

THE ROUNDUP RECORD

HELENA, MONTANA
Historical Society

VOLUME VI, NUMBER 31.

ROUNDUP, MUSSELSHELL COUNTY, MONTANA, FRIDAY, OCTOBER 24, 1913.

\$2.00 PER YEAR IN ADVANCE

IMPORTANT LAND DECISION MADE

DEPARTMENT GIVES LIBERAL DECISION IN THE HELEN HARDING HOMESTEAD ENTRY.

Contains Coal Measures

Government Must Show That Entryman Had Knowledge of Mineral Character of Land Before Withdrawals Effect Entries—Decision of Billings Land Office Is Reversed.

HELENA, MONTANA, Oct. 22.—What is asserted to be the most liberal decision of the interior department since the administration of Secretary Ballinger, has just been rendered by Andriens A. Jones, first assistant secretary, in the case instituted by the government against the homestead entry of Helen P. Harding, near Roundup. The government claimed the land was coal in character and offered a restricted patent. This was refused by Mrs. Harding's assignees and an appeal was taken. Hamilton Wright of Helena appeared for the assignees.

The decision holds, in effect, that where land is withdrawn for coal purposes by the government, before such a withdrawal can effect persons who filed on the land before the withdrawal was made, notwithstanding final proof was not made until such withdrawal, the government must be able clearly to show that the entryman had knowledge of the character of the entry.

There is now a Denver case pending before the supreme court of the United States involving the right of the secretary of the interior to make withdrawals for oil and coal, and the decision in the Montana case, while not involving quite the same point, has an important bearing on the making of withdrawals, it is felt.

In November, 1906, Harding made final proof and received his final certificate. In October, 1906, the tracts were withdrawn from coal entry. In 1910 the entry was proceeded against on the charge the entryman knew at the time of making final proof the land was chiefly valuable for coal.

The Billings Land Office found in favor of the government, and was sustained by the former commissioner who based his action upon the testimony of a mining expert and upon reports of the geologic survey. These reports were not even made until after the final certificates for the tract had been issued.

"There is nothing disclosed in these reports of the geological survey," says the assistant secretary, "or by the record in this case, that would tend to show that the facts upon which said reports are based were known at the date of the issuance of final certificates on this entry, or that the facts then known were such as to charge a person with knowledge of the coal character of any portion of the land. This being true, it is believed that said reports do not afford a proper basis for the determination of the known character of the land at the date of the final entry. They will accordingly be disregarded by the department in its adjudication of the case.

"The department is clearly of the opinion that this evidence, which is all the government had to offer to sustain its charges, does not sufficiently tend to show that, at the date of the issuance of final certificate on this entry the land was known to be chiefly valuable for coal." He then holds the appellants are entitled to an unrestricted patent.

Rev. G. E. Hutt left for Indianapolis yesterday to attend the National Convention of Methodist Men. At this convention 1500 ministers and 1500 laymen will be in attendance. Among the ministers will be delegates from various foreign countries making the convention rally one of international character. Rev. Hutt will visit his mother in Ohio and later attend the convention of the anti-saloon league at Columbus, O. He will be gone for about six weeks.



News Snapshots Of the Week

Admiral Eaton, retired, was placed on trial at Plymouth, Mass., accused of killing him with poison. L. F. Speer was appointed to have charge of the income tax.

The Uranium liner Volturno, bound from Rotterdam to Halifax, burned in midocean. Her wireless "S. O. S." appeals for help brought the assistance of about a dozen vessels, including such liners as the Carmania, Kroonland, Grosse Kurfuerst and Rappahannock. Nearly 550 were saved with difficulty, while about 135 were drowned or burned. Captain Inch, Second Officer Lloyd and Third Officer Dusselmann, all of the Volturno, were heroes of the disaster. Mrs. Joseph G. Eaton, widow of Rear Admiral Eaton, was placed on trial at Plymouth, Mass., accused of killing him with poison. William S. Luckey won the first aerial derby in America around New York city. L. F. Speer was appointed to have charge of the income tax. Miss Marion Hollins proved the best American woman golfer.

UNCANCELLED WARRANTS APPEAR

LOHMAN ESTATE WOULD COLLECT \$3,100 FROM CITY OF ROUNDUP.

