

THE SCHOOL BONDS ARE LEGAL

The District Court Affirms the Validity of the \$80,000 Issue of School Bonds.

Full Text of Judge Benton's Decision—An Appeal to the Supreme Court.

The district court has passed on the question of the validity of the \$80,000 in school bonds which have been the subject of so much comment from the time they were issued up to the present time. The matter was brought before the court by means of a friendly suit instituted by James T. Stanford, vice president of the Northwestern bank who through his attorney M. M. Lyter asked for an order restraining the board from disposing of the bonds on account of certain alleged irregularities connected with their issue.

The plaintiff bases his objections to the issuance of the bonds by the defendant in the sum of \$80,000 upon the following grounds: First. That the notice of the submission of the question of whether the board should be authorized to issue the bonds was insufficient.

Second. That a new chairman and secretary of said district No. 1 have been elected since said question was submitted to a vote of the people, and that the coupons attached to said bonds have not been signed by the new board, but were signed by the chairman and secretary who were such officers at the time the question was submitted to the vote of the people.

Third. That such coupons were not signed by such chairman and secretary, but that copies of their respective signatures were lithographed thereon.

Fourth. That notice of sale was only given for ten days.

Fifth. That section 1950, compiled statutes, provides that no additional bonds shall be issued until the entire outstanding bonds be paid; that a form or series of bonds has been issued by the district which are unpaid, and that the said section 1950 is not repealed by the act of 1893, approved February 14, 1893.

Sixth. That the statute provides that no bonds shall be sold below par; that the bonds are not to be delivered until the supreme court has passed on their validity, and that the interest on the bonds from May 1, 1893, may exceed the premium paid before the supreme court shall have passed upon such question.

I will note my views upon the objections in the order in which they were presented.

Section 1950, as amended by act of 1893, page 53, provides as follows: "The board of school trustees of any district in Montana, shall, whenever a majority of the school trustees shall so decide, submit to the electors of that district, whether the board shall be authorized to issue coupon bonds to a certain amount, not to exceed 3 per cent of the taxable property in said district, provided that nothing herein contained shall authorize the issuance of bonds to an amount exceeding \$250,000 in any one school district and bearing a certain rate of interest not exceeding 6 per centum per annum and payable and redeemable at a certain time, for the purpose of building and furnishing one or more school houses in said district and purchasing land necessary for the same."

The question to be submitted to the electors is whether the board shall be authorized to issue bonds to a "certain amount." The proviso following is a limitation upon the power of the trustees and I do not think it necessary that the trustees give notice that they are not exceeding such trust. The notice discloses the amount of bonds to be issued and the purpose for which they are issued. The object of the statute is to notify the electors of the district of the amount and purpose of the proposed issue to the end that they may be enabled to form an intelligent judgment as to the propriety of creating the proposed indebtedness for such purpose. People vs. Courts, 26 Pac. (Cal.) 613.

The second objection is that the coupons are not signed by the present chairman and secretary of the board. The officers who signed the bonds were public officers (Mecham vs. Public Officers, sec. 55) admitted to have been duly elected and were authorized by section 951 to sign such coupons when a majority vote of the people authorized the issue, and I do not think the objection well taken. The coupons were signed by a fac simile of the officers signature and not written by their own hands does not seem to be a valid objection to their legality. Pennington vs. Baehr, 48 Cal. 565; Jones on corporate bonds and mortgages, sec. 235; McKerr vs. Vernon Co., 3 Dill 210.

The plaintiff contends that the act of 1893 does not repeal section 1950 of the compiled statutes and that the statute prohibiting the issuing of bonds until outstanding bonds are paid is in force. The act of 1873 provides "that sec. 1 of act entitled an act to amend section 1950, of the fifth section of the compiled statutes of Montana concerning school bonds is hereby amended to read as follows: "The legislature in using the above language expressly said that such section 1950, should hereafter read and be to effect following, and then enacts a complete substitute for the former provision and thus repeals all contained in the original act, not re-enacted. People vs. McNulty 93, Cal. 427; 23, American and English Encyclopedia of law, title statutes, page 458.

As to the last objection that the interest may exceed the premium before the validity of the bonds are finally determined. I do not think I am justified in declaring the bonds invalid upon a condition and contingency that does not now exist and may never occur.

