

The Big Horn County Rustler.

VOLUME XVI.

BASIN, BIG HORN COUNTY, WYO., THURSDAY, MAY 4, 1905.

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THE DISTRICT COURT.

Its Proceedings during the Week Briefly Noted.

Our story of the proceedings of the court was brought down last week to noon of Thursday, April 27, when the RUSTLER was issued. On the afternoon of that day the attention of the court was occupied with the hearing of the case of *H. L. Sweet vs. J. A. Crum*, for damages arising from an irrigating ditch located on Clark's Fork. After some discussion pro and con by the attorneys it was decided to take a change of venue to Sheridan county.

The divorce case of *Isophine Hewitt vs. Frank Hewitt* was next called and in many respects it proved to be the most interesting case of the session. A large volume of testimony of a racy character was introduced and the hearing was continued until a late hour in the evening. Judge Parmelee took the matter under advisement until the following morning.

FRIDAY, APRIL 28.

"After a careful consideration of the testimony offered in the Hewitt case," said Judge Parmelee when court was opened, "I have decided to deny Mrs. Hewitt's petition for a divorce." Some further legal conditions were prescribed for the actions of the unhappy couple and a jury was empaneled to listen to the hearing of the damage suit of *Mrs. Jennie Austin vs. Milo Burke*. This case took up a large part of the day, being warmly contested by the opposing counsel, and at a late hour in the afternoon it was given to the jury. The verdict was a costly victory for Mrs. Austin. She was awarded \$1 damages and the costs were equally divided between the defendant and plaintiff.

The final settlement of this case as outlined put an end, possibly, to one of the most noted suits at law that has ever been before the courts of this county. It was begun several years ago by the late A. S. Austin, who fought for a judgment with all the intensity of his nature. In the early inception of the dispute he became nearly involved in a tragedy with the late Pat Dowdell, who was then in the employ of Milo Burke. Shots with Winchester rifles were exchanged between them, and all kinds of trouble stirred up, in which the people along Tensleep took sides as their sympathies dictated. The disposal of the case closes an unhappy chapter of litigation in this county—it is hoped never and a day.

The next case taken up was the case of *Cody vs. H. W. Darrah*, the latter being charged with a violation of one of the water ordinances of that municipality. Cody was well represented by a large delegation of her citizens, and the case excited keen interest on the part of all who were involved in it. Mr. Darrah was represented by Messrs. Ridgeley & Van Horn, Cody by W. L. Walls. The defense maintained that the action brought against Mr. Darrah had been inspired by spite and malice and the jury after listening patiently to the evidence took this view of it, and acquitted Mr. Darrah of the offence charged against him. The verdict was received with great pleasure by all who had listened to the hearing of the case.

SATURDAY APRIL 29.

The proceedings on this day were rather listless in character, although they promised upon the opening of the court to be very interesting, the case of *J. L. Hart vs. the Cody-Meeteetse* stage line for \$15,000 damages being docketed for hearing by the jury that

had been selected. Hart claimed that he had received a broken leg through the careless driving of the stage company's employees, but when the case came up for action he was in no condition to appear and make good his contention, and it was dismissed on motion of the plaintiff's attorneys.

MONDAY, MAY 1.

The forenoon of this day was taken up with the hearing of a civil action by *John Brannum vs. John W. Chapman*. Decision was in favor of Brannum who was awarded \$24.00 damages.

In the afternoon the case of *Dr. R. W. Hale vs. W. G. Cowthorp* in a suit for debt came up before a jury. Verdict was rendered in favor of the defendant.

TUESDAY, MAY 2.

A heavy rain was falling when court was opened on the morning of this day, and it served to dampen the interest in the court's proceedings, which were uninteresting.

The afternoon of this day was devoted to the hearing of the case of *the Goodman Brothers, Henry J. and F. A. against the town of Cody* for damages. After listening to the evidence Judge Parmelee administered a kindly rebuke to the litigants and reserved his decision in the hope he said that the matter would be settled amicably outside of court.

WEDNESDAY, MAY 3.

A dull day in court. The case of *L. A. Gantz vs. George Crosby* was heard and a decision rendered in favor of the latter.

Frank McAndrews, convicted of grand larceny, was brought before Judge Parmelee and sentenced to 18 months in the Rawlins penitentiary.

Albert French, who had pleaded guilty to forgery was given one year's confinement at the same place. These matters being disposed of the case of *James F. Oliver vs. W. F. Cody* involving a financial dispute was taken up. The case was still on as we went to press this morning, and it will continue during the day, and will close this sitting of the court.

