

# THE DUPUYER ACANTHA.

VOL. 2. DUPUYER, TETON COUNTY, MONT., THURSDAY, November 14, 1895. NO. 10.

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Legal Instruments drawn up.  
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Bath Rooms in Connection.

**ALL WORK GUARANTEED.**  
**DENIS MANTON,**  
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SHOP IN BURD'S STORE,  
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Repairing a specialty. Mail  
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Teeth Extracted Without Pain. All  
Work Guaranteed.  
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Deeds, Mortgages, and all kinds of  
Legal Instruments drawn up.  
DUPUYER, MONTANA.

**Choteau - Dupuyer**  
STAGE LINE.  
Daily Round Trip Between Du-  
puyer and Choteau.  
Passenger Fare, .....\$3.00  
Round Trip, ..... 5.00  
Express Rates, 50c per hundred  
pounds.

**J. W. McKNIGHT,**  
Park Avenue, Dupuyer, Mont.,  
— Dealer in —

**General - Merchandise.**  
— Our Lines of —  
**Dry Goods, Groceries,  
Boots and Shoes**  
**ARE THE BEST IN MONTANA**  
**Terms Strictly Cash.**

## THE GOODS

For our Dupuyer store are arriv-  
ing daily. The stock will be the  
largest and best ever offered for  
sale in Teton County. Come in  
and secure a few bargains while  
the stock is being placed.

**J. Hirshberg & Co.**

## We Have Everything

And of the best, usually carried  
in stocks of General Merchandise.  
We have a big surprise in store  
for you.

**GEO. A. FRY & CO.,**  
BYNUM, MONT.

**S. L. POTTER,**  
General Blacksmithing,  
and Horse Shoeing,

Prices to Suit the Times.

Dupuyer, : : Mont.

**BURD'S**  
Cash Store,

—FOR BARGAINS IN—

**MEN'S UNDERWEAR**  
**And Furnishings,**  
**Boots and Shoes,**  
**FRUITS and NOTIONS,**  
CHOTEAU MONT.

## The Dupuyer Acantha

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### Water Right Law.

The following, compiled from  
the civil code of Montana, will be  
found interesting to a large num-  
ber of people in Montana:

The right to the use of running  
water flowing in the rivers,  
streams, canyons and ravines of  
this state, may be acquired by  
appropriation.

The appropriation must be for  
some useful or beneficial purpose,  
and when the appropriator or  
his successor in interest abandons  
and ceases to use the water for  
such purpose the right ceases.  
but questions of abandonment  
shall be questions of fact, and  
shall be determined as other ques-  
tions of fact.

The person entitled to the use  
of water may change the place of  
diversion, if others are not there-  
by injured, and may extend the  
ditch, flume, pipe or aqueduct,  
by which the diversion is made,  
to any place other than where the  
first use was made, and may use  
the water for other purposes than  
that for which it was originally  
appropriated.

The water appropriated may be  
turned into the channel of another  
stream and mingled with its waters  
and then be reclaimed; but, in re-  
claiming it, water already appro-  
priated by another must not be  
diminished in quantity or deterio-  
rated in quality.

In all cases where, by virtue of  
prior appropriation, any person  
may have diverted all the water of  
any stream, or to such an extent  
that there shall not be an amount  
sufficient left therein for those  
having a subsequent right to the  
waters of such stream, and there  
shall at any time be a surplus of  
water so diverted, over and above  
what is actually used by the prior  
appropriator, such person shall be  
required to turn and to cause to  
flow back into the stream, such  
surplus water, and upon failure to  
do so, within five days after de-  
mand being made upon him in  
writing by any person having the  
right to the use of such surplus  
water, the person so diverting the  
same, shall be liable to the person  
aggrieved thereby in the sum of  
twenty-five dollars for each and  
every day such water shall be  
withheld after such notice; to be  
recovered by civil action by any  
person having a right to the use of  
such surplus water.

As between appropriators the  
one who is first in time is first in  
right.

Any person hereafter desiring  
to appropriate water must post a  
notice in writing in a con-  
spicuous place at the point of  
intended diversion, stating there-  
in:

1. The number of inches claimed  
measured as hereinafter provided;
2. The purpose for which it is  
claimed, and place of intended use;
3. The means of diversion, with  
size of flume, ditch, pipe or ac-  
queduct, by which he intends to di-  
vert it;
4. The date of appropriation.
5. The name of the appropriator.

Within twenty days after the  
date of appropriation the approp-  
riator shall file with the county  
clerk of the county in which such  
appropriation is made, a notice of  
appropriation, which in addition  
to the facts required to be stated  
in the posted notice, as herein-  
before prescribed, shall contain  
the name of the stream from  
which the diversion is made if  
such stream have a name, and if  
it have not, such a description of  
the stream as will identify it, and  
an accurate description of the  
point of diversion on such stream,  
with reference to some natural  
object or permanent monument.  
The notice shall be verified by the

affidavit of the appropriator, or  
some one in his behalf, which  
affidavit must state that the mat-  
ters and facts contained in the  
notices are true.