The case will be immediately appealed to the supreme court so as to obtain its opinion on the subject, and if this should sustain the lower court as is expected all question as to the legality of the issue will be forever set at rest, and the balance of the purchase money over the \$20,000 agreed to be advanced while the suit is pending if needed, will be paid over by the bank to the school treasury.

A CHURCH AGRICULTURAL FAIR

The Presbyterians Are Getting Up a Novel Marriage Between Church and County Fair.

A List of the Premiums Offered for Agricultural Products by Leading Merchants.

This is a day of novel entertainments, and if King Solomon had lived in these times he would have hesitated before he put himself on record as saying that there was nothing new under the sun. The latest device of the enterprising ladies of the Presbyterian church to entertain the public and incidentally raise some revenue for the church is to hold a fair which is to be a sort of a cross between the old fashioned county fair and a church fair. The old Puritan forefathers of the Presbyterian church used to look with horror and aversion on the county fairs of their day as sinks of abomination and iniquity, but the world moves, and the present project meets with great favor, and it will no doubt serve the laudable purpose of increasing the interest in agriculture as well as replenishing the treasury of the church. The following is the list of premiums. Two or three have not yet been filled, but this will be done before the fair takes place and other premiums may be added. The fair will be held in the Realty block September 21, 22 and 23.

PREMIUM LIST—GRAIN. Best sample of hard wheat; prize one barrel flour, Royal Milling company.

Second best of hard wheat; \$2.50, S. E. Atkinson.

Best sample of soft wheat; 100 pounds Rex flour, Great Falls Produce company.

Best winter rye; hand seeder, Great Falls Implement company.

Best spring rye; \$1, W. L. Martin. Oats; \$2, W. L. Martin.

Oats, second best; \$1, W. L. Martin. Barley, white; \$1, James Baatz; \$1, Montana Brewing company.

Barley, black; 50 cigars, Bateman & Switzer.

Millet; will be filled later. Corn, sweet; pocket knife, value \$3.50, Murphy, Maclay & Co.

Corn, field; \$3, Kenke & Co. Potatoes, best; five pound box of tea, Churchill & Webster.

Beets, best table; box cigars, Frank Glab & Co.

Beets, best stock. Turnips, \$2.50, Ulin house.

Carrots; one box cigars, Milwaukee hotel.

Onions; \$2.50 in merchandise, Lapeyre Bros.

Tomatoes; \$2.50 in merchandise, F. Gehring.

Cabbage; \$2.50 in merchandise, G. W. Dunlap.

Cauliflower; \$2.50 in merchandise, Great Falls Hardware Co.

Celery; \$2 in merchandise, W. G. Runzier.

Watermelons, \$2, Archie McDonald. Muskmelons; one whip, \$2.50, J. H. McKnight.

Pumpkins; one box cigars, Silverman Bros. & Co.

Squashes, winter; one hat, \$2.50, Nate Werthmeier.

Squashes, summer; \$2.50, W. M. Cockrill.

Cucumbers; \$2.00, C. M. Webster. Sweet potatoes; not yet filled.

Best display of farm products from one farm; one thoroughbred Holstein bull calf, Theo. Gibson.

Best display of grains and grasses in bundles; one thoroughbred Berkshire pig, Paris Gibson.

Best farm made butter; 100 lbs Rex flour, Churchill & Webster.

Best farm made cheese; hat, \$3.50, the Hub Clothing and Shoe house.

Best display of fruit grown in Cascade county; \$5 cash, Anaconda Standard.

Best display of farm products from one neighborhood; \$2.50 cash or merchandise, Stark & Sullivan.

Best display of native grasses; not yet filled.

Best display of vegetables; two pounds candy, R. J. Bernard.

Best display from one farm garden; one hat, A. Nathan.

POULTRY. Best coop of chickens; five-pound caddy of tea, Strain Bros.

Best trio of geese; one pound Japan tea, J. A. Bush.

Best pair turkeys; \$5, J. A. Largent. Best trio of Ducks; \$2, Theo. Gibson.

Best poultry display from one farm; \$5, Townsite company.

HANDWORK. Embroidery on linen; dress pattern, \$12, W. B. Ralsigh & Co.

THE RUMBLINGS OF THE RAILS

Some Items of Local Interest About Railroad Men and Railroad Matters

Gathered With the Reporter's Pencil and Clipped From the Exchange List.