Mrs. J. C. Lohman of White Sulphur Springs, accompanied by Mr. Locke of Helena, her financial advisor, is here in the interests of the Lohman estate. Mrs. Lohman has in her possession uncancelled warrants of the city of Roundup numbering one to fifty-nine inclusive. The warrants amount to over \$3,100 but the city administration has refused to honor them, the city officials claiming that they have already been paid in spite of the fact that they appear uncancelled. At the time these warrants were issued Mr. Lohman was city treasurer, and when the warrants were brought to him he issued checks for them and failed to mark the warrants paid. They were found among his effects after his death, and being uncancelled, Mrs. Lohman naturally thought them unpaid and the property of the estate and sent them to the present city treasurer for payment.

There is no intention on the part of Mrs. Lohman to bring action against the city for the payment of the warrants, if satisfactory proof can be made to her that they have been paid, and her reason for coming here at this time is to assure herself of this fact.

Mr. Lohman's long siege of bad health and subsequent death before he had an opportunity to straighten out his varied interests is assigned as the excuse for the present misunderstanding.

LULL BEFORE STORM BREAKS

Washington Is Enveloped in Grave Silence Ove Mexico—Drawing to a Head.

WASHINGTON, Oct. 23.—An atmosphere of grave silence envelopes the Mexican situation tonight not only because dissatisfaction of the United States at Great Britain's attitude but the critical state of affairs in Mexico City. There were no tangible developments however. Wilson refused to discuss any phase of the situation. Bryan was also reticent. Belief prevails that the crisis, slowly approaching and Felix Diaz' arrival further complicates internal affairs. Stern measures by the Washington government would not be surprising.

Butler carries high grade gent's furnishings, clothing and shoes.

INDICTMENT RETURNED AGAINST HARRY K. THAW

Jerome Makes Another Move in Hope to Extradite Refugee.

NEW YORK, Oct. 23.—A grand jury today indicted Harry Thaw, Richard Butler, Michael O'Keefe, Roger Thompson and Eugene Duffy on a charge of conspiracy in connection with Thaw's escape from Matteawan. The indictment will be used by Jerome in an effort to secure Thaw's extradition from New Hampshire.

"HAPPY" KIBBLE IS BACK

Finishes Season on Evansville, Ind., Ball Team in Central League—Still Retained by Cleveland

"Happy" Kibble, Roundup's favorite son and star ball player, is back in his old haunts for the winter, having arrived here Tuesday from Evansville, Ind., where he finished the season with that team in the Central League. He played short stop and third base on the Evansville team, distinguishing himself more than once during the course of the season, all of which was closely followed by his admirers here. After leaving here last spring, "Happy" was first farmed out by the Cleveland management, who now own him, to the New Orleans team. He played with the New Orleans team for a short time and was then turned over to Evansville for the 1913 season. "Happy" will remain here for the winter.

BIG CONCERN BUYS SIX THOUSANDS ACRES OF MUSSELSHELL CO. LAND

Montana Ranches Company Buys Passmore Tract and Will Inaugurate Colonization Scheme.

The Passmore tract of land east and north of Roundup comprising about 6,000 acres, has been purchased by the Montana Ranches Company, a Spokane company with offices in Helena. The consideration is said to have been in the neighborhood of \$50,000. E. A. J. Jesse of this place who was interested in the deal, says that the new owners of the tract will inaugurate a big colonization scheme next year which will result in the rapid settlement of this land by a thrifty class of farmers. The land is located from eight to ten miles from Roundup and its settlement will mean much to this city.

TWENTY-THREE ARE OUT ALIVE

Last Word from Dawson Mines Gives Little Encouragement.

DAWSON N. M., Oct. 23.—At midnight 23 were taken out alive and 35 bodies recovered. Among the dead are Henry H. McShane, 19, of New York, whose mother is a stockholder. He came to Dawson to learn mining. Hope of the rescue of Superintendent McDermott is abandoned. The fire that broke out in mine No. 3 is not yet reached. The atmosphere of No. 2 is cleared and the rescuers are now working without helmets. Instructions were given to remove only those living tonight.