Within forty days after posting  
such notice the appropriator must  
proceed to prosecute the excava-  
tion or construction of the work by  
which the water appropriated is to  
be diverted, and must prosecute  
the same with reasonable diligence  
to completion. If the ditch or  
flume, when constructed, is inad-  
equate to convey the amount of  
water claimed in the notice afore-  
said, the excess claimed above the  
capacity of the ditch or flume shall  
be subject to appropriation by any  
other person, in accordance with  
the provisions of this title.

A failure to comply with the  
provisions of this title deprives  
the appropriator of the right of  
the use of water as against a sub-  
sequent claimant who complies  
therewith, but by complying with  
the provisions of this title, the  
right to the use of the water shall  
relate back to the date of posting  
the notice.

Persons who have heretofore  
acquired rights to the use of water  
shall, within six months after the  
publication of this title, file in the  
office of the county clerk of the  
county in which the water right is  
situated, a declaration in writing,  
except notice be already given, of  
record as required by this title, or  
a declaration in writing be already  
filed as required by this section,  
containing the same facts as re-  
quired in the notice provided in  
Section 1216 of this title, and ver-  
ified as required in said last men-  
tioned section, in cases of appro-  
priation of water; provided, that a  
failure to comply with the require-  
ments of this section shall in no  
wise work a forfeiture of such hereto-  
fore acquired rights, or prevent  
any such claimant from establish-  
ing such rights in the courts.

The measurement of water ap-  
propriated under this title shall be  
conducted in the following manner:  
A box or flume shall be constructed  
with a head gate placed so as to  
leave an opening of six inches be-  
tween the bottom of the box or  
flume and lower edge of the head  
gate, with a slide to enter at one  
side of, and of sufficient width to  
close the opening left by the head  
gate, by means of which the di-  
mensions of the opening are to be  
adjusted. The box or flume shall  
be placed level, and so arranged  
that the stream in passing through  
the aperture is not obstructed by  
backwater, or an eddy, below the  
gate; but before entering the open-  
ing to be measured the stream  
shall be brought to an eddy, and  
shall stand three inches on the  
head gate and above the top of the  
opening. The number of square  
inches contained in the opening  
shall be the measure of inches of  
water.

The right to conduct water from  
over the land of another for  
any beneficial use, includes the  
right to raise any water by means  
of dams, reservoirs, or embank-  
ments to a sufficient height to  
make the same available for the  
use intended, and the right to  
any and all lands necessary there-  
for may be acquired upon pay-  
ment of just compensation, in the  
manner provided by law for the  
taking of private property for  
public use.—Mining World.

Bake bread without being  
troubled with crust, by using the  
new bread pan McKnight has for  
sale.

### Choteau.

Robt. Steele went to Great Falls  
on Monday on business.

Tom Thompson has been on the  
sick list for some time, but is at  
this time much better.

James Collins and A. L. Hoy, of  
the Blackleaf, were business visi-  
tors in Choteau Monday.

The Odd Fellows organized a  
strong lodge at this place last  
Friday and Saturday.

Geo. A. Fry and L. D. Mathe-  
son were in the county seat Mon-  
day, transacting business.

Mr. and Mrs. S. F. Ralston re-  
turned Tuesday from Helena,  
where they have been visiting.

The Mercantile company have

## Ranch For Sale!

One of the best ranches in Teton  
county, consisting of 700 acres of  
bottom land. Government title.  
150 acres under cultivation, includ-  
ing 60 acres in timothy hay.  
Farm machinery to the value of  
five hundred dollars, 50 head of  
well-bred horses, including 10 well  
broken teams, go with the place.  
First water right on Dupuyer  
creek. Ten miles of fence. Good  
dwelling house, stables, corrals,  
granery, etc. Best bargain in the  
state. All for five thousand  
dollars. Must be sold at once.

begun moving their stock of goods  
to the new town hall building.

James McDevitt and Mike Con-  
nelly, of the Marias, were in the  
county seat Friday and Saturday.

Dr. Wamsley was called to Sweet  
Grass Monday to attend Mrs. Chas.  
Farrel, who has been sick for some  
time.

Miss Vance gave an elocutionary  
entertainment at Augusta last  
Friday evening and reports a good  
time.

W. R. Ralston and family leave  
for Spokane next week. Mr.  
Ralston will go on to Roseland,  
and the family will remain at  
Spokane during the winter.

The Choteau literary society  
will meet in the new hall a week  
from Friday evening. It is ex-  
pected that there will be regular  
weekly meetings during the winter.

Miss Grace Vance and Miss  
Jennie McDonald are assisting Mr.  
Bristol as the treasurer's office.  
Mr. Bristol informs us that the  
marriageable young men of this  
community are paying their taxes  
promptly.

"Where is Burgis?" is the ques-  
tion asked by the workmen on the  
new school building. In the mean  
time work is suspended on the  
school building, much to the dis-  
satisfaction of those who are in-  
terested in having the new school  
house completed.