The first harvest excursion of the season on the line of the Great Northern left St. Paul Tuesday last. The next will leave on the 25th instant and the last will leave St. Paul October 9th. The rate for the round trip on these excursions is one lowest first class fare and \$2 additional, and the tickets have a return limit of 30 days. Stop-overs are allowed going west, but none on the return trip east.

R. E. Chinnock, Great Northern detective, arrived here Tuesday last. Mr. Chinnock succeeds Detective Black and is here for a few days accidentally and not on professional business. He has been improving his stay, however, by getting acquainted with the police department here.

L. R. Wells, a brakeman on the Montana Central, was caught between the engine and first car while coupling near Boulder Saturday night and sustained serious internal injuries. He was taken to St. Peter's hospital, Helena.

A Great Northern Bridge crew, under Foreman C. H. Young, is engaged in overhauling the bridges between Helena and Butte.

About 1,000 tons, or nearly 40 cars, of ore are handled daily by the Montana Central between Butte and Great Falls for the Boston and Montana smelter.

In speaking of C. E. Dutton's probable successor, the Boulder Age says: "Agent Christianson of the Great Northern railroad has been notified that he has been recommended for promotion to the Butte office, and he may be transferred any day. The promotion will be quite a step but one fully deserved. While his many friends here will regret to see him leave Boulder, they will be glad to know that his merit is recognized."

The testimony taken by the strike investigating committee fills 2,000 pages of clear type written matter. It will be November before the commissioners make their report.

Contractor Wortman will soon resume the building of culverts under the bridges on the Montana Central, and when finished the bridges will be filled in, making a better road bed.—Railway Review (Butte).

J. C. McGough, a Great Northern brakeman, is suing the company for damages by getting his hand pinched while making a connection between bumpers at Willmar, June 27. The answer which the road interposes is a general denial and affirms that the brakeman is presumed to know the dangers of his occupation and that if his hand comes between bumpers he is likely to be hurt.—Fargo Argus.

Effective Sept. 17, 1894, the Northern Pacific Union Pacific, Great Northern and the Oregon Railway and Navigation company, in connection with eastern lines, will advance commodity rates to Northern Pacific coast terminals and intermediate points.—St. Paul Globe.

At General Superintendent McKenna's office yesterday it was learned that the Eastern railway of Minnesota is also forging ahead in the way of repairs. Mr. Hoagland, engineer of maintenance and right of way, has two large gangs at work, one on either side of Hinckley, repairing the tracks. The large bridge over Kettle river will be completed in a few days, and probably before another week the road will be perfectly equipped. The company will put in new depots at Sandstone, Partridge and Hinckley.—Minneapolis Tribune.

SPRAY OF THE FALLS.

FROM THURSDAY'S DAILY.

Born to Mr. and Mrs. D. J. Ganter a son.

John G. Bower, a native of Wales, took out his final citizenship papers yesterday.

Born, yesterday, to Mr. and Mrs. Thomas Lynch, at Seventh avenue and Tenth street south, a son.

Jerry Collins, land receiver at Helena, arrived here yesterday afternoon for a short visit to his old home in Great Falls.

Caleb Evans, a native of Wales, and Jerry Lyons, a native of Ireland, made declaration of their intention to become citizens of the United States yesterday.

The contract for painting the court room corridors of the court house, and repairing some of the rooms, was today awarded by the commissioners to Ernest Wright.—Benton River Press.

The Flambeau club met last night in regular meeting and discussed important business relating to their coming trip to Anaconda. A large and enthusiastic attendance of members were present.

Mrs. Buena French gave a party to a few of her friends last evening. An enjoyable evening was spent with games and dancing after which refreshments was served.

Madame Ames, the renowned clairvoyant is in town. She can reveal to you the present, past and future, and those in need of advice cannot do better than consult her. 211 Fourth street south.

James A. Carrier, deputy sheriff, left yesterday afternoon for Deer Lodge with Thomas Long, who was sentenced to one year in the penitentiary for burglarizing Dahl's tailor shop some weeks ago.

Mr. and Mrs. E. R. Olingar arrived from Belt last week on a visit to friends in this city. Mr. Olingar and J. J. Kennedy have gone on a visit to the coast.—The Columbian.

Prof. Wallace gave one of his pleasant and select dances last night at Elks' hall. About thirty-five couples were present and thoroughly enjoyed themselves.

C. K. Cunningham has brought suit against H. E. Sheets of the Industrial Printing company for a partition of the property of that institution. The case will be heard at this term of court.

