

The Caldwell Tribune.

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CALDWELL, IDAHO, SATURDAY, DECEMBER 23, 1905

WEEKLY, \$2.00 PER YEAR

A Merry Christmas

IS EXTENDED TO THE SUBSCRIBERS AND PATRONS OF THE TRIBUNE. THANKING YOU FOR YOUR PATRONAGE IN THE PAST, WE WISH YOU

A Happy New Year

TOWNSITE TITLE QUIETED

Judge Beatty's Decision and the History of the Case

After several years of more or less doubt and uncertainty, the title to the Caldwell townsite has been finally settled. In August, 1904, Iddius Larson et al. brought suit against the Caldwell Land Co. for the recovery of land deeded while they were children to the Caldwell Land Co. The action was brought in the United States Court. In his decision, Judge Beatty says, in effect, that too long a time has elapsed between the transfer of the land and the filing of the suit. The history of the case follows:

Ole Larson, having served as a soldier in the United States army, became entitled to certain homestead rights, which on his death, on December 3, 1864, enured to his widow and minor children: Lars, born in 1859; Iddius, born in 1861; and Julia, born in 1863; of whom the widow became guardian. Larson having located 80 acres of the 160 acres to which he was entitled, the right to locate the remaining 80 acres descended to his widow and children.

On January 22, 1880, Mrs. Larson appointed D. H. Talbot her attorney in fact, to receive from the general land office on December 22, 1879, a certificate of her right to enter 80 acres of land, Talbot being empowered to locate same. Power of substitution was also given Talbot, which power was exercised in March, 1880, by the appointment of Andrew Whitehead. In January, 1880, Mrs. Larson executed another power of attorney to Talbot to take possession of the lands located and to be patented, to sell the same and execute deeds. Proceedings were subsequently commenced in the probate court of LaCrosse, Wis., for authority to allow said guardian to sell, at not less than \$120, the right or said minors to locate such lands, which was ordered in February, 1880. At this time the children were aged 21, 19 and 17 years.

At the time this action was commenced in August, 1904, Lars did not join. Julia died when 27 years old, and her husband is one of the complainants. Iddius became of age November 15, 1882, but delayed bringing action for 22 years. The husband of Julia waited 13 years.

When patent was issued to the lands, in July, 1884, the guardian, through her attorney in fact, conveyed the property to the Idaho & Oregon Land Improvement company, the grantor of defendant.

Judge Beatty holds that the right of a soldier or his heirs to enter on lands under the statute is in the nature of personal property, and can be transferred as such; also, when this right is transferred, the patent must issue to the grantor of the power or to the heirs of the soldier, and the title to the land enures to the party who purchased the soldier's right.

"Complainants do not dispute that such is the law, but they claim that a conveyance of this right could be made, as was attempted in this case, only after an order to the guardian by the proper court, and that in this case the order was made after, instead of prior to the making of the powers.

"Even if the right of these com-

plaintants were not regularly sold and transferred by their guardian, they are now barred by their gross laches to assert their rights. To allow, after a neglect of over twenty years, the assertion of title to realty, after its possession by others, who have held and improved it in good faith, under at least color of title, would be the grossest injustice.

"They claim in justification of their delay their lack of knowledge of what had been done. They had the means of knowledge, the opportunity of knowing. It is well settled that when one has the means of knowledge he is presumed to have had the knowledge. In this case there were public records of these transactions, which of course are notice to all.

"It is therefore ordered that complainant's complaint be dismissed."

At the time the land was sold, it brought \$120, but is now worth a half a million dollars. The lines of the 80 acres are as follows: Beginning at the corner of the old school grounds, runs east to S. W. Dils' residence, thence north to Young's addition to Caldwell, thence west to Callaway addition, thence south to schoolhouse.

Postal Statistics.

Washington, Dec. 18.—From the report of the Fourth Assistant Postmaster General, just issued, it appears that during the year ended June 30, 1905, there were 2164 postoffices established and 5164 discontinued, showing a decrease of 385 in the number of offices established, and a decrease of 423 in the number of offices discontinued. The extension of the rural free delivery service during the year resulted in the discontinuance of 3492 postoffices, the salaries of the postmasters at such offices aggregating \$198,994. At the close of the fiscal year there were 68,131 postoffices in the United States—275 first class, 1258 second class, 4120 third class and 62,478 fourth class.

The gross receipts of postoffices in Idaho amounted to \$1,459,445.36; the average amount expended per capita to \$2.02; the whole number of postoffices is 545.

Miss Alice Roosevelt Engaged.

The engagement of Miss Alice Roosevelt to Congressman Nicholas Longworth has been announced, and the wedding is to take place next February. The couple have guarded their secret pretty well, though it has been surmised for some time that the Ohio congressman and the president's daughter were betrothed. If Nicholas, after he gets her, doesn't prove of "long worth, he ought to be publicly castigated. But if Miss Alice has proven as sensible in her selection of a life mate as in several other matters the public is acquainted with, she will make no mistake when she stands before the minister and says: "I'm yours until death do us part."—Post Falls Advance.

