Phil Brader who has just completed building the big dam for the reservoir. Mr. Smith will measure up the work.

PLANS TO GET RICH

Are often frustrated by sudden breakdown, due to dyspepsia or constipation. Brace up and take Dr. King's New Life Pills. They take out the materials which are clogging your energies, and give you a new start. Cure headache and dizziness too. At Boone's drug store, 25c.

PREPARING WHITE HOUSE FOR SESSION OF CONGRESS

Many Changes are Being Made in the National Capitol for the First Time in Fifty Years as it Being Painted. New Carpets are Laid to Replace old Ones.

[Special Correspondence.]

When the next session of congress meets the returning members will find many changes in the capitol to greet their eyes. The principal alterations have been made in the rotunda. For the first time in fifty years the dome has been painted, while the side walls and columns have been scraped and cleaned. This course of scraping and cleaning has brought the stone back to its original condition. The side walls were constructed of Virginia sandstone, and the process of cleaning with an acid preparation has laid bare the character of the material, and in many places stones of an entirely different nature from the sandstone have been disclosed. The pictures throughout the rotunda will have received a thorough renovation.

Capitol Improvements.

The skylights on the senate and on the house have been enlarged by extensions of ten feet on each side. The effect has been to afford more light in each chamber, which will be particularly noticeable from the galleries, for the extensions completely cover them.

Superintendent of the Capitol Elliott Wood concluded that the chimneys, which have long been noticeable projecting above the roof, were unsightly, and so much of them as projected above the roof have been taken away, and a forced draft is created for the flues by electric motors.

New Carpets in House and Senate.

When congress reassembles the new bronze doors at the entrance to the house wing will be in position. The doors for the main entrance and the senate wing were hung in 1858, but the house doors were not authorized until 1903. They cost \$47,000 and were cast at the same foundry in Chicopee, Mass., where the other doors were made before the civil war.

Throughout the interior of the capitol building all traces of calcimining have been removed as far as possible, and the Italian renaissance has been restored. The senate will have a new green carpet and the house of representatives one of red. No readjustment of seats has been necessary in the house. The last time the hall of representatives was remodeled space was afforded for placing 400 seats, and these are not all occupied.

Treasury Building Crumbling.

The soft walk, pillars, cornices and other portions of the east front of the treasury building have been slowly crumbling for years, and it is only a question of time when that part of the historic building will fall to pieces.

Various officials of the treasury department are urging Secretary Shaw to recommend to congress at the coming session an appropriation to replace all the sandstone used in the east front of the structure with granite, and Secretary Shaw has the matter under advisement. The supervising architect of the treasury has been consulted, and his estimate is that it will take \$350,000 to do the work.

His opinion is that if the sandstone is not replaced before a great while some serious accident may happen, as the sandstone crumbles away in big pieces at times.

By replacing the sandstone east front with granite the entire outer portion of the treasury will then be of granite and will last almost as long as time.

Famous Indian Relics.

Miss Fannie A. Weeks, an employee of the treasury department in Washington, who died of scalds received from falling into the boiling Grand Geyser pool at Yellowstone park, owned one of the finest collections of Indian relics at the capitol. The collection will probably go to the Smithsonian Institution.

Included in the collection is the pipe of peace, "stirrer" and tobacco pouch used by Red Cloud, the famous Sioux chieftain, who, with Sitting Bull and Spotted Tail, visited Washington during the spring of 1875 and interviewed General Grant concerning a favorite hunting ground upon which the United States government had fixed a covetous eye. The pouch is of buckskin, finished at the bottom with a deep fringe of the same, ornamented with brilliantly dyed porcupine quills, the upper portion being richly beaded. The "stirrer" is merely a long rounded stick, pointed at the end and used for stirring the tobacco in the pipe, and the pipe, which is of red clay, with a flat stem upward of two feet long and wrapped in scarlet porcupine quills, was smoked in council by Red Cloud for many years. Another relic is a rawhide quilt (ship) used by Antio, the Uintah war chief, a blow from which would raise a welt on a horse as large as a man's finger.

An Indian Dandy's Leggings.

There are also gayly embroidered money bags from Snake John and Bull of the Woods. The latter was captain of the Indian police at the Uintah agency, and both served as scouts under General Crook. The most gorgeous of the war relics, however, is a pair of elkskin leggings which belonged to Paddy Cap, chief of the Piutes in the Duck valley reservation, Nevada, the most distinguished leader of his tribe. These leggings, which he parted with for a consideration, denuding himself for the purpose in the presence of the purchaser, cannot be surpassed in Indian work.

They are literally covered with brilliant particled cut beads in the most elaborate designs and glitter and scintillate as one turns them about in the hand.

These, with numberless baskets, wampum and bead necklaces and other objects, form a part of the collection gathered by Miss Weeks from the northern tribes among whom she worked. To these she added a splendid assortment of rugs and blankets, for which the Navajo Indians of New Mexico and other southern points are celebrated.

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LOCAL MENTION

Jack Simpson is in from his ranch today.

Chief of Police McCann of Helena was a visitor in Havre today.

Jerry Kearful, the well known Clear Creek rancher was in town yesterday.

Dr. H. F. Hamilton paid a professional visit to Great Falls the first of the week.

The local K. P. Lodge, held a social session after their regular business session Tuesday night.

Beckstead & Cowell report the sale of 3800 lambs to Ed Shorey, of Billings delivered at Guildford at \$2.00 a head.

Doctor Emil Startz, state chemist and M. E. Knowles, state veterinarian were Havre visitors today enroute to Browning.

W. D. Patterson of Wininace, Ind., arrived on Tuesday noon's train on a visit to his brother, Capt. H. H. Patterson of Fort Assiniboine.

An Italian (name unpronounceable) was up the first of the week charged with stealing a sack of flour from a Great Northern car. He was discharged.

Fuller & Bossuet have bought the \$4500 bond issue of school district No. 3 Valley county and have been awarded the contract for the erection of a commodious and substantial school building for the same district. This district is situated about 7 miles north of the town of Saco.

H. W. Gross and crew of tinmiths are at Chinook this week where he has a contract putting in a combination hot air and water furnace in the new school house.

Willie Arrington, the 13-year old boy of Malta, was acquitted in the district court at Glasgow this week of a charge of manslaughter in killing his step-father, Wm. Setz.

Born to the wife of Frank Thibedeau of the valley east of town, a Montana standard weight (12 lbs.) son on October 12th. Mother and son were enjoying good health at last reports.

A. R. Jensen, the man who makes the celebrated A. R. J. and other brands of cigars paid a business visit to Butte and Helena this week, returning Wednesday morning. Mr. Jensen reports a good trade.

Bessie Williams, colored, was arrested in Great Falls on a charge of grand larceny the first of the week was up before Judge Poyer Tuesday and her case set for next Tuesday. She was released on \$250 bail.

C. M. Stoffel, of Tattan's drug store was one of thirteen applicants for pharmacists license at a state examination held in Helena this week, eight of whom passed, but Mr. Stoffel was first in the examination.

Attorney Gentry left this week for a hunting trip down the Missouri. He went from here to Big Sandy where he will join the Schwartz Bros. and Alex Aberscher, from there the party will travel down the Missouri for a ten days hunt after deer.

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