The Misses Armstrong and Cockrill

gave a dance to a number of their friends last night at the pavilion. Lunch was served about midnight and the evening passed in a most enjoyable manner. George E. Boomer and David A. Brunau yesterday appeared before Judge Benton and under oath agreed to give Queen Victoria the cold shaks hereafter and nestle under the protecting wing of the bird of freedom as American citizens from now on.

PUBLICATIONS OF THE GREAT NORTHERN RAILWAY, ST. PAUL, MINN.

The General Passenger Office of the Great Northern Railway will be pleased to forward to applicants any or all of the publications named below, on receipt of the amount of postage named after each. It should be understood that these books, maps and pamphlets were prepared at considerable cost and are worth in each case many times the postage. They will prove of much interest to persons who contemplate a trip to any part of the Northwest, or who desire the information all intelligent people should possess concerning a vast, resourceful, important and growing part of the United States. Several of these publications have been supplied in quantities to public schools at the request of superintendents and teachers, on account of the instructive and useful information they contain.

BOOK FOLDER.—Send 2 cents for postage. This publication contains complete time cards, a series of train route maps, a large map of the country; a table giving first and second-class passenger rates, and freight tariff on settlers' goods from St. Paul to all points on the line; a table showing tributary points reached by steamer or stage; through car service and connections; important baggage and ticket regulations, and much interesting descriptive matter. In short it is a handy volume of ready reference for passengers about local and through service on the Great Northern to all parts of the Northwest and Pacific Coast.

MAP FOLDER.—Send free. This contains the regular time schedules; a large map of the country west of Chicago and St. Louis; baggage and ticket regulations; and other information of value to travelers.

ATLAS OF THE NORTHWEST.—Send 15 cents for postage. Contains complete maps of the United States, Minnesota, the two Dakotas, Montana, Idaho and Washington, showing postoffices to June 1, 1894, with every important geographical and topographical feature brought down to date, and printed in the highest style of the map maker's art. Interesting descriptive, historical and statistical information appears with each map.

LARGE WALL MAP.—Send 25 cents for postage. This is a map of the country west of Chicago and St. Louis, mounted on rollers; 30x50 inches; complete in every particular from latest surveys; gives most detail of the Northwest, both above and below the international boundary line from the Great Lakes to Puget Sound; elegantly printed and useful in every office and school; has been asked for by teachers in all parts of the Northwest, and copies are now hanging in the public schools of many towns and cities.

VALLEY, PLAIN AND PEAK.—From Midwest Lakes to Western Ocean.—Send 10 cents for postage. This attractive publication contains nearly 100 Northwestern views, singly and in groups, etched from photographs, ornamentally embellished, and accompanied by descriptive matter and characteristic initials beautifully printed in colors, altogether forming one of the most elegant books of the kind ever issued. It is equal to art books which sell for a dollar or more and contain very much less general information and beauty.

DESCRIPTIVE PAMPHLETS OR BULLETINS.—Send 2 cents postage for each. A series of illustrated publications on Minnesota, the Dakotas, Montana and Washington. Treats of the location, history, climate, agricultural, pastoral, mineral and timber resources and products of each of these important states.

HUNTING AND FISHING BULLETINS.—Send 4 cents postage for the two. These publications contain the game and fish laws of the Northwestern States and very much interesting information about various kinds of game and fish, and localities where found, with many fine illustrations.

VIEW OF MOUNT INDEX AND KOOTENAI CANYON.—Send 50 cents each. These beautiful art productions of striking scenes in the mountains of Montana are 20 by 20 inches in size, and cost in large quantities \$1.00 each, but are sold at half price to introduce them. Only one of each will be sold to any one address. They will also be sold in a choice frame with glass at \$2.00, or half price. An ornament to either office or parlor and do not contain any advertising.

THE EVERGREEN STATE.—Send 2 cents for postage. This pretty souvenir contains 26 views of Washington exhibits at the World's Fair. It cost 12 cents a copy to print.

FACTS ABOUT A GREAT COUNTRY.—Send Free. This contains a large variety of facts of interest to new settlers, including diagrams showing the simplicity of land surveys, a brief statement of land laws, and a map of the United States.