It is impossible to determine the cause of the explosion, but it was so violent that there is little hope of rescue alive of any more victims. At the time of the explosion, 284 miners were working. The death list is expected to be large because the air fans were rendered useless by the fierce explosion, allowing poisonous gases to penetrate every recess.

The belief of the rescuers is that a number of miners reached the room and sealed it form poisonous gases. The finding of a mule alive encourages the belief that many may yet be found alive in the cross cuts of the mine.

Let McGiboney do your draying. Phone 182 and 113.

BIG YIELD AND BIG SPUDS

Big Rufus Thompson Raises Big Spuds Which Take After Him in Size.

One of the biggest yields of potatoes this year is reported from the Rufus Thompson ranch, where from one-fourth of an acre 140 bushels of spuds were dug after having supplied the ranch practically all summer. Not only was the yield heavy but the spuds are also of unusually large size, giving one the impression that they were trying to emulate as much as possible the owner of the ranch. The tubers weigh from 1 1/4 to 3 pounds each. On account of the unusually large size and the extraordinary quantity of the spuds, which are strictly dry land grown, an effort will be made to have the C. M. & St. P. use them on their diners.

MISS MINNIE SUTTON BECOMES THE BRIDE OF JACK TONER

Popular Young Roundup People Are United in Marriage at Bozeman Yesterday.

Word was received here this week that Jack Toner and Miss Minnie Sutton, both well known in this city, were married in Bozeman yesterday. Nothing definite is known here regarding the plans of the young couple, but it is presumed that they will return to Roundup in the near future to take up their residence here.

Both contracting parties have lived in Roundup the past three or four years and have hosts of friends here who extend congratulations.

"OUR VILLAGE POSTMASTER"

Beautiful Rural Comedy Drama to Be Presented at Orpheum Thursday, October 30.

The next attraction at the Orpheum will be Eugene Perry's beautiful rural comedy drama "OUR VILLAGE POSTMASTER" with Mr. Wallie Stephens and his excellent company. Mr. Stephens is well known for his peculiar style of acting, now playing his second year in the Postmaster. This play tells an interesting story of an old postmaster of a small village, who spent all his earnings to educate his son for the ministry. The son's greatest ambition is to become an actor, against his father's will. So he runs away to Chicago, failing to find work in the theatres he gets discouraged. At the time the son leaves home there is a valuable package stolen from the postoffice and the son is accused of it. The old Postmaster says there never was a thief in his family and goes to Chicago in search of the thief and to find his boy. His many funny experiences in the city will keep you bubbling with laughter all evening. Other scenes will moisten the eyes and make the heart beat with emotion. The Quincy, Ill., Times has it: "Our Village Postmaster is a play that runs from tears to laughter and vice versa, with a good moral and a well balanced cast."

At the Orpheum one night only. Thursday, October 30. Seats on sale at Lewis' Candy Kitchen, 75c, 50c and 25c.

Shoes, Shoes, Shoes, Fad, Fad, Fad.

Our underwear department is complete. The Fad.

COMMISSIONERS PROCEEDINGS

SPECIAL SESSION OF THE COUNTY BOARD HELD FRIDAY, OCTOBER 17.

Proceedings of the Board of County Commissioners of Musselshell County, Montana, in special session, October 17th, 1913.

The meeting was called at 10:00 a. m. and Olaf Jenvold named as temporary chairman in the absence of C. M. Jacobs, Chairman. Present: Olaf Jenvold and Fred C. Metzger, Commissioners and Fred E. Renshaw, clerk.

The minutes of the last meeting were read and approved.

The resignation of W. J. Edson as road supervisor of district 17 was accepted.

The hearings on all saloon applications were postponed till 3:00 p. m.

The application of the Title Guarantee and Surety Company for release from bond of E. W. Small was granted upon condition that said Company refund to the County that part of the premium on said bond paid which has not been earned by said Company.

Adjourned at noon. Meeting at 1:00 p. m. All present.

O. R. Worth et al road petition was considered and granted, declared a County Road and ordered surveyed and platted.

Road Supervisor Abstein was instructed to build a bridge across South Willow Creek on said road as per instructions of County Surveyor.

Hearing on G. H. Fawcett et al road petition was had at 2:00 p. m. and same was declared a county road and ordered surveyed and platted.

Hearing on E. D. Moffett et al road petition was had at 3:00 p. m. and same declared a county road and ordered surveyed and platted.

The following banks were officially designated as depository banks in which the funds of the County shall be deposited by the County Treasurer:

- First National Bank.....Roundup
- Citizens State Bank.....Roundup
- Lavina State Bank.....Lavina
- Belmont State Bank.....Belmont
- Wiley, Clark & Felton, bankers, Melstone.
- Handel Bros., Bankers.....Musselshell

A contract was entered into by the Board with C. E. Snyder, of Ryegate, to grade roads south of Ryegate as per terms of contract now on file.

Anton Kurbish application for license to conduct a retail liquor business at Coal Camp on Carpenter Creek was granted.

Applications of Herman Moers and Henry Simpson for licenses to conduct retail liquor business at Gibbtown, Montana were not granted.

Commissioner Fred C. Metzger was given 30 days' leave of absence.

Wm. H. Morgan was appointed road supervisor in district 3.

A. B. Tolley, C. F. Grant and Chas Palmquist were appointed judges of the Melstone Town election to be held on Nov. 8th, 1913.

A. F. Warner and Al B. Smith were appointed Clerks of above election. Adjourned at 5:00 p. m. FRED E. RENSHAW, Clerk.

BOND ELECTION DATE CHANGED

SPECIAL ELECTION ON WATER BONDS WILL BE HELD NOVEMBER 17.

City Jail Is Condemned

Irley Stevens Gets Contract to Grade Third Avenue—Polling Places Designated and Election Officers Appointed—City Powerless to Pass Speed Limit Ordinance.

The city council met last Monday evening with a full attendance of mayor and aldermen.

A communication was received by the council from Dr. Pigot, County Health Officer, stating that the building now used for city jail purposes has been condemned, and ordering the city to put no more prisoners in the same. Action on this matter was deferred until the next regular meeting next month.

The following resolution was adopted:

"Be it resolved by the city council of the city of Roundup, that a special election be called to be held on the 17th day of November, 1913, for the purpose of submitting to the qualified electors of the city of Roundup, Montana, the question of whether or not the said city of Roundup, Montana, shall issue coupon bonds in the amount of sixty thousand (\$60,000.00) dollars, bearing interests at the rate of six percent per annum, payable in twenty years and redeemable in twenty years, for the purpose of purchasing the water plant and system of the Roundup Water Company, and that notice of such election be given as required by law."

The registration office for the registration of the qualified electors for the water bond election will be at the office of C. E. Davison and the polling places designated as follows: First Ward, Fire Hall; Second Ward, Police building on Railway avenue; Third Ward, Roundup Elevator Company Feed Store.

Sealed bids for the moving and excavating of dirt from third avenue between Main street and 1st. street west were opened and read as follows: C. E. Potter, 70 cents per cubic yard; Irley Stevens, 49 cents per cubic yard; A. R. Hagar, 57 1/2 cents per cubic yard; W. E. Wynne, 55 cents per cubic yard. Irley Stevens being the lowest bidder, the contract was awarded to him.

The mayor appointed the following judges and clerks for the various wards of the city for the special water bonds election: First Ward—Mike Wall, J. A. Godman and G. J. Krueger, as judges of election, and Wm. J. Jameson and M. A. Acton as clerks. Second Ward—Judges: A. Schroeder, H. P. Nelson, and E. S. Cook. Clerks: Cauley and Sidney Clark. Third Ward—Judges: L. R. Carroll, Fred Appleman and Mike Tomko. Clerks: Tony Anderson and J. M. Pyles.

It was discovered upon investigation by the city attorney that the city council has no authority to pass ordinances regulating the speed with which the automobiles may be driven over the city streets such regulation being under the control of the state legislature.

The Hendrix Mercantile Company were given permission to build a lean-to building on east second street.

The council adjourned until the next regular meeting time.

ROADS COMPLY WITH ORDER

Depot and Freight House Are Being Built to Handle Traffic at Cushman.

Provision for transferring passengers and freight at the junction of the Great Northern and Milwaukee at Cushman has been made by these roads in compliance with the order issued by the Montana railroad commission.

A depot and a freight house is under construction and it is expected that the roads will be in a position to transfer passengers and freight by November 15.