GENERAL COMMENT

All cases in the district court seemed to have at least some merit except the cases from Cody. First, the criminal suit of the *Town of Cody vs. H. W. Darrah* from all the evidence in the case and from the instructions of the Judge were simply child's play and spite work.

The mandamus suit of *H. J. and Findlay Goodman* was not decided but the Judge lectured the officers soundly and told them to get home and fix this matter up so that he would not be under the necessity of ordering them to do so.

The damage suit was dismissed without prejudice to the plaintiffs, so that the matter can again be brought into court with additional damages, which undoubtedly will be done at the next term of court.

While in Billings, Supervising Engineer Savage of the reclamation department told a reporter that the work on the Shoshone reservoir dam above Cody would soon be started. "This structure," he said, will extend across the river about six miles above Cody and will be about 300 feet in height. A tunnel is located near Corbet by which the water can be diverted so as to cover the 80,000-acre tract lying below that point. Another canal and tunnel will give a high line ditch farther up the river by which a 40,000-acre tract is reached."

Riverside Barn for the famous Rawleigh goods.
When you come to town stop in at Tom Kennedy's.

LOCAL MENTION

Basin Hardware Co. for alfalfa seed.

A party of Basinites enjoyed a fishing excursion to Shell this week, and caught several trout.

Tom Kennedy keeps the best brands of liquors and cigars. Give him a trial.

Another fine safe was added to the fixtures of the banking house of the State Loan and Trust Company this week.

Prices to suit the buyer at Black's in harness, saddles and canvass goods.

Mrs. A. W. Sefton will leave Basin on Saturday with her son Karl to join her husband, former editor of this paper, in Nebraska.

Have your horses shod and clipped at the Flagstaff shop.

W. U. Loveland is erecting a dwelling in the northern part of Basin on a lot formerly by Henry Hale, who has removed to Emporia, Va.

All harness sold by me will be guaranteed not to rip for one year. F. E. JUDKINS, Basin, a204t Wyo.

An irrigating ditch is being taken out of the Big Horn a short distance above the mouth of Owl Creek which will water 2,000 acres of land.

Messrs. Bishir and Shaver have opened a blacksmith shop at the old shop formerly occupied by C. D. Markham. They solicit a share of your patronage.

The heaviest rainfall the Basin country has known in over a year occurred on Tuesday last. It was general all over the country, and of inestimable value.

A large line of beautiful millinery. Latest styles in ladies', misses, and children's head gear. Hats trimmed to order.

MRS. ZALIDA ROBERTSON.

Sheriff Fenton and family leaves Basin on Friday morning for Fort Collins, Colo., where they will visit with relatives. The sheriff's stay will be brief.

If you have a farm or any kind of real estate which you desire to sell, it will pay you to list it with Blake's Land Agency. If you do so you will receive fair and honest treatment and your property will be sold to good buyers at good prices at a reasonable commission. Don't wait, but list it now.

Office with Blake & Lonabaugh, Basin, Wyo.

The Judkins ranch, on the Big Horn below Basin was sold last week to eastern parties for \$2,000. It was one of the first ranches taken up in this vicinity.

We are prepared to make estimates on any class of carpenter work, both large or small. Our work is our standing advertisement. Give us a trial.

HIME & HIME.

William O'Toole disposed of his interest in the Basin mercantile establishment managed by O'Toole & Linnabary to C. B. Kershner of Shell creek this week.

Do you want a good drink? Try Maryland Rye at Tom Kennedy's.

Mrs. Josiah Cook has been confined to her home in Basin with a severe case of sickness, which threatened at times to result seriously. She is now improving slightly.

See our line of millinery—Cooks.

Rev. E. W. Mecum will preach next Saturday evening at the Null school house; on Sunday morning at the Whaley school house and Sunday evening at the Shell Church.

First-class horseshoeing a specialty at Markham's Flagstaff shop.

The Schubert Musical Club met Tuesday evening with Mrs. E. W. Mecum. The program was given by Mrs. J. J. Fenton and Miss Verna who departs for Colorado Friday morning.

On or about May 1st I will receive a complete stock of wall-paper and paints. Now is the time to paper and paint. Give me a trial. Satisfaction guaranteed. R. M. ELLIS.

The many friends of George Able, in the southern part of the county, will regret to learn of his death, which occurred recently in South Dakota. He formerly resided at Hyattville.

Money to loan on short time.—C. C. Ellis & Son.

A land slide along the line of the Bluff Canal a few miles south of Worland has temporarily impaired the usefulness of that waterway. The damage will be repaired immediately.

A change was made in the management of the Mountain View Hotel on Tuesday, Zelotes Wilson retiring, and Walter Brown and brother, late arrivals from Iowa taking charge.

A lawsuit involving the ownership of four head of cattle between C. B. Kershner and W. T. Porter was tried before Justice Robertson in Basin on Monday evening. Judgment was rendered in favor of Kershner.

Rawleigh's goods on sale at the Riverside Barn.

Miss Chloe Taylor, of Basin, daughter of Mr. and Mrs. "Cap" Taylor, of Shell Creek, has been nominated as one of Big Horn County's most popular young ladies for the pleasure of a free trip to the Portland fair, offered by the Sheridan Post.

Professor Bryant and Mrs. Nella Campbell teachers of the academic and primary departments of the Basin public school are arranging to have their pupils give a literary entertainment in Fraternity Hall on the evening of May 5, and a pleasing program is being prepared.

At a meeting of the people of Basin last Monday George Mead was elected a member of the school board of this precinct to take the place of George W. Richardson.

Mrs. Cora Gordon and William O'Toole left Basin on Wednesday's stage, the former going to the Pacific coast, the latter to eastern points.

J. C. Scott is the only man in the market for hides all kinds.

The people of Basin, assisted by many from all over the county, enjoyed a merry dance in Fraternity Hall last Monday evening, the Blakesley silver stringed orchestra furnishing the music, which was superb. Mr. Blakesley's exquisite violin execution and Mrs. Campbell's playing of the piano was ravishingly delightful.

A first-class horse clipping machine has been installed in Markham's Flagstaff blacksmith shop.

The special meetings held at the Baptist Church last week were of deep interest and great profit. Rev. W. E. Sawyer, of Denver, Colo., who conducted the services is a sweet-spirited, great-hearted, enthusiastic speaker, practical and scriptural, and withal a man of high intelligence, clear vision and wide experience. The Big Horn Basin appreciates such men.

The Shaffer Hardware and Lumber Co., are just now receiving a well selected stock of lumber, lath, shingles, sash doors and screen doors. They will soon be prepared to furnish anything in that line the people may want. They

also have a car of barbed wire coming in a few days and expect to sell it at R. R. prices. Do not go to the railroad for your building material as they buy in car lots and can save you money.

Dr. G. W. Walker, of Hyattville is showing more than ordinary skill in treating difficult eye affections for a physician in a remote location such as Hyattville. He has lately done quite successfully some operations for cross-eyes and other operations requiring entering the eye-ball, which cases by their favorable ending demonstrate that he certainly should be classed among specialists in eye cases.

AT REST.

A Grand Old Pioneer Dies in Basin.

Green be the turf above thee.
Friend of our better days,
None knew thee but to love thee,
None named thee but to praise.

On Wednesday morning at 6:30 o'clock Albert A. Conant (Pap) peacefully passed into eternal sleep at the Mountain View Hotel, where he had been brought from Bonanza to be placed under medical care. Mr. Conant was one of Wyoming's most notable pioneer characters, and all who knew him within the State—and they are legion—venerated him for his many stalwart virtues and attributes.

He was born nearly 68 years ago in Oneida County, New York, near the manufacturing town known as Cohoes, and a part of his boyhood days was spent in its cotton factories. When 17 years of age he moved with his parents to southern Michigan. At the breaking out of the war of the rebellion he responded to President Lincoln's call for troops, and participated in the first battle of Bull Run, sharing in the disasters which befel the Federal soldiers in that engagement. In the battle of Fair Oaks, which occurred on May 31 and June 1, 1862, he received a bullet wound in his right hand while gallantly charging a Confederate stronghold, which shattered that member and made him a cripple for life. Being incapacitated for further service he was given an honorable discharge, and returned to his Michigan home. Shortly afterward he came to the Dakotas, and when Wyoming Territory was created out of them he came into it, and for several years followed the wild, free life of a trapper, hunter and prospector, participating in many stirring incidents of the early history of this State. He was one of the founders of the town of Lander, and lived there many years.

In 1872 he paid his first visit to the Basin country as a prospector, and was so deeply impressed with its latent resources that he resolved to identify his fortunes with it, and did so in the early '80's, taking up his residence temporarily on Paint Rock and Medicine Lodge Creeks. Later he became identified with John Booth and W. S. Collins in the oil resources around the town of Bonanza, of which he was the founder. He was directly identified with the establishment of this paper at that point erecting and donating to its founder, J. N. DeBarthe, the cabin close to the Nowood's left bank from which its first issue was made.

Mr. Conant was ever active in making his surroundings better for himself and his fellows, and it can be truly said of him that he "did good by stealth and blushed to find it fame," for like all noble characters he was extremely modest. Entirely unselfish, generous to a fault, almost, he lived and died one of God's noblemen. Farewell, old friend, farewell.

Mark H. Warner, Chairman.
Attest: FRANK I. RUE, Clerk.
By R. B. HERON, Deputy.

Somewhere in the serene future spanned by eternity we'll meet again—above the clouds.

It was Mr. Conant's request a short time previous to his death that his burial take place at Bonanza, and it was decided before taking his body there to hold funeral services in the Baptist church. Last evening that edifice was literally packed, nearly all of the business houses in Basin having been closed in deference to his memory. The Rev. E. W. Mecum officiated and paid a touching tribute to the grand old man dead, who in life had held so warm a place in the affections of the people of this county and state. The services were short and impressive, and the grief manifested for the loss of the revered old pioneer was sincere and universal. His body was left in the church during the night in charge of loving attendants. It was taken this morning to Bonanza, where it will be buried on the hill west of that town. "After life's fitful fever, he sleeps well," amid the surroundings he loved.

Commissioners' Proceedings.

COUNTY CLERK'S OFFICE.
BASIN, WYO., May 1, 1905.
Board met in regular session at 8 o'clock a. m., present full board.
Those roads on Shell creek advertised last meeting, are hereby allowed final and declared county roads.
Road advertised last meeting in sec. 2, tp. 52 n., r. 97 w., not allowed.
Comes now J. H. Prettyman and Will Dobson and petition for county road from a point on Burlington-Meeteetse county road to the southwest corner of nw 1/4 sec. 1 sec. 35, tp. 52 n., r. 97 w., thence due south one mile to sw corner of nw 1/4 of sec. 2, tp. 51 n., r. 97 w., thence west one-fourth mile, thence south about 20 rods to intersect old river road. Same considered and ordered advertised.

Comes now Sheriff J. J. Fenton and tenders horse inspection for April, with check for \$8.80. Same considered and ordered filed.
Following bonds approved: Chas. A. Monk, road supervisor district No. 13, with O. B. Mann and D. H. Wilson as sureties.
Time limit for bond of Josiah J. Davis, road supervisor of Painter precinct, expired and appointment revoked.

A. J. Beem is hereby appointed road supervisor, Painter precinct.
Upon the accepted resignation of S. E. Maxson, C. R. Nicholson, is hereby appointed road supervisor for district No. 12.

The following liquor licenses allowed second time: Buffalo Creek Co., nw: 1 nw. 1 sec. 23, tp. 43 n., r. 86 w., J. M. Schwoob, adm., Cody, Meyers & Co., Burlington. Robert Godfrey, Lovell. Smith & Eckard, Cody. Jas. L. Wilcox, Cody.

Following liquor license allowed first time: Henry River, nw. 1/4 sec. 27, tp. 48 n., r. 101 w., Payne & McGlashan, nw. 1/4 sec. 23, tp. 52 n., r. 103 w., Etta Feeley, lots 7, 8, 9 and 10, block 1, Cody. Thomas Kennedy, lot 3, block 36, Basin.

Following rebate not allowed: Chas. Lufkin, district 22, \$33.72

Following rebates allowed:
Rolla Wilcox, dist. 22, 2 school polls 1903, 1904.....\$ 4 00
W. W. Bennett, dist. 22, 1 school poll 1904..... 2 00
W. O. Moon, dist. 5, 1 road poll, 1 school poll 1904..... 4 00
T. E. Frasure, dist. 24, personal property 1905..... 12 49
S. H. Gilbreth, dist. 34, p. p. \$13.16 school poll 1904..... 15 16
W. A. Arnold, dist. 52, p. p. 1904..... 7 80
Brown & Okie, dist. 9, 2 school polls 1904..... 4 00
B. F. Feckel, dist. 22, 2 school polls 1904..... 4 00
Sarah C. Dirham, dist. 32, 1 school poll..... 2 00
J. F. Bartlett, 1 school 1 road poll dist. 30, 1904..... 4 00
B. J. Brower, dist. 12, 1 school poll 1904..... 2 00
Bond of William Booth, school treasurer district 10, with John Seaman and W. E. Taylor as sureties, approved.

Board adjourned to meet in regular session May 3, 1905, at 9 o'clock a. m.
MARK H. WARNER,
Chairman.

Attest: FRANK I. RUE, Clerk.
By R. B. HERON, Deputy.