THE DAILY JOURNAL

MILES CITY, MONTANA.

LOCAL ITEMS.

For Budweiser beer call at Professor Bach's.

H. F. Batchelor returned from Helena yesterday morning.

Lemp's celebrated lager beer at Bullard's.

Thomas Turner of Minneapolis spent yesterday in the city.

Last night's passenger train was over three hours late again.

Spring wraps at
* McINTIRE'S.

F. S. Middleton arrived from Minneapolis yesterday morning.

Consult your own interest and buy for cash at C. B. TOWERS & Co. *

The county commissioners will meet in regular quarterly session to-morrow morning.

Hon. E. D. Weed of Helena came down yesterday morning and returned home in the evening.

Miss Mamie Westfall came up from Glendive on last night's train to visit her brother, Jerome.

The skaters continue to enjoy the cold weather, and many of them put in all of their spare time on the ice.

There will be the usual morning and evening services in the Episcopal church to-day, with communion at the completion of the former.

Pampas cloth, a new fabric in wash goods at 18c. Will interest ladies.
* McINTIRE MER. CO.

The members of the fire department should not forget the meeting at Butler & Potter's office tomorrow evening.

Blow, blow, blow! That disagreeable, catarrh can be cured by taking Hood's Sarsaparilla, the constitutional remedy.

H. B. Coghill & Co. Mandan, N. D., are prepared to supply oats and baled hay in any quantities. Hay supplied to stock in transet.

The latest "nickle-in-the-slot" machine is one that tells your fortune, one of which was placed on exhibition in the Club saloon yesterday.

The Water and Electric company has just received an elegant line of fixtures for use in dwellings, from several of which orders have been received.

Early yesterday morning it looked as if the weather was going to clear up, but, although the sun was quite bright, it still remained cold an i unpleasant.

We show a new lineof gentlemen's spring hats including everything neat and nobby, all leading shapes and colors.
* McINTIRE MER. CO.

A colored soldier, who created a great deal of disturbance on Main street yesterday was jailed, but was too drunk to be tried, and his case was continued until Monday morning.

The progressive eucher party given by the Sons of Veterans last night was largely attended, and the participants expressed themselves as thoroughly satisfied with the evening's sport.

The case of Louis King vs. Miles City Ditch and Irrigation company has been set for trial on the 8th inst., having been postponed from the 6th on account of other business which has not been reached.

Dick Hicks has decided to start a cotton plantation, and now has a quantity of textile just beginning to sprout above the ground. This fall he intends to call in all of his neighbors and have a regular picking.

I have added an employment agency to my real estate and collection business, and solicit applications from those in need of help of any kind and those desiring situations.
* W. F. SCHMALSLE.

At an early hour yesterday morning three drunken soldiers became involved in a quarrel, which ended in a free fight One of them received a few good jabs in the nose and the jaw, but they returned to the post in time to avoid arrest.

New sample line of ladie's spring wraps including all the new things in reefers and caps. 50 different styles, no two alike, prices from $4.50 to $20. If contemplating a new wrap we will be pleased to have you examine.
* McINTIRE MER. CO.

Wanted.

Agents to sell our choice and hardy nursery stock. We have many new special varieties, both in fruits and ornamentals to offer, which are controlled only by us. We pay commission or salary. Write us at once for terms and secure choice of territory.

MAY BROS., Nurserymen,
101 Rochester, N. Y.

H. F. Batchelor returned yesterday from a two weeks absence at Helena, bringing with him a certified copy of the reform school bill. He was present at the now famous, last session of the joint assembly and describes it as the most exciting scene of the kind that he ever witnessed. Mr. Batchelor furnished the historic pen with which the governor signed the reform school bill, which, as is customary will become the property of the school.

Bucklen's Arnica Salve.

The best salve in the world for cuts, bruises, sores, ulcers, salt rheum, fever sores, tetter, chapped hands, chilblains corns and skin eruptions, and positively cures piles or no pay required. It is guaranteed to give perfect satisfaction or money refunded. Price 25c per box. For sale by John Wright.