A TOUR OF OUR COUNTRY.—Send \$1.00. The Great Northern has specially arranged with a publishing house for an edition of Stoddard's Portfolio of American Views, appearing in 16 parts, each part containing 16 views and retailing at 10 cents, or \$1.60 for the 16 parts. Single photographs of these views cannot be had for much less than \$1.00 each, but in this portfolio 260 magnificent reproductions of striking photographs of natural and created scenes in all parts of America are to be had for a mere nominal sum. Each part will contain matter and illustrations specially added to give increased value to northwestern subscribers or those interested in the Northwest. The parts will be furnished singly or in whole number by agents of the company at any point.

For any of the above publications or information about rates or routes to the Northwest or Pacific Coast, address F. I. WHITNEY, G. P. & T. A. (Mention this paper.) St. Paul, Minn.



Cloaks That Beautify

Never in the history of the Cloak Trade have they been so sensible and pretty. We are first in the field with a grand new stock manufactured by Julius Stein & Co., New York. This celebrated COR-SET FITTING line lead in

STYLE, FIT and QUALITY.

We have marked these Garments CHEAP. We would like to see you in to-day.



STRAIN BROS

GO TO THE EAST, TO THE WEST, TO THE TOWN THAT YOU LIKE BEST;

GREAT NORTHERN RAILWAY

The New and the Right Way EAST AND WEST.

Arrival and departure of trains at Great Falls Express from the east arrives 12:50 p.m. Express to east departs 1:45 p.m. Express for Helena and Butte departs 1:50 p.m. Express from Helena and Butte arrives 4:05 p.m. For Sand Coulee, departs 10:30 a.m. From Sand Coulee, arrives 8:40 p.m. (Mondays, Wednesdays and Fridays.) From Nehalem, arrives 2:45 p.m. (Tuesdays, Thursdays, and Saturdays.) Daily except Sunday.

First Class Sleeping and Dining Cars. Rates to Points East. Rates from Great Falls to eastern points are as low, and in most cases much lower, than rates from Helena or Butte.

Excursion Rates. First-class round trip excursion tickets on sale for St. Paul and Minneapolis, Chicago and St. Louis, good for three months, with stop over privilege, if desired.

Important Connections. Our trains connect in union depots at St. Paul and Minneapolis with all trains leaving those cities.

Family Tourist Cars and Chicago Sleeper. Connections at Havre with Family Tourist Cars for the east and west. Through Palace Sleepers to Chicago.

Coldest Sleeping Cars. Free to first second class passengers.

Trains of the Great Northern Railway run in connection with NORTHERN STEAMSHIP COMPANY'S

Magnificent new exclusively passenger steam ship "NORTHWEST" which leaves Duluth EVERY FRIDAY at 4 p. m. for Seattle, San. Maria, Detroit, Cleveland and Buffalo, making connections for Montreal, New York, Boston, Philadelphia and eastern points.

Through Tickets sold and baggage checked to points in United States and Canada. For full information, rates, time tables, etc., call on or address F. KELLY, Agent, Great Falls, Mont.

FOR SALE.

At Park Stables, Great Falls. A choice lot of Spanish Merino Rams, one and two years old, imported and bred by Frank Ballard, Woodland, Yolo county, California.

R. Barry, Agent.

ADVERTISE YOUR WANTS IN THE TRIBUNE.

Advertisement for THE Weekly Tribune, featuring a logo and text: "Best Paper in Northwestern Montana. \$1.50 Per Year. Now is the time to Subscribe. 8 PAGES, 48 COLUMNS. All the Late News of Each Week. Local, Telegraphic and Miscellaneous. \$1.50 Per Year. A paper for all who desire to keep posted on the current News of their locality and the world. Its columns are devoted especially to the upbuilding of Northwestern Montana. THE FARMER, STOCK GROWER, MINER and LUMBERMAN will find their interest set forth and advocated. \$1.50 Per Year. It is not published for one industry, but for all that are found in this section. It deserves and intends to merit the patronage of the public because it is clean, bright and newsy. Its has opinions of its own respects these of all who differ with it upon great and minor topics. \$1.50 Per Year. One month ago the Great TRIBUNE became the property of its present proprietors. Since that time the daily edition has materially improved in many respects and the weekly edition has been so completely modernized that its old friends will not miss it. In future it will be an 8-page, 48-column paper, and be the best weekly published in this section of the state. This campaign is now on and who desire to keep posted on the news of the Northwest should read the WEEKLY TRIBUNE not delay in subscribing. \$1.50 per year in advance. 5 copies sent on application. Address: THE TRIBUNE, Great Falls, Mont.