Pioneer Irrigation District Warrant Call.

On and after Dec. 23, 1905, I will pay at the Caldwell Banking & Trust Co., Ltd., the following warrants:

General Fund, issue July 5 and August 1, 1905, Nos. 2411 to 2509 inclusive.

General Fund, issue January 5, 1904, Nos. 1287 to 1316 inclusive.

A. K. STREUNBERG, Treasurer.

Awarded Bronze Medal.

Miss Cora B. Bean, County Superintendent of Schools, is in receipt of a handsome and appropriately inscribed bronze medal from the Lewis & Clark Centennial Exposition. The medal was awarded to Canyon county for its educational exhibit at the Portland fair. The exhibit consisted of a case pamphlets and 8 books and cards showing drawing and weaving. Miss Bean is greatly pleased over the award, as she met with a great deal of apathy, not to say direct opposition among the teachers in getting up the display, and some ridiculed the exhibit after it was gathered together. THE TRIBUNE congratulates the Canyon county public schools, as well as Miss Bean.

A Submarine Cruiser.

The French navy is still maintaining an active interest in submarine vessels, and an entirely new type of craft is soon to be constructed at Cherbourg, which, on account of its large size, will be known as a "submarine cruiser." It is 182 feet in length, and 15 feet beam, being driven by electric motors when under the water, and by gasoline engines at the surface. There are two electric motors, which operate two propellers and eight horizontal rudders, while current is to be supplied by double sets of accumulators. Water-tight compartments will be fitted along the sides of the vessel for over two-thirds of its length, while fuel tanks are to be placed in the center, one on each side.

His Third Getaway.

Andrew Jensen, who is charged with the theft of a wagon from a sheepman on Camas Prairie, is a lively chap. He escaped from his captors on the prairie, broke jail in Hailey later, and last Saturday made his third getaway.

Sheriff Williams having got on his track followed him to near the Nevada line, south of Hagerman, and brought him to the railroad. When he got aboard the cars, the sheriff kindly consented to take off the nippers, that the passengers might not know that the man was a jailbird. When near Gooding, Sheriff Williams went to get a drink, and on returning the bird had flown through the window.

It being night, the sheriff deemed it useless to stop the train, but as the train was going at least 30 miles an hour, Jensen must have been badly hurt or he is a very lucky chap.—Hailey Times.

Deseret News Holiday Edition.

The Christmas edition of the Deseret News of Salt Lake City was certainly a great paper. The issue was devoted to Idaho, Utah and Nevada—graphically proclaiming their resources, advantages and possibilities. Typographically, the paper was a beauty.

Gifts, pretty and cheap, at Woman's Exchange.

Nampa Postoffice Muddle.

Dispatches from Washington are to the effect that Congressman French has recommended V. T. Elver for postmaster at Nampa and that the recommendation was concurred in by Senator Heyburn. In view of the fact that Postmaster General Cortelyou has recommended Mr. Nettleton for re-appointment it looks as though there is going to be a lively tussle over the matter at Washington. Governor Gooding has been at Waseington this week and has thrown his influence towards Elver. Nampa Leader-Herald.

Caldwell Girl Married.

Wednesday occurred the marriage of Miss Julia Cooper, formerly of Caldwell, and Dr. Herbert M. Greene of LaCrosse, Wash., at Portland, Ore. Miss Cooper is a daughter of Mr. and Mrs. C. W. Cooper of this city. She lived here a number of years, and was very highly esteemed by the people of Caldwell. Dr. Greene is said to be a most estimable gentleman, and stands high in his profession. THE TRIBUNE extends congratulations.

New Postal Inspector.

Howard Shaffer of Johnsville, N. Y. and Frank H. Parr, two United States postoffice inspectors, were in Caldwell this week. They were here for the purpose of looking over the buildings offered for postoffice purposes. Some time ago the department asked for bids to furnish suitable buildings. Mr. Shaffer has been assigned to duty in this district to fill the vacancy caused by the resignation of Inspector Thomas J. Clark. He will have his headquarters at Boise. Mr. Parr has been on duty at Seattle. He was transferred to this territory and afterwards to Helena, Mont.

The Orations.

Elsewhere in this issue will be found the orations delivered by Messrs. Andrews, Kreider and Mitchell in the debate between the College of Idaho and the Boise High School, in which the College of Idaho won a decided victory. The debate will be found very interesting, especially at this time as railroad rates, rebates etc., are occupying the greater portion of the time and attention of Congress and the American people. The young men showed keen insight and great ability by the manner in which they handled the question.

Wagon Road Case Settled.

Judge Beatty handed down a decision on the exception to the answer filed in the case of Theodore N. Barnsdall vs. John T. Morrison, as governor and trustee, Monday. This is the Thunder Mountain wagon road case in which Mr. C. W. Cooper of this city was interested. The mine owners of the Thunder mountain mining district subscribed \$20,000 and the State appropriated an equal amount for the construc-

tion of the road. When the road was completed the State Board of Examiners allowed the claims of the contractors and Mr. Barnsdall brought the suit have the action of the Board reviewed.