U. S. District Attorney E. D. Weed spent the day in Miles City yesterday, being called here in an examination before U. S. Commissioner Kreidler. Mr. Weed is the embodiment of aggressive young republicanism in this state and a most genial gentleman. He spoke in most flattering terms of the high standing of Custer county's delegation in the legislature in which so many members, whether justly or unjustly,were at times viewed with suspicion. All of which was very pleasing for a Custer county man to hear.

Good Looks.

Good looks are more than skin deep, depending upon a healthy condition of all of the vital organs. If the liver be inactive, you have a bilious look, if your stomach be disordered, you have a dyspeptic look and if your kidneys be affected you have a pinched look. Secure good health and you will have good looks. Electric Bitters is the great alterative and tonic and acts directly on these vital organs. Cures pimples, blotches, boils and gives a good complexion. Sold at Wright's drug store, 50 cts. per bottle.

The Sauer Robbery.

United States Commissioner Kreidler yesterday called up the charge of highway robbery against Fred Sauer, who is accused of assaulting and robbing a soldier named Starr, at the west end of the Tongue river bridge a few nights since.

United States Attorney E. D. Weed appeared for the prosecution, and conducted the examination. Starr told his story very much as has heretofore been published. Sauer denied all knowledge of the crime, and made rather a lame attempt to prove an alibi. After hearing considerable testimony, the examination was continued until next Tuesday.

Pronounced Hopeless, Yet Saved.

From a letter written by Mrs. Ada E. Hand of Groton, S. D., we quote: "Was taken with a bad cold, which settled on my lungs, cough set in and finally terminated in consumption. Four doctors gave me up, saying that I could live but a short time. I gave myself up to my Savoir, determined if I could not stay with my friends on earth, I would meet my absent ones above. My husband was advised to get Dr. King's New Discovery for consumption, coughs and colds. I gave it a trial, took in all eight bottles; it has cured me, and thank God I am a well and hearty woman." Trial bottles free at Wright's drug store, regular size, 50 cts. and $1.

Homes at the World's Fair.

There is no reason why anyone should be deterred from visiting the World's Fair by reason of possible inconvenience and uncertainty attending the securing of satisfactory hotel accommodations.

The Northern Pacific Railroad will in due time publish low excursion rates to Chicago and return for this occasion, while its double daily passenger train service, including through sleeping cars of both classes (Standard and Tourist) to Chicago, will as usual be at the head of the list in every particular.

To help you in fixing in advance upon your place of residence while attending the World's Fair, we have placed in the hands of our agent at your station a book compiled by perfectly trustworthy parties, called "Homes for Visitors to the World's Fair." This little book, which you can purchase for fifty cents, contains a list of about 9,000 private families who will accomodate visitors in Chicago during the time of the Fair-viz: May 1st to October 30th; gives their names and addresses, and number of rooms each will have to spare. The book also gives a list of the hotels and their locations; has twelve full page large-scale maps, each representing a section of the city, so that with this information before him the intending visitor himself, can at leisure, select the quarter of the city in which he would prefer to stop, corresponding in advance with one or more families in that locality with regard to rates and the accomodations desired.

CHAS. S. FEE, N. P. R. R.

IMPORTANT LITIGATION.

The Contest for the Waters That Flow in Reservation Creek.

The time of the district court during the past three days has been consumed in the trial of the civil action of Geo. Mace against D. Lewis, involving certain water rights as what is known as Reservation creek.

Mr. Mace claims to hold the prior right, dating back seven years, while Mr. Lewis has a residence of something like 4½ years. The case is the first one in which a question of water rights has been tried before a jury in this court, and is attracting much attention. In view of the importance attaching to the trial the following synopsis of the pleadings, which were commenced on June 23, 1892, will be of interest to many readers of the JOURNAL:

THE COMPLAINT.

