Idaho World.

SATURDAY, DECEMBER 10, 1864.

— The mountains—they proclaim
The everlasting creed of Liberty!"
That creed is written on the untrampled snow,
Thunder'd by torrents which no power can hold,
Save that of God when he sends forth his cold,
And breath'd by winds that through the free heaven blow.

A VALUABLE CLAIM.—Messrs. McKay, Allis and Murray have recently purchased the claims owned by Steel & Co., on Orleans Bar, Pioneer City, paying $4600.

RAIN IN CALIFORNIA.—The California papers are gleefully welcoming the showers which have been pouring down on the plains and hills, desolated with nearly two years of drought.

PERSONS desiring to send home to the Eastern or Pacific States copies of the WORLD, will always find them on Saturday morning at this office folded and wrapped and ready for the mail.

SANITARY MEETING.

The Regular Monthly Meeting of the Idaho City Soldiers' Relief Society will be held at the Baptist Church, on Commercial street, on next Monday evening, December 12th, at 7 o'clock, P. M. An address will be delivered by John C. Henley, Esq. A general attendance is requested.

MRS. JONAS W. BROWN, Secretary.

ROBBERY.—We understand that a man from Payette was lately robbed of forty dollars in an unscrupulous manner. Two men came to his cabin, and one of them deliberately knocked him down with the butt end of his pistol, and took all the money that could be found. We did not learn the names of any of the parties. Two Constables from Pioneer visited that section soon after, but did not make any arrests.

WILL RETURN.—We learn that the dramatic veteran, Mr. J. S. Potter, will return here in March with a No. 1 company. Mr. Potter's troupe was successful last season in achieving a lasting reputation here, and his return, with a good company, will be anticipated with impatience by the people of Boise Basin. Mrs. Hayne, Mrs. Getzler, and other favorite artistes are connected with Mr. Potter's troupe, and are now performing at Portland.

THE Statesman says the hurdies are all black. We have never seen one in the Territory, but learn from those who have, that they are from Germany, and are of the same color as the editor of that paper. If that is BLACK, we have nothing to say about it, as far as the Statesman is concerned, but hundreds of our citizens whose fathers and mothers are waiting for their wandering sons and daughters to return to the sunny banks of the Oder, the Elbe, and the Rhine, do not feel very highly complimented by the Statesman's slurs on their complexion.

REPRESENTATION FROM IDAHO CITY.—Idaho city appears to be well represented in both branches of the Legislature. In the Council Hon. Jos. Miller is Chairman of Committee on Judiciary, the most important position in that Chamber. As a legislator he is prompt and active. In the Assembly, Hon. John B. Pierce, also of this town, is a member of most of the committees, and an indefatigable worker—clear headed, attentive and industrious, he wields a powerful influence. His long and intimate acquaintance with the wants of his constituents, affords him an ample field in which to accomplish much good for those whom he represents.

THE EASTERN ELECTIONS.—Why don't we hear from the Eastern Elections? is becoming a very frequent question. The telegraph continues dumb. Although a month has elapsed since the election, we have no definite knowledge of any one State. Considerable money is depending in this county upon the result in several States, and the parties would like the matter settled. Perhaps the loyal supporters of the Administration are too busily employed in still voting a few thousand dead and deserted men, who were accidentally forgotten on the 8th of November.

THE STATESMAN'S PROPERTY.—The editor of the Boise Statesman fills nearly one half of his last Saturday's issue with hurdy gurdy matters. Hurdies are evidently an important institution with the Statesman editor, and a subject upon which he is capable of treating. Hurdies are evidently his peculiar weakness. We leave that elevated and refined subject exclusively in his possession, subject to the learned disquisitions of one so much interested in it. We are of the opinion that hurdy gurdies should be taxed like any other business, and when the Legislature makes any provision requiring them to pay a license, and they refuse to do it, it will be ample time for such uncalled for attacks as were made upon them by the Statesman. Until then the public fails to see what business it is to the editor of that paper, whether they live in the front or the "rear" of their "houses," or on "cheap" or dear "plunder," or what their peculiar "color" may be, unless the Statesman is the HURDY GURDY REGULATOR.