The court holds: "As a general proposition it may be stated that no auditing board can allow claims contracted in direct violation of law, and when so done its action may in some way be reviewed; but when such board is given the power of auditing claims, in the absence of fraud or gross irregularity, its conclusions cannot be disturbed.

"The conclusion seems to be that there is no appeal from the decision of the board, and the most a court can do is to so far review its action as to recommend to the legislature a reversal thereof."

Sheepmen Appointed.

Wednesday, F. W. Gooding, president of the Idaho Wool Growers' Association, appointed Frank J. Hagenbarth of Spencer and P. G. Johnston of Blackfoot to serve with himself as a committee to go to Washington on the thirty-six hour question.

At the recent annual meeting of the association this committee was authorized, with instructions, that it should go to the national capital and endeavor to secure an amendment of the law which requires that sheep in transit shall not be kept in the cars more than twenty-eight hours at a time. The association wishes to have the time between feedings extended to thirty-six hours.

Cockran as Democratic Speaker.

It is said in Washington that Bourke Cockran of New York is endeavoring to become the leading democrat on the ways and means and means committee, with the view of ultimately becoming the speaker of the house, in the event the democrats win that body. He has made a specialty of the tariff and is highly equipped as a debater on that subject. The route for him is a long one, since his success depends, first, on the declination of Senator Money to again come to the senate from Mississippi. Should Money decline to run, then John Sharp Williams is to run to fill the seat vacated by Money. If Williams is elected over Vardaman, there will be a vacancy in the democratic leadership of the house. Then Mr. Cockran must win the leadership. Then the democrats must win the house. Then Cockran must win the speakership. It is truly a long route, but politicians never care for distances when they are after a nice thing like the speakership.—Lewiston Tribune.

Miss Ann Redway returned from Boise Wednesday after a pleasant visit with relatives and friends.

Mr. and Mrs. J. L. Magee left Monday for San Jose, California, where they will spend the winter.

The Caldwell-Boise interurban railway will be in operation by Christmas—to South Boise.

The little 6-year-old daughter of Mr. and Mrs. W. T. Howard died Wednesday after an illness of only a couple of days. The cause of death is unknown.

Prof. McEwen, the great hypnotist, will be in Caldwell Dec. 27, 28 and 29. This is Mr. McEwen's second trip to Caldwell, and those who witnessed his wonderful entertainment some years ago marveled at his wonderful powers. The entertainment will be both amusing and instructive.

H. N. Maxey was a visitor in the capital city yesterday from Caldwell. Mr. Maxey resided in Boise for a couple of years, having been janitor at the state house during the last administration. Mr. Maxey said Caldwell was booming ahead at a fine rate. Plans and specifications have been completed for a fine new city hall, work on the new county court house has commenced, the foundation being already built, and at the present time there are three business houses nearing completion. Altogether, said Mr. Maxey, the town is doing fine and everybody seems well satisfied.—Statesman.

GOVERNMENT PROJECT A GO

Latest Advances Indicate that Everything is Settled.

General rejoicing in this whole section resulted from the announcement Monday by Senator Dubois that all important obstacles had been removed from the way of the Boise-Payette government irrigation project; and that contracts for the work would be let in February. The details yet to be settled are of a local nature and if there remains any differences between private land owners and the government, which cannot be adjusted in a friendly way, they will be settled in the courts. The announcement shows that the government's plans have been greatly broadened. Secretary Hitchcock has signed the orders for contracts for constructing the Boise river dam, enlargement of the New York canal, its entire length to Indian Creek; construction of a canal from Indian creek to the proposed Deer Flat reservoir; and the construction of that reservoir.

Suspended Work.

The Shoshone Falls Power company has been obliged to temporarily suspend work on its plant on account of a cement famine. The company ordered five carloads of cement 60 days ago, anticipating that the amount on hand would last until the new supply arrived. The cars are not in sight, and until they come nothing further can be done. The material is all on the ground, with the exception of the huge outlet pipe, which is being unloaded in the Twin Falls yard. The supply of cement is expected daily.—Twin Falls News.

C. L. S. C. Program.

Roll call—Items of current interest relating to Italy.

Dante's Paradise—Mrs. Oakes. Poetry of Italy, Chap. 6. Quiz—Mrs. Groome.

Chap. 7. Quiz—Mrs. Dyer. Italian Cities, Chap. 8. Synopsis—Mrs. Christopher. Next meeting, Mrs. Dyer.

Talk about doing business! The TRIBUNE office is working night and day (part of the time) with a force of four men, two boys and a towel. Our type-setters are running almost continually and we are taking and getting out all the work that comes our way, and want more. We have just finished several books and can get out a few more in the next two weeks. Our force can take care of any number of half or full page ads, and consequently can accommodate all. We do not mention these things to boast, because we are naturally of a modest and retiring disposition, and a boast from us might make the towel standing in the corner of our press room faint.

Bound books and nursery books, sheet music and toys at Bolderston's, Saratogo block.

Grand Masque Ball

— AT —

Armory Hall, Monday Night, Dec. 25

1905