For cause of action Mr. Mace alleges that for more than seven years he has been the owner of the 560 acres of land in section 11, township 6 north, range 38 east; that during a portion of each year said lands are not available for agricultural purposes without irrigation; that on August 5 1884, he posted notices appropriating 3000 inches of water from Reservation creek, and has ever since that time appropriated and used 1440 inches of water for the purpose of irrigating his land, except within the past ten years, during which latter period the defendant, has, without his consent, put in and maintained in Reservation creek certain dams and obstructions for the purpose of diverting portions of said water from plaintiff's lands, that on June 16, 1892, plaintiff notified defendant to remove such obstructions which he failed to do, thereby damaging plaintiff in the sum of $500, and a continuation of said course will caused plaintiff irreparable damage, wherefore he asks judgment as follows:

First—That the defendant be restrained and enjoined from erecting, maintaining and continuing any obstruction to the free flow of the water of Reservation creek that in anyway interferes with plaintiff's prior right and use in and to the wrter of said creek.

Second—That he have judgment against said defendant for such damages already sustained as he can prove to the extent $500.

Third—That a temporary restraining order be granted pending the trial of of this suit restraining the said defendant from continuing the obstruction of the flow of the waters of said stream.

Fouth—That plaintiff have judgment for his costs and disbursements in this suit.

Fifth—For such other and further relief as to the court may seem just and equitable.

THE ANSWER.

In answer the defendant denies that the plaintiff has for seven years or for any time used said land for the purpose of growing agricultural crops, and has never used more than 75 acres for that purpose; that plaintiff,s, claims for water in any amount was indefinite; he also denies the construction of any ditches capable of conveying 1440 inches of water, the headgate and ditch not being capable of carrying more than 741 inches of water; denies that he is diverting the water of said stream or any part thereof from the lands of plaintiff, or the ditches of plaintiff, or he is obstructing the flow of the water of said creek so that no water runs into the plaintiff's ditches, and denies any damage past or prospective to plaintiff.

The defendant further claims that he settled upon said Reservation creek and engaged in the agricultural and sheep raising industry in the fall of 1888, and is still so engaged, that a mile intervenes between the lands of plaintiff and defendant; that the bottom of said Reservation creek is composed of sand and gravel; that in ordinary season the water in said creek dries up and for a long distance disappears; that in the fall of 1888 defendant settled on said creek; that he has constructed the ditches, one to carry 453 inches and the other 432 inches of water, and that said water was used for agricultural puposes; that said water appears and can be used from the creek at a low stage at and above the ranch of this defendant, but at the same time when the water can be used by this defendant from this said creek, this water disappears from the creek below defendant's dam and headgates, and plaintiff's headgates, so that it does not appear upon the surface, so that it can be used by plaintiff; that at no time in the month of June 1892, when there was a large amount of water running in said creek and an amount largely in excess of what the plaintiff could justly claim this defendant by means of an artifical dam and headgate conveyd from the said creek a small amount of water not to exceed 10 inches for about 12 hours, but defendant denies that by said diversion or by any diversion that plaintiff has been damaged in any sum, wherefore defendants asks judgment [illegible] said restraining order and for

THE REPLICATION.

In replication the plaintiff denies that he has not at any time used more than 75 acres of land for agricultural purposes; denies that his water right appropriation of water from Reservation creek was indefinite, admits that part of the bottom of Reservation creek is composed of quick sand and gravel, but denies that in ordinary or any other times or at all the water appears above the surface at or above defendant's dam and then disappears below defendant's dam so that the water cannot be used by plaintiff; plaintiff claims that at all times since he constructed his dam and ditches the water has flowed into the said ditches at all stages of the water when needed by plaintiff until the present season of 1892, when defendant diverted the said water, wherefore plaintiff asks judgment as in the complaint.

THE TRIAL.

Many witnesses have been examined at great length for both plaintiff and defendant, and it was not until 4:45 o'clock last evening that both parties closed their evidence. Then an adjournment was taken until 7 p. m. At the evening session the case was argued by Middleton& Light, for Mr. Mace and Strevell & Porter for Mr. Lewis. At the concusion of the arguments, the jury was instructed by the court, and retired to deliberate upon a verdict.

The jury is still out.

Stove Wood.

Cottonwood or pine, cut in stove length. Leave orders at Case, King & Wodzitzki's. * P. G. WHITED.

