

FERGUS COUNTY DEMOCRAT

Vol. IX., No. 24.

LEWISTOWN, FERGUS COUNTY, MONTANA, TUESDAY, FEBRUARY 21, 1911.

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BIJOU TO-NIGHT

FREE

Ten lovely premiums will be given to lady patrons of the Bijou Theatre

TO-NIGHT Tuesday, Feb. 21

ROONEY-HARRIS CASE IS TRIED

The Findings Are Returned by the Jury Early Sunday Morning.

FAVOR THE DEFENDANT

Other Cases in Which Contracts to Convey Ranch Property Are Cause of Litigation.

The most important case yet tried during the present jury term of court was that of Michael T. Rooney against Charles M. Harris, which went to the jury late Saturday night. The action was brought by Mr. Rooney to set aside portions of a contract to convey real estate entered into by the parties Aug. 17, 1907, and to recover \$6,700 alleged to be due from Harris on that part of the contract performed by Rooney. The defendant, Harris, sought to have the entire contract performed and all the land mentioned in it conveyed to him by Rooney as well as for damages.

Ranch Land Involved.

The contract was for the conveyance of three tracts of land. The first one comprised 960 acres, the title being in Rooney, who conveyed it. The second tract aggregates 480 acres, of which 320 acres was embraced in the desert entry of M. F. Rooney and 160 acres in the desert entry of Mrs. Harvey. The third tract consisted of 640 acres, of which 320 acres was embraced in the desert entry of Mrs. Kathleen M. Rooney, deceased, both being owned by Mrs. Harvey. The price agreed upon for the first and second tracts was \$5,000. As part payment the defendant agreed to convey to the plaintiff certain land at Edgerton, Ohio, at an agreed price of \$10,000, and the deed was to be delivered when the land in the second tract should be conveyed by Rooney to Harris. Rooney claimed he was induced to enter into the contract by the statement of Harris that he would not be required to convey the second and third tracts unless he should be able to acquire title thereto. This was disputed by Harris.

The Findings.

The jury found that at the time the contract was made Harris knew Rooney did not have title to the second and third tracts.

That Harris did not assure Rooney that he would not be bound to convey these tracts if he could not obtain title to them, nor did he tell Rooney he knew the plaintiff did not own them and that he would take a chance.

That Rooney did represent to Harris that he had authority to contract for the sale of the second and third tracts.

That Rooney had not tried in good faith to obtain title to these tracts.

That Rooney offered to pay Harris \$3,200 if he would convey the Edgerton tract to him, this sum being in excess of the amount due Rooney for the first tract.

That Rooney offered to release Harris from his agreement to convey the Edgerton tract.

The value of the second and third tracts was fixed by the jury at \$40 an acre.

The effect of the findings, considered as a whole, was considered favorable to the defendant, Harris.

Yesterday afternoon the plaintiff's attorneys moved that the findings adverse to Rooney be rejected, while Harris, by his attorneys, moved that the findings be adopted. Judge Cheadle took the matter under advisement.

Mr. Rooney was represented by John A. Coleman, J. C. Huntoon and Mr. Linn, while the defendant was represented by O. W. Belden and E. M. Hall, of Gunn & Hall, of Helena.

Teagarden Wins.

In the case of Sam Teagarden against Jay Moore, in which the plaintiff sued to recover \$1,250 alleged to be due as commission on a sale of ranch property in Meagher county, the jury last week returned a verdict for the plaintiff for the full amount claimed.

Another Realty Contract.

Still another action on a contract to convey real estate was tried last week, the jury returning a verdict in the case of J. W. Foster against Belle Murray. Mr. Foster sued to secure the performance of a contract calling for the sale to him of the Belle Murray ranch, near the Horse Shoe Bar, the contract having been made in October, 1909. The jury found for Mr. Foster and awarded him damages of eight per cent on the purchase price from the date set for the transfer. W. M. Blackford appeared for Mr. Foster and Ayers & Marshall for Mrs. Murray.

A Small Case.

In the case of L. B. Dives against

Bertha Raw Jewell, the jury yesterday returned a verdict for the plaintiff for \$250. The plaintiff sued to recover a considerably larger sum for plowing and seeding a tract of land near Philbrook. E. G. Worden appeared for the plaintiff and J. J. Jewell for the defendant.

Bijou Has Features.

There is a feature bill on at the Bijou for this evening. "The Woman of Samaria" is a wonderful colored religious production by the great French producers, the Pathe brothers. This is a fitting companion to the Passion Play.

"Effecting a Cure" is a Biograph that should be a lesson to the wives of recreant husbands. It is a great laugh producer and had the houses in god humor during its stay on the screen. "In the Mountains of Kentucky" is one of the most impressive mountain stories ever put into motion pictures. "Elmore & Raymond" spent last evening in their vaudeville sketch in singing, dancing and talking. That they made good was evidenced by the many pleased expressions from those in attendance last evening. There will be an entire change of program for Wednesday.

At the Theatre.

The Maude Henderson company last night entered upon the final week of its phenomenally successful engagement in this city, repeating "The Dope Fiend" to a fair audience. Tonight, "Over the Ridge" will be repeated. The Henderson company will come back here in April or May for another engagement.

ACCUSED OF PADDING.

Population of Billings, Great Falls, Missoula and Havre Cut.

Washington, Feb. 18.—According to a statement issued by the census bureau today, the original census returns from Billings, Great Falls, Missoula and Havre, Mont., were all padded. Great Falls, as heretofore announced, being the worst offender in the state.

While there was greater padding in Tacoma, Seattle and Portland, the percentage of padding is reported to have been higher in Great Falls than any other city in the United States. Prosecutions have been had in Great Falls, but fraud in other cities has been reported to the department of justice and further criminal proceedings are expected in the near future. According to the census bureau the true population of the four Montana cities is as given in the first column, while the number of names eliminated from the original returns on account of fraud are given in the second column:

City	Population.	Eliminated.
Billings	10,031	2,397
Great Falls	12,948	8,376
Missoula	12,869	1,819
Havre	3,624	1,420

Great Falls, which protested against the reduction some time ago, was denied a recount by Director Durand.

MISS DEATON BRIDE OF FT. BENTON MAN

A WELL-KNOWN LEWISTOWN GIRL PRINCIPAL IN RATHER ROMANTIC MARRIAGE.

The relatives and friends of Miss Georgia Mabel Deaton were given a genuine surprise last Friday, when they received from Dillon the announcement of the marriage at that place of Miss Deaton and David G. L. Browne, Jr., of Fort Benton. The marriage, it seems, had some elements of romance in it. Mr. Browne, who is a son of David G. Browne, the widely known Fort Benton banker, went into vaudeville a couple of years ago, after spending two years at Harvard. He joined forces with Irving Bodie and they have been making good with their act on the vaudeville circuit. Recently they played a week's engagement at the Bijou, and left for Butte two weeks ago Saturday to fill an engagement there. Miss Deaton was a passenger for Butte on the same train, having been called there by the serious illness of her relative, Mrs. Trawick. It was on the train going down that she first met Mr. Browne, and the wooing was speedy for on Tuesday last the marriage occurred.

The bride is a daughter of the late W. D. Deaton, a former sheriff of Fergus, and Mrs. Ludie Deaton, and is a sister of Murray H. Deaton, former city treasurer and now in charge of the Power stock interests in this county. Prior to Jan. 1 she was a deputy in the office of the county clerk and recorder, having served four years. In the contest held by the Democrat three years ago, she was the winner, and in company with a number of other Montana girls, made a tour of the Orient. The bride is widely known throughout Fergus and is a popular young woman. Mr. Browne will continue on the stage until next April, when his contract expires, and he will then retire permanently, return to Montana and go into business, probably at Billings or Great Falls.

HIGH SCHOOL IS OUT WITH A PLAN

Separate Building Needed for Domestic Science and Manual Training Departments.

A NEW CENTRAL SCHOOL

Proposition Being Considered by the City Board Meets With the Approval of All—The Debate.

The plan now being considered by the trustees of the high school for the erection of a separate building in which to house the constantly growing domestic science and manual training departments, seems to be meeting with public favor. At all events, the patrons of the city schools, as well as the high school, are much pleased with the results accomplished in these two departments, which are becoming more popular all the time with the students. The facilities, however, under existing conditions, are inadequate, and it is generally realized that to secure the best results and place these two departments upon the level they should have a building. The cost would be comparatively small and the subject is being gone into in detail by the board. Meantime, an effort is being made to ascertain the sentiment of the public with regard to the matter, and at this time it appears to be wholly favorable.

New Central School Plan.

The members of the city board of education are still at work upon the plan recently formulated in a tentative way for the erection of a new central school building here during this year. It will be absolutely necessary to erect a new school building—there is no getting away from that proposition, for the schools are badly crowded right now and this condition will be more pronounced next year. The suggestion that this new building be made a new central school, and that the site of the old Lincoln school on the hill be utilized for it seems to meet with universal favor. The members of the board have taken trouble to ascertain public sentiment as far as possible and have yet to hear a single objection to the plan. The Lincoln school building is of small value for school purposes. It has been patched up year after year and made to serve, but it will have to be torn down before long, if it doesn't fall down some day. This brings in the fact that the site is the very finest that could possibly be secured for a central school, even if the board had unlimited funds at its command to secure a new one. How could it be better utilized than to make it the site for such a central school building as will not only answer all immediate needs, but meet the demands for years to come? That is the question the members of the board are asking and as yet no other suggestion has come to them from any quarter.

Debate With Forsyth.

The local high school team, victor over Billings, and the Forsyth team, which recently defeated Miles City, are to debate the commission form of government question on March 10. Whether it will be held here or at Forsyth is yet to be determined, as both places want the debate. The local team will have the affirmative of the question, which they championed at Billings.

The high school hopes to send to Bozeman a representative to participate in the extemporaneous speaking contest to be held there in the near future, and Fergus may also be represented in the basketball tournament to be played at Bozeman at the same gathering and in which a large number of teams will compete.

Miss Rapalee Here.

Miss Corinne Rapalee arrived here last week from Saginaw, Michigan, and has taken charge of the commercial department of the high school, succeeding the late Irene Van Kleek. Miss Rapalee comes originally from Pen Yan, New York, the old home of the Waites and Wrights.

SPECIAL COUNCIL MEETING TONIGHT

WILL CONSIDER PIPE FOR REBUILDING THE WATERWORKS SYSTEM.

The city council will hold a special meeting tonight, the object of the session being to consider the kind of pipe to be used in rebuilding the waterworks system. A representative of the concern manufacturing universal pipe will be present and address the members on the subject.

The universal pipe was considered at the time the line to the court house was put in. That it is the best on the market is doubtless true, but it is a patented product and is thus removed from the realm of competition, making the cost somewhat higher.

The Special Election.

Last Wednesday night the council passed a new ordinance under which the special election on the proposition to issue \$100,000 of bonds for rebuilding the waterworks system will be held Monday, March 6. Bert d'Autremont will register the qualified voters at the Fad, Monday and Tuesday, March 6 and 7. The entire issue of bonds is to be redeemed by Jan. 1, 1931, and of the total, \$10,000 will be redeemable on and after Jan. 1, 1918; \$25,000 will be redeemable on and after Jan. 1, 1921, and \$65,000 will be redeemable on and after Jan. 1, 1926. The bonds will bear interest at five per cent.

Report of Engineer.

To meet fully the requirements of the bond-buying houses, Engineer Wasmansdorff has submitted a detailed report regarding the proposed improvement, showing exactly how the \$100,000 is to be expended. The cost, including the iron pipe already here, is \$99,600. The pipe now here represents \$9,000, so that exclusive of this item, the total expense figures out \$90,600. The principal items entering into this total are: Cast iron pipe not yet on the ground, \$49,473.00; all specials, \$2,040.00; valves, etc., \$5,179.00; digging trenches and laying pipe, \$17,184; drayage, \$1,100.00; miscellaneous, \$5,000.00.

ELECTION AND SMOKER.

Important Meeting of Commercial Club Will Be Held Feb. 27.

The annual meeting of the Lewistown Commercial Club, for the purpose of electing a new executive board, will be held at the rooms of the Judith club next Monday night, Feb. 27.

Secretary Mathews has also arranged for another of those enjoyable smokers to be held at the same time and place. The business to be transacted is of great importance and all members of the club are expected to be present.

The present executive board, consisting of Ralph W. Reynolds, William Abel, George Weideman and John L. Bright, together with Secretary Mathews, deserve much credit for the progress made during the past year. The Lewistown Commercial club is recognized throughout the state as one of the most progressive institutions of its kind in the state, and every member of the club should be present Monday night to show their appreciation of the good work done by the officers of the club.

BRABANT IS GIVEN A CHURCH FUNERAL

HIS BROTHER ARRIVES FROM ANACONDA AND TAKES CHARGE OF ESTATE.

The funeral of the late Dolar Brabant, the well-known stockman and rancher who was found lying in front of his gate on East Fork last Sunday with a bullet wound in the head, was held Friday morning from the Catholic church. In common with many others, Father Van den Broeck takes the view that suicide was not established in this case, the decedent being entitled to the doubt and therefore to the offices of the church, a view very gratifying to the friends of the late supervisor and especially to his brother, Emelin Brabant, of Anaconda, who came up here last week to take charge of the arrangements.

Mr. Brabant will take charge of his brother's estate for the present at least. He states that the decedent has some half brothers and sisters and it is just possible that the father may be living. If so, he would be nearly eighty years of age. In that event, however, Mr. Brabant intends to bring his aged parent from Ontario, Canada, and put him in possession of the entire estate, valued at \$40,000 to \$50,000.

Tells of His Career.

Emelin Brabant states that his brother was about fifty-one years of age. They were born and reared at L. O. Original, province of Ontario, Canada, and as youths went to the Saskatchewan country. About twenty-seven years ago Dolar sold his interests to Emelin and came to the Judith Basin, locating first near Christina and later on East Fork. The visitor believes that the suicide theory is probably the correct one, although there is plenty of room for doubt. He bases this on his knowledge that his brother was, from his youth up, subject to periods of profound depression, a characteristic that remained with him to the end, according to those who knew him intimately here.

DEATH TAKES NOBLE WOMAN

Mrs. E. W. Wright, Wife of Presbyterian Minister, Passes Away Sunday.

FUNERAL IS TOMORROW

Kirkwood Cross Dies After a Long Illness—Funeral This Afternoon—George Mason Dead.

Shortly after 3 o'clock Sunday afternoon Mrs. Marian Wright, wife of Rev. Ernest W. Wright, pastor of the Presbyterian church, died, the fatal termination of the patient's illness being wholly unexpected, as she was supposed to be making good progress toward recovery until shortly before noon Sunday, when she became worse and Mr. Wright was called from the pulpit where he was conducting services. Mrs. Wright had been ill since the holidays and as stated, seemed to be improving last week. The news of her demise came as a great shock to her many friends in this city.

Was Native of Dubuque, Ia. Decedent was born in Dubuque, Iowa, thirty-one years ago, and when but a small child her parents moved to St. Paul, Minn., where her childhood was spent.

Mrs. Wright came to this city from Missoula with her husband two years ago. Mr. Wright having previously been the pastor of the Presbyterian church there. She made friends of all who came in contact with her and was much admired for her sunny disposition.

The Funeral Tomorrow.

The funeral services will be held from the Presbyterian church tomorrow afternoon and will be in charge of Rev. Albert Pfau. Her father, Mr. Broderick, and other relatives were expected to arrive from St. Paul, the family home, for the funeral, but word was received today that it would be impossible for them to come. The interment will be made in the Lewistown cemetery.

For some time before the services, which occur at 3 o'clock tomorrow afternoon, the casket will be open for the last time and the remains may be viewed by the friends of the deceased.

Death of Kirkwood Cross.

Kirkwood Cross, the well-known architect, died yesterday morning at his home on Corcoran street after an illness of a year or more. The funeral took place from the family residence at 2 o'clock this afternoon, A. T. Harvey being in charge.

Mr. Cross was fifty-five years of age and a native of England. He came to Lewistown some fifteen years ago and had practiced his profession ever since. He prepared plans for a number of residences and other buildings in this city and until his practical retirement, owing to ill health, was the acknowledged leader in this line of work here. At one time he was in partnership with T. J. Tubb, the local builder. In addition to his ability as an architect, Mr. Cross was an artist of considerable merit. He is survived by a widow, his mother and two daughters, Miss Margaret Cross and Mrs. John Keating, of Sioux Falls, South Dakota. One daughter, Miss Helena, died a few years ago.

Mr. Cross was a man of genial disposition and had a generous heart. He was highly esteemed by a wide circle of friends.

Funeral of George Mason.

George Mason, an old-time mining man, died in this city Thursday at the age of seventy-nine. The funeral was held Saturday afternoon from the Methodist church, Rev. E. L. White officiating.

Mr. Mason was a native of New Jersey and as a youth followed the sea, coming west in the early days and locating first at Virginia City. He came to this section some thirty years ago and was prominent at Maiden in the early days of that camp. Later he did some placer mining in the North Moccasin district, finding gold near the Kendall, but the cyanide process was then unknown and his work yielded him nothing. He had been in failing health for several weeks.

MRS. CONRAD DEAD.

Wife of Wealthy Politician and Banker Succumbs in Helena. Helena, Feb. 20.—Mrs. W. G. Conrad, wife of one of the leading capitalists, bankers and politicians of this state, died at 11:30 o'clock this morning of pneumonia. She was a native of Virginia and was 57 years old. In addition to her husband, she is survived by two sons, now in Helena, and two daughters, both in Washington, one of whom is reported to be seriously ill with appendicitis. The funeral will probably be held Wednesday afternoon.