### REAL ESTATE FOR SALE.

FOR SALE.—Improved ranches in  
the vicinity of Dupuyer. No ranch  
more than four miles from town.  
Well fenced and well watered. The  
best land in Teton county is capa-  
ble of producing good crops of  
small grain and an abundance of  
hay. Will be sold in lots of from  
40 to 2000 acres, and at terms to  
suit purchaser. For further par-  
ticulars enquire at this office.

### Pondera.

John Joiner and Donald Graham  
are visiting Great Falls on a busi-  
ness trip.

Joe Armstrong has taken up  
land in the Dry Forks; also Geo.  
Peppard has or is about to take up  
land near the same place.

Considering all that is going on  
in and around Pondera, it is not to  
be sneezed at. If it is not boom-  
ing now, we trust it will be next  
sheep shearing time.

E. H. Morison is going out of  
the dry goods business, but still  
has a good stock of liquors and a  
smile left on his good-natured  
countenance for his patrons.

Graham & Co. are about through  
hauling lumber for their new sheep  
sheds, which is now being erected  
by Geo. Peppard. When com-  
pleted it will be one of the best  
sheds in the country.

The latest victim smitten by  
cupid's darts, and the bright smiles  
of our dark eyed charming belle of  
Pondera, is a prominent sheep man  
on the Dry Forks. We wish him  
success, but we are doubtful.

Fred Bridges recently purchased  
a nice bunch of sheep from John  
Joiner, also from Frank Turner.  
All are well satisfied with their  
bargains. Bridges has turned the  
sheep over to Tom Luce to winter.

John Joiner recently brought  
home a very fine band of his sheep  
from the Sweet Grass hills. They  
are in excellent condition, and  
speak well of the Sweet Grass, also

of the firm who own them, Messrs.  
Davis and Joiner.

Mr. Wallace, who is herding  
sheep for John Joiner, had a little  
of boo peep's experience the other  
day. He lost his sheep, but they  
did not come home as boo peep's  
did. They were found by Mr.  
Hughes, and he very kindly put  
them into his shed until next  
morning. It was a great relief to  
boo peep when he discovered them  
all right with their tails behind  
them.

Our great phrenologist, living  
on the Dry Forks, is improving  
his dwelling, they say, with a view  
to matrimony. He is getting a  
nice bunch of cattle of his own, but  
wonderful tales are told about  
those cows of his. They raise  
twins or triplets every year, and  
still have a calf left. They say  
this man claims to have a Stanley-  
head, and we are willing to believe  
he does a lot of exploring.

Frank Aldrich is not going to  
Alaska in that little four-wheeled  
wagon his wife so kindly made for  
that purpose and presented to him.  
They say now he is going into the  
patent medicine and perfumery  
business. If this is true we have  
hopes of his success and wonder  
that he has not gone into this be-  
fore. It requires a good talker to  
sell medicine, and a better man for  
that position could not be found.  
He can talk slicker than greased  
lightning sliding down hill. We  
wish him success.

Joe Blondin is apparently happy  
these days, but at times has a very  
troubled look on his usual smiling  
countenance. Rumor has it that  
he is still in doubt as to whether  
he has Miss ..... 's affections, or  
if some one else has them. Any-  
how, Joe makes himself very use-  
ful around the kitchen in the sec-  
tion house. Joe, old boy, Miss  
..... is a most charming young  
lady—better cannot be found in  
Pondera or elsewhere. She is  
worthy of a good husband, and we  
wish you success, and trust that  
troubled look will soon be van-  
ished.

### OBSERVER.

New kind of pants button at  
McKnight's. Try the widge but-  
ton.

### Augusta.

While Augusta is small in size it  
can boast of having a good school,  
such as would be an honor to a  
town ten times as large.

Some of the enterprising young  
men of Augusta are contemplating  
giving a dramatic entertainment on  
New Year's eve, by native talent,  
for the benefit of the band here.

Augusta is growing larger every  
day, and at no distant day will the  
belated wanderer in the surround-  
ing mountains and hills be startled  
to see, where now stands a small  
village, a city, amazing in dimen-  
sions and splendid to behold.

The minister assigned to this  
place has not put in an appearance,  
doubtless waiting for a change of  
administration, or better times.  
He is all right. We have some of  
the all freest lean pocket books  
in this all concerned country.

Miss Rita Orchard left on Wed-  
nesday's coach for Helena, where  
she goes to attend the Montana  
Wesleyan university. Before  
leaving the young people of Au-  
gusta gave a dance as a mark of  
parting respect to the young lady.

Quite extensive preparations are  
being made to properly observe  
Thanksgiving day. Among the  
features which will distinguish  
that day will be a horse race, a  
turkey shoot, and a grand ball in  
the evening, and a good supper at  
the Augusta House. No distinc-  
tions made on account of "race,  
color or previous condition of  
servitude," provided you have the  
money.

As advertised, the elocutionary  
entertainment given here by Miss  
Grace Vance, of Choteau, took  
place last Friday evening, before  
a large and appreciative audience.  
Miss Vance acquitted herself with  
great credit, and is certainly de-  
serving of the highest honors of  
her charming profession. Miss  
Ella A. Hardin and J. E. Erickson  
also of Choteau, were in attend-  
ance and participated in the dance  
which followed the entertainment;