Tobacco Users Smile Sometimes

When told that tobacco hurts them; their wives never do, because shattered nerves, weak eyes, chronic catarrh and lost manhood tells the story. If your husband uses tobacco, you want him to quit, post yourself about No-to-bac the wonderful, harmless, guaranteed tobacco habit cure, by sending for our little book titled: "Don't Tobacco Spit Your Life Away," mailed free. Drug stores generally sell No-to-bac.

THE STERLING REMEDY CO.,
Indiana Mineral Springs, Indiana.

Bids for Medical Attendance.

OFFICE OF THE COUNTY CLERK
OF CUSTER COUNTY
MILES CITY, MONT., Feb. 6, 1893.

Sealed proposals for furnishing medical attendance (including medicine) for the sick poor of the county, and such others as may be county charges, for the year succeeding March 6, 1893, will be received at this office up to 12 o'clock m., Monday, March 6, 1893. The board reserves the right to reject any or all bids.

By order of the Board of County Commissioners.

A. H. SWEEDFIGER,
Clerk of Board.

The Fountain Head of Strength.

When we recollect that the stomach is the grand laboratory in which food is transformed into the secretions which furnish vigor to the system after entering and enriching the blood; that is, in short, the fountain head of strengt, it is essential to keep this important supplying machine in order, and to restore it to activity when it becomes inactive. This Hostettar's Stomach Bitters does most effectually, seasonably, regulating and reinforcing digestion, promoting due action on the liver and bowels. Strength and quietude of the nerves depend in great measure upon thorough digestion. There is no nervine tonic more highly esteemed by the medical fraternity than the Bitters. Physician also strongly commend it for chills and fever, rheumatism, kidney and bladder trouble, sick headache, and want of appetite and sleep. Take a wineglassful three times a day.

Willie Tillbrook.

Scrofula
In the Neck.

The following is from Mrs. J. W. Tillbrook, wife of the Mayor of McKeesport, Penn.:

"My little boy Willie, now six years old, two years ago had a scrofula bunch under one ear which the doctor lanced and it discharged for some time. We then began giving him Hood's Sarsaparilla and the sore healed up. His cure is due to HOOD'S SARSAPARILLA. He has never been very robust, but now seems healthy and daily growing stronger."

HOOD'S PILLS do not weaken, but aid digestion and tone the stomach. Try them. 25c.

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SOAP

and you'll never know the difference. The clothes will be just as white, clean and sweet-smelling, because the "White Russian" is specially adapted for use in hard water.

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MAKES NO SMELL OR DIRT.

No double or false explosions, so frequent with the unreliable spark.

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It Oils itself Automatically.

No Batteries or Electric Spark.

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PROPOSALS FOR FIELD SEEDS.

U. S. Indian Service, Crow Agency, Montana, February 11th, 1893.

Sealed proposals, endorsed "Proposals for Field Seeds," and addressed to the undersigned at Crow Agency, Montana, will be received at this agency until one o'clock p. m. of Wednesday, March 8th, 1893, for furnishing and delivering at this agency, 1,000 lbs. seed barley; 1 bu. broom corn seed; 2,000 pounds seed corn; 150,000 lbs. seed oats; 75,000 lbs. seed potatoes and 8 bu. onion sets.

Said seeds to be grown in the section of country contiguous to the place of delivery.

Bidders will be required to state specifically in their bids the proposed price of each article offered for delivery under a contract.

The right is reserved to reject any or all bids, or any part of any bid, if deemed for the best interest of the service.

CERTIFIED CHECKS.

Each bid must be accompanied by a certified check or draft upon some United States depository, or solvent National bank in the vicinity of the residence of the bidder, made payable to the order of the Commissioner of Indian affairs, for at least five per cent. of the amount of the proposal, which check or draft will be forfeited to the United States in case any bidder or bidders receiving an award shall fail to promptly execute a contract with good and sufficient sureties, otherwise to be returned to the bidder.

Bids accompanied by cash in lieu of a certified check will not be considered.

For further information apply to
M. P. WYMAN,
U. S. Indian Agent.

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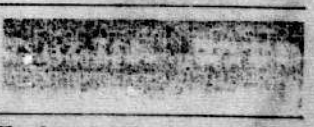

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