A CASE OF JEALOUSY.

Had we been requested three weeks ago to locate the next Copperhead triumph, we should have unhesitatingly given the preference to Idaho Territory. It is overrun with thieves, gamblers, highwaymen, guerrillas and murderers. It is the home of the outlaw, the paradise of crime, the lair of the escaped convicts of every State. Outside of the confines of the lower regions, better material for the formation of a Peace Democratic party cannot be found than Idaho.

We publish the foregoing from the Virginia Enterprise, as a sample of what we see in nearly every paper published in the State of Nevada. California papers also very frequently indulge in a similar strain of ignorance, falsehood and folly. The cause of most of these idle denunciations is found in the supposrd collision of interests between this Territory and those States. California dreads the annual deportation of its most enterprising citizens; and Nevada welters in mortification and furious, unreasonable jealousy, because Idaho has surpassed it in general prosperity. While the silver mines of Nevada have proved the sepulcher of thousands of fortunes, and the ruin of crowds of hopeful men, Idaho has sent forth a constant stream of the precious metals, enriching its citizens, gilding its reputation, and building up the Territory upon substantial foundations. During the past year Nevada has "caved in"—its mining stocks have fallen from thousands of dollars to thousands of cents—its towns have decayed—and a large portion of its former population have left the country in huge disgust. Over all Nevada there hangs a cloud of despondency. Capital! Capital!! Capital!!!—the wailing cry comes from every paper we pick up, from every letter we receive from its desert wastes. We pity their distress, but cannot excuse their malignity.

The fact plainly told, is, that Idaho is a better country now than Nevada ever has been or ever will be. In silver ledges it equals, if it does not excel Nevada; in gold ledges it has no equal; in placer diggings, it is second only to California in its best days. Gold and silver ledges crop out from every mountain, and the debris enrich every stream. The man who could starve to death in Nevada, here has fortune's door left wide open for his entrance.

A California paper calls Idaho "a frozen, desolate country, fit only to emigrate from—a country overrun with outlaws and Vigilance Committees." People who live here will scarcely recognize the picture, but they will pretty likely set down the author of the extract as an "egregious ass." The winters in Idaho are no worse than the winters in the mountains of California. The climate is healthy, the seasons pleasant, and more of its people are contented with their present resources and future prospects than can be found in any other portion of the Union.

In morality, Idaho will compare favorably with either Nevada or California. There has been more murders, robberies, and crimes of every character committed in either of those States during the past year than in this Territory—and we would be safe in saying there has been quadruple the number. There is not now, nor has there ever been, a Vigilance Committee within the present limits of Idaho Territory—nor has there ever been cause for one. There never has been a community thrown together suddenly and from all quarters as this was, which can present as creditable a record; none in which peace has been better preserved. Although there were no printed copies of the laws of this Territory obtainable until within a few months, the people have obeyed the laws in spirit and letter.

The predominance of the Democratic party here has been made an excuse for a new outpouring of vituperation and falsehood by the those States. As in the foregoing extracts, the abuse is wholesale, including as murderers, thieves and outcasts the whole of the Republican party as well as the balance of of the community. That party in Idaho Territory is fully the equal in intellect and virtue, and every other quality of manhood or womanhood, to the fraternity in Nevada or California. The Republicans of Idaho are no more outlaws than the Republicans in any other country: and as for the components of the Democratic party here, they are fully able to hold their own with any men, of any class, in any country, in everything pertaining to a civilized, refined and Christian community.

In conclusion, we say to these malignant slanderers, shoot your puny arrows at the sun of Idaho. He will vindicate us hereafter as heretofore by blinding you with the dazzling, resplendent rays of enduring prosperity.

AT ROCKY BAR the snow is said to be about three and a half feet deep. All the arastras have stopped work. The Idaho mill will be in operation in two weeks. There is a prospect that provisions will be short in that camp before Spring. The flour in camp will last but a few weeks.

A NUGGET.—Smith & Co., working their claims on Grimes' creek above Pioneer City, recently took out a specimen weighing over forty ounces. It is the largest piece ever taken out of the creek. Pieces weighing sixteen or eighteen ounces have frequently been taken out, but this leads them all.

ARE GREENBACKS A LEGAL TENDER FOR TAXES?

DECISION OF JUSTICE WALKER.

In the case of the People vs. Kelley, the complaint charges that the Defendant sold liquor at his fixed place of business in Idaho city, in less quantities than one quart, without first obtaining a license therefor, as required by law. The Defendant admits the facts set forth in the complaint, but says that he tendered the amount of the license in "United States notes," which the Collector refused to receive.

The Prosecution admits the tender, but claims that "United States notes" are not a legal tender for "license tax."

In passing upon this question, it is not my province to inquire whether the Act of Congress, passed February 25th, 1862, creating "United States notes," and making them a legal tender in payment of debt, is Constitutial or not. But the question to be determined is, did Congress intend to include taxes due the county and Territory? in saying that such notes should "be lawful money and "a legal tender in payment of all debts, PUBLIC and PRIVATE, within the United States." We do not think the act has reference to taxes levied for local purposes. It only speaks of taxes due the United States, and distinguishes between them and debts. Its language is—"for all taxes, internal duties, excises, debts and demands of every kind due to the United States."

We are to consider first, whether a tax is a debt, and second, whether a license is a tax.

The Supreme Court of California, in passing upon this question, used the following language, to wit:

"A debt is a sum of money due by contract, expressed or implied. A tax is a charge upon persons or property, to raise money for public purposes. It is not founded upon contract; it does not establish the relation of debtor and creditor between the tax payer and State; it does not draw interest; it is not the subject of attachment, and it is not liable to set-off; it owes its existence to the action of the legislative power, and does not depend for its validity or enforcement upon the individual assent of the tax payer."

For this distinction between debts and taxes, the following cases are referred to by the Court: "The City of Camden vs. Allen, (2d Dutcher's, New Jersey R., 398); Pierce vs. the City of Boston, (2d Met., 520); and Shaw vs. Pickett, (22th Vt., 428." And the Court further remarks on this subject, that: "The term debt, it is true, is popularly used in a far more comprehensive sense, as embracing not merely money due by contract, but whatever one is bound to render to another, whether from contract or the requirements of the law. But the legal technical meaning of the term as used in Statutes, and in the Constitutions both of this State and of the United States, is as we have defined it. No one would pretend that an act providing for the collection of debt would include by force merely of the term debts, the collection of taxes also."

The Court, in concluding the subject, says the question is:

"What did Congress intend by the act under consideration? Upon this question we are clear that it only intended, by the terms DEBTS, PUBLIC and PRIVATE, such obligations for the payment of money as are founded on contract."—[20 Cal., p. 358.

These are some of the reasons which have impelled us to believe that Congress did not intend that "United States notes" should be a legal tender in payment of taxes for county and Territorial purposes. Another reason is that, the County, State, or Territory, depend upon local rules or laws to raise money to defray their current expenses, and it certainly would be unwise and impolitic in Congress to pass an act which might prevent the County and Territory from obtaining the means to continue their organization, by enabling the tax payer to discharge his obligation to the County and Territory in a depreciated currency, which he would not receive at par for his labor or his wares, and the result would be that, he who furnished raw material or labor for the public, would do so at his own expense; or, in other words, it would be greenbacks from the public and gold dust from the individual. We can hardly believe that such was the intention of the act creating "United States notes," and we therefore conclude that the act does not refer to taxes levied for county and Territorial purposes.

We have now reached the second subject, to wit:

Can a License be considered a tax? The Statutes of this Territory use the term "License tax," therefore, whether the common law, or the writers on the subject, treat license as a tax or not, the language of our own statutes fully settles the question that a license is a tax.

We are unable to see the distinction drawn between taxes levied under the laws of a State and those of a Territory, as Congress has granted to the Territorial Legislature the right to legislate upen all local matters, subject only to the Constitution of the United States and the Organic Act of the Territory. After a full examination of all the questions involved in this case, it is adjudged by the Justice that the Defendant is guilty, as charged in the complaint, and that he pay a fine of ten dollars, and costs of suit, amounting to the sum of twenty-four dollars and fifty cents.

CHARLES WALKER,
Justice of the Peace.

Idaho City, December 6th, 1864.

LETTER FROM ROCKY BAR.

ROCKY BAR, ALTURAS COUNTY,
Nov. 23d, 1864.

A RUSH FOR YUBA.

ED. WORLD.—Last week quite an excitement started up regarding the Yuba District silver quartz ledges. The following are the names: Clarinda, Jessie Benton, Gray Eagle, Eclipse, Lucy Phillips, John Barcombe, &c. I am informed that Mr. Rossi, of your town, has declared the Clarinda to be very rich so far as he assayed it. The great part of the rush took place on Saturday last, when Messrs. Fox, Cartee, Niles, Scranton, Fisher, Johnston, Truesdale, and about fifteen others, started to find and locate silver quartz claims. Each seemed to think he was about to find "something good," and all were in high glee.

A SKETCH.

Monsieur Le Baume, our County Surveyor elect, sketched the interesting group, and drew in his imagination the foot-weary prospectors arriving at their destination and in sight of the quartz ledges. In the advance was Mr. Fisher riding his mule and Mr. Cartee helping himself up the steep mountain side by holding on to said mule's tail; a little behind was Mr. Truesdale fatigued and plodding and stumbling, whilst Mr. Chamberlain makes use of him as a foot-stool to help him over a slight elevation of the ground; at the foot of the hill is our worthy Squire and Dr., W. H. Niles, on the flat of his back. I learn that the intention is to send the sketch to California, that it may be photographed as a Carte de Visite.

NEW APPOINTMENTS.

At a meeting of the Board of Commissioners, on the 21st inst., Dr. W. H. Niles was appointed Justice of the Peace, vice H. O. Rogers resigned and gone to Lewiston as the candidate of the Republican party for the Council; and George E. Chamberlain Treasurer, vice H. G. Fields resigned. Both appointments are excellent and could not be bettered here.

QUARTZ AND THE ARASTRAS.

Some new quartz ledges have lately been found in this neighborhood, and are spoken of as of fair width and quality, but as yet I have not full particulars. Nearly all of the arastras are laid up for Winter, but the last few days have been mild and now there is every appearance of snow.

ITEMS.

The Idaho Company's mill is rapidly progressing, and out buildings rise in a day. They are evidently an enterprising set of men.

Dr. Josiah Franklin, late of Yreka, Cal., died last Sunday, of pleurisy, after two day's illness.

The more I see of this camp the more I become convinced that all that is required is capital to assist the enterprise of the citizens of this place. Yours respectfully,

ALASTOR.

MEETING.

At a meeting of the of the members of the Idaho City Philharmonic Society, held at Tom Prior's Saloon, on Wednesday evening, December 7th, A. D. 1864, at eight o'clock P. M., precisely, the following, among other proceedings, were had:

Upon motion, James Ruse, Esq., was unanimously elected President pro tem, and A. Mitchell, Esq., Secretary. Upon motion, a Constitution and By-Laws were adopted. Upon motion, Thomas Prior, Esq., was elected Steward, and Robert Murray, Esq., Treasurer of said Society. Upon motion, the following named gentlemen were unanimously elected members of said Society: Joseph Mabbott, James Ruse, K. P. Lovelock, Peter Rush, Frank Miller, W. H. Gibbons, Thomas Prior, A. Mitchell, and others. Upon motion, it was unanimously resolved that the regular meetings of said Society shall take place at the hour of eight o'clock, P. M., on Wednesday and Sunday evenings of each week hereafter. All members of said Society, in good standing, are hereby notified to be in attendance under pains and penalties of negligence.

A FUNDING ACT.—Hon. John B. Pierce has introduced a bill in the Assembly to provide for the funding of the debt of Boise county. This is a very important bill—and one which will meet with the approbation of nine tenths, if not all of the tax payers of Boise county. The county is now floundering in a pit of indebtedness as redemptionless as that which separated Lazarus from the bosom of Abraham, and unless something is done county scrip will soon be worthless, and the county bankrupt. The county expenditures should be kept within its revenues, and a fund set apart for the gradual redemption of the present indebtedness. Nearly all of the counties in California have adopted a similar provision as the only life-preserver left for their salvation, and the sooner it is done here the better for the people.

THE SPECIFIC CONTRACT ACT passed both houses of the Legislature about ten days ago, and has gone to the Governor for his signature. Only two votes were recorded against it in the House, and one in the Council. The bill should receive the approbation of the Governor, for it would do much to promote security among business men, enabling them to transact business, and enter into contracts with a full understanding of future responsibility.

CORRESPONDENTS.—"Once a Week" writes a very full and interesting letter this week from Owyhee. It is the best description of the ledges there, and the country, that has ever been written. Rocky Bar and Silver City correspondents also post us on the affairs of their respective localities.

DIED:

On November 30th, 1864, at Rocky Bar, Alturas county, I. T., JOSIAH FRANKLIN, aged 56 years; formerly a resident of Yreka, California. A native of Virginia.

Nevada papers please copy.

At Rocky Bar, Alturas county, on the 28th ult., A. G. ANNIBAL, (late of Gustavis county, Ohio,) aged 48 years.

Ohio papers please copy.

At Buena Vista Bar, Dec. 1st, wife of JACOB WECKERT, aged 29 years. Deceased was a native of Bavaria, Germany.

At the residence of his brother, Col. W. POWELL, A[illegible]tant-General of Upper Canada, in Port Dover, on the 22d ultimo, Mr. GEORGE POWELL, aged 22 years.—[Victoria Chronicle, Nov. 15th.

The deceased was a brother of Edwin Powell, of the firm of Powell & Co., of this city.

New this Week.

DANCING SCHOOL!
.....AT.....
MAGNOLIA HALL!
MR. GEO. W. BROWER

WOULD ANNOUNCE TO THE LADIES AND GENTlemen of Idaho city and vicinity, that his School for Instruction in all the Fancy Dances, and Waltzes, is now open.

Gentlemen's class every Wednesday and Saturday from 7 to 10 o'clock, P. M.
Class for Ladies every Wednesday afternoon at 2 o'clock.
Assemblies every Monday evening. 7tf.

DR. JAMES HEALY,
PHYSICIAN AND SURGEON.
Office at McGlinchy's Old Store,
MONTGOMERY STREET, IDAHO CITY.
[n7tf]

OCCIDENTAL HOTEL!
Montgomery Street, Three Doors above Wall,
IDAHO CITY.
—0—

THE comestible department of this house has changed hands during the winter months. The sleeping department, as heretofore, under the management of Col. White. The Proprietor solicits a continuation of its old patrons, as well as the public generally. No pains will be spared to render guests comfortable and give the most fastidious perfect satisfaction. Meals can be obtained at all hours. Comfortable rooms, a well supplied table, and good beds are among the inducements offered at this hotel.

Board per week.....$12 00
" " " with Lodging..... 17 00
B. ELSHORST, Proprietor.
Idaho city, December 16, 1864. 7tf

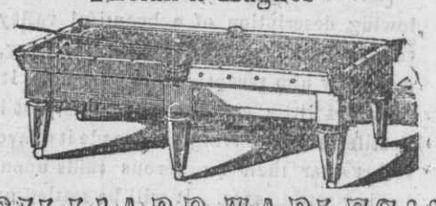
MASONIC BALL!
GIVEN ON
ST. JOHN'S DAY.
DECEMBER 27TH, 1864,
—AT—
MAGNOLIA HALL,
IDAHO CITY.

All brethren in good standing are specially invited to attend.

Music by Barney's Quadrille Band.
Supper will be served at the Washoe Restaurant.

COMMITTEE OF ARRANGEMENTS:
J. R. Totman, Dr. Raymond, S. Wertime.
[7td]

Phelan & Hughes'



BILLIARD TABLES!!
—0—
James Graham, at Pioneer City,

HAS been appointed Territorial Agent for these celebrated Billiard Tables, and is