

The Mineral Argus.

Vol. III. No. 51.

MAIDEN, MEAGHER COUNTY, M. T., THURSDAY, JULY 22, 1886.

DEVOTED TO THE MINERAL, AGRICULTURAL, STOCK AND WOOL INTERESTS OF THE GREAT JUDITH COUNTRY.

Price 10 Cents.

The Mineral Argus 1886

MAIDEN, THURSDAY, July 22, 1886

PUBLISHED WEEKLY BY

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R. VON TOBEL JR.,

Attorney at Law,

LEWISTOWN, MONTANA.

U. S. Land Office Plats of all surveyed lands in the Judith Basin, with abstracts of all filings made, corrected weekly.

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Attorney and Counselor

AT LAW,

COTTONWOOD, MONTANA.

Careful attention to practice in all the Courts. Conveyancing and collections.

Big Casino and Moccasin Mills,

Near Redford, M. T.

LUMBER!

LATH AND SHINGLES,

DRESSED FLOORING AND SIDING.

Prices Reduced to Suit the Times. Large Stock on Hand. Very Low for Cash or Approved Paper.

W. H. Watson.

NEW GOODS AND LATEST STYLES

AT

N. T. DINSMORE'S.

This Space is Reserved for

J. J. Campbell,

DEALER IN

GENERAL MERCHANDISE!

C. E. BARNEY,

Dealer in Furniture, Crockery, House Furnishings,

Window Glass and Shades, Oil Cloths, Etc.

A Large and Well Selected Stock of Carpets just Received.

Undertaking

A Specialty in all its Branches. Coffins and Caskets Shipped to any part of the Judith Country on Short Notice.

Billings, Montana.

IVES & HANDEL,

DEALERS IN

General Merchandise!

AND RANCHERS' SUPPLIES.

USSELSHELL, - MONTANA.

At the Musselshell river crossing of the Junction and Ft. Maginnis road.

We shall continue to keep a good stock of FIRST CLASS Goods, which we shall dispose of at Reasonable Figures. We solicit a fair trial, and are confident that we can make it an object to deal with us. We cordially invite Travelers and Stockmen who may have occasion to go over the road to call and see us and inspect stock.

MAIDEN

IVES & HANDEL.

GEO. W. IVES, FRED. W. HANDEL.

MAIDEN

FRUIT STORE,

RICHARD GIES, Proprietor.

Full line of Fresh Fruits, Nuts, Candies,

Cigars, Tobaccos and Cigarettes.

Montana, foot of Main St., Maiden

Thompson & Brainerd,

DRUGGISTS!

Drugs, Patent Medicines, Toilet Articles, Books, Etc.

RESCRIPTIONS CAREFULLY COMPOUNDED

Pharmacy next door to A. J. Hill's

East Montana St., Maiden.

Can be Found Day or Night.

1886

MAIDEN, THURSDAY, July 22, 1886

SUMMER.

Suits. Hats.

N. T. Dinsmore,

THE ONE PRICE C. O. D.

CLOTHIER,

Cor. Main and Montana Sts.

FURNISHING GOODS. Boots & Shoes.

Brother Eaton as an Adjuster will have a Chance to Adjust This, if He Does Not Find the Climate of England Again Beneficial in Cases of Perjury.

We give large space this week to the history of and exposure of the means by which many of our citizens have been made the victims of an unscrupulous lot of rascally operators of a mining bubble, which, failing to catch victims in the East defrauded honest creditors and hard earned wages due labor here, and feel confident that under other careful and legitimate management instead of the monument of folly which graces Collar gulch, that busy hands and humming wheels of industry would be the result.

Under the laws of the Territory as cited, the result of the failure of the Company's representatives to comply with them, our school fund, by calculation, would be enriched, if full amount was adjudged, the sum of \$97,500, and with a greater sum in their second grand attempt to defraud and cheat under the Judith Mining and Milling Company. This company was organized in June, 1885, under the laws of Minnesota. Section 3, of the Act approved July 22, 1879, Territory of Montana, provides:

"All foreign corporations now doing business within this Territory shall, within four months from and after the publication of this act, in the newspaper having the contract to do the public printing in this Territory, file in the office of the Secretary and the office of the County Recorder, of the county wherein they are respectively doing business, the statement and certificate required to be filed by the first section of the act. If any such corporation shall fail to file more than four months from the said publication hereof so to file said statement and certificates required by this act, it shall forfeit to the people of Montana the sum of ten dollars for every day it shall so neglect to file the same, and all acts and contracts made by such incorporation, or any agent or agents thereof, during the time it shall so fail and neglect to file said statement and certificates, shall be void and invalid as to such incorporation. It shall be the duty of the District Attorney of the county in which the business of such corporation shall be located to sue for and recover in the name of the people of the Territory, the penalty above provided, and the same, when so recovered, shall be paid into the treasury of such county for the use of the common schools therein."

The following from Secretary Webb is proof of the non-compliance with the statute cited above:

HELENA, M. T., March 1, 1886.

I had no record of the Judith Mining and Milling Company, having filed a copy of the articles of incorporation in this office.

W. B. WEISS, Secretary of Montana.

Prospectus or statement accompanies this and by the certificate of Secretary Webb none are obtainable shot of Minnesota.

Under the by-laws of the original organization, the office in St. Paul was only a fiscal agency, and their principal place of business was, and under our law has ever been, at the office in Collar gulch, for if they had so changed it by any act of the Trustees in St. Paul it was illegal and another attempt to defraud, which is covered by our statute, as follows:

§ 288, p. 461, Rev. Statutes: "Any corporation desiring at any time to remove its principal place of business into some other county of the Territory, shall file in the office of the county recorder of such county a certified copy of its certificate of incorporation, and shall give notice by publication in some newspaper of the county in which its principal place of business was located at least once a week for four weeks, and if no newspaper be published in such county then by advertisement posted up thirty days in three of the most public places in said county."

This has never been complied with by anyone in this vicinity is aware.

Their failure to comply with the statute of keeping a book at their principal

place of business, with a list of stockholders and open for inspection under the rule as laid down there, would be in fines at \$50.00 per day, as follows:

First fine for 365 days, '83 to '84

" " " 365 " '84 to '85

" " " 285 " '85 to '86

1015 days at \$50.....\$50,750

Second " " 365 days '81 to '85

" " " 285 " '85 to '86

650 days, at \$50..... 32,500

Third " " 285 days, '85 to date 14,250

Total fine.....\$97,500

due our school fund at this date and to be added to and continue until paid.

Charles W. Bessey, the only resident stockholder, says that he and C. C. Snow were called into the office of the Company sometime in August, 1883, and Mead had proxies of the St. Paul stockholders and at that meeting, which was without legal notice as provided by our statutes (see Sec. 428, Rev. Statutes, page 451) which in substance require a publication notice of 10 days in nearest newspaper, and at this illegal and informal meeting and with so small a portion of the stock as represented by Bessey and Snow, the following trustees were elected: C. W. Mead, S. S. Eaton, A. DeGraff, E. N. Saunders, and another now forgotten by Bessey.

Since that time Mr. Bessey says he has never received or seen the notice of any publication.

The Collar Mining and Improvement Company was organized October 14th, 1882, under the general laws of Montana. Capital stock \$200,000. Principal place of business at the place known as the Collar mine, in Warm Springs Mining District, Meagher county, Montana, with a fiscal agency at St. Paul, Minnesota. C. W. Mead was elected President, S. S. Eaton, Secretary and Treasurer. The Company not having complied with Sec. 258, 5th Division General Laws of Montana, the names of all the trustees are not known, nor the proportion of the capital stock actually paid in. But it is known that Mead, Eaton, A. DeGraff and E. N. Saunders were four of the five trustees. The Section above referred to, provides:

"Every such company shall, annually, within twenty days from the 1st day of September, make report which shall state the amount of capital and the proportion actually paid in, and the amount of existing debts, which report shall be signed by the President and a majority of the Trustees, and shall be verified by the oath of the president and secretary of said company, and filed in the office of the clerk of the county where the business of the company shall be carried on, and if any of said company shall fail to do so, all the trustees of the company shall be jointly and severally liable for all the debts of the company then existing and for all that shall be contracted before such report shall be made."

Inquiry having been made as to whether this Company ever filed a report as required, Mr. Rotwitt made the following certificate:

TERRITORY OF MONTANA, County of Meagher.

I, L. Rotwitt, County Clerk and ex-officio Recorder of Meagher county, do hereby certify that there has been no report filed of the condition of the Collar Mining and Improvement Company (as provided by Sec. 258, 5th Division Rev. Statutes of Montana) in the office of the County Clerk of Meagher county, Montana Territory.

Attest my hand and the seal of said Meagher county, this 26th day of February, 1886.

L. ROTWITT, Clerk and Recorder, Meagher Co., M. T.

The laws of the Territory further provide for the protection of creditors, and for the purpose of preventing frauds upon the public by the requirements of Sec. 269, 5th Division, General Laws, as follows:

"It shall be the duty of the trustees of every such corporation or company to cause a book to be kept by the treasurer or clerk thereof, alphabetically arranged, who have been, or shall, within the provisions of this article, become stockholders of such company, showing their places of residence, the number of the shares of stock held by them respectively, and the time when they became respectively the owners of such shares, and the amount of the stock actually paid in; which book shall, during the usual business hours of the day, and on every day except Sunday and the 4th of July, be open for the inspection of stockholders and creditors of the company, and their personal representatives where the office or principal place of business operation shall be located. * * * And every company that shall neglect to keep such book open for inspection shall forfeit to the people of Montana the sum of fifty dollars per day for every day it shall so neglect to be used and recovered in the name of the people of said Territory, by the District Attorney of the county in which the business of said corporation shall be located, and when so recovered, the amount shall be paid into the treasury of such county for the use of the common schools therein."

The Company having made many and expensive mistakes, while the local creditors were becoming importunate in their demands for payment of their just dues, a Trust Deed was made by the President and Secretary of the Company without calling a meeting of the stockholders, if even a meeting of the Trustees was held, and one W. D. Cornish, the attorney for Mr. Eaton, made Trustee of an alleged lot of bonds given to secure the payment of eighty thousand dollars; which, in all probability, was the amount of capital

stock paid in, for the bonds were distributed pro rata to the subscribers of the stock. The Trust Deed commences:

This INSTRUMENT, made this 15th day of December, A. D. 1883, by and between the Collar Mining & Improvement Co., a corporation created and existing under the laws of the Territory of Montana, party of the first part, and W. D. Cornish, of St. Paul, Minnesota, party of the second part, witnesses:

That, whereas, the party of the first part did, on the 14th day of October, 1882, duly resolve to negotiate and procure a loan amounting to the sum of eighty thousand dollars, by the issuance of its bonds to that amount, in sums of one thousand dollars each, payable to said W. D. Cornish or bearer, bearing date of December 15th, 1883, * * * The said bonds and accruing interest to be secured by a trust deed of all the property of said party of the first part, hereto, or hereinafter described—giving description of property—

And it is further expressly provided, that in case said party of the second part shall be required to, and shall take possession of, said property hereunder, it shall be lawful for him and he is hereby fully authorized to retain such possession and use and operate such property for the benefit of such holders of said bonds. * * *

Signed, COLLAR MINING & IMP. CO.

By C. W. MEAD, Pres't.

S. S. EATON, Secretary.

W. D. CORNISH.

STATE OF MINNESOTA, County of Ramsey.

On this 15th day of December, 1883, personally appeared before me, a notary public, in and for said county, C. W. Mead, President, and S. S. Eaton, Secretary of the Collar Mining & Improvement Co., to me known to be the person described in, and who executed the foregoing instrument, and who acknowledged to me that they executed the same freely and voluntarily, and for the use and purposes therein expressed, and that they executed the same as the act and deed of said corporation, and that they signed its corporate name thereto, by authority and for the use and purposes therein expressed.

[SEAL.] FRED. WOODBURN, Notary Public.

STATE OF MINNESOTA, County of Ramsey.

C. W. Mead, president, and S. S. Eaton, Secretary of the Collar Mining and Improvement Co., the party of the first part in the foregoing and annexed deed of trust, dated December 15th, 1883, and W. D. Cornish, party of the second part thereto, being each for himself duly sworn, say that the foregoing and annexed deed of trust is made in good faith to secure the amount therein named, and without any design to hinder or delay the condition of the parties of the first part thereto.

C. W. MEAD, S. S. EATON, W. D. CORNISH.

Subscribed and sworn to before me, December 15th, 1883.

FRED. WOODBURN, Notary Public.

Sec. 159, 4th Division, Criminal Laws of the Territory of Montana, on offences committed by cheats, swindlers and other fraudulent persons, says:

"All and every person, who shall be a party to any fraudulent conveyance of any lands, tenements or hereditaments, goods or chattels, or any right or interests issuing out of the same, or to any bond, suit judgment or execution, contract or conveyance, had, made or contrived with intent to deceive and defraud others of their just debts, damages or demands, or who being parties as aforesaid, at any time shall willingly put in use, avoid, maintain, justify or defend the same or any of them, as true and done, had or made in good faith, or upon good consideration, or shall alien, assign or sell, any of the lands, tenements, hereditaments, goods, chattels or other things, before mentioned to him, her or them, conveyed as aforesaid, or any part thereof, he, she or they so offending, shall, on conviction thereof, be fined in any sum not exceeding one thousand dollars, or imprisoned in the county jail not less than six months."

The judgment obtained by one M. W. Williams and filed Dec. 21, 1884, against the Collar Mining and Improvement Company, would come under the above section as Mr. Williams was Col. A. DeGraff's private secretary, and the amount of the judgment \$15,976.05, represents Col. DeGraff's subscription to the Collar stock. The amount of costs taxed was only \$10.00, which shows it was a "confession of judgment." It was probably run in on the theory that if their Trust Deed racket was exposed, and thrown out, the judgment would hold, or at least frighten away the small creditors and lien holders.

The above is a brief but true history of the despicable methods pursued by the officers and chief stockholders in the Collar Company to defraud creditors and lien holders. The chief of the baron robbers is S. S. Eaton, of St. Paul, for whom every one in this vicinity entertains an affectionate regard. He will not find it convenient to visit Montana again soon.

We respectfully call the attention of our District Attorney, W. H. Hunt, to this matter and would urge that he take steps to secure the amount due the county and punish this group of swindlers, as they certainly merit punishment for their treatment of the laboring men and those who trusted to their representations and furnished material to the company.

The Largest Wool Clip in the Territory.

[Special to Independent.]

LIVINGSSTON, July 19th.—The agent of a wool commission firm of Boston rode yesterday from the ranch of Smith Bros., of Musselshell, whose clip he has secured. It is the largest one in Montana, being one hundred and twenty-five thousand pounds. He has also secured Huntly & Clark's (Toston) clip of eighty thousand pounds.

AT REDUCED RATES

THROUGH TRAVELERS

Quick Time, Good Roads!

Sold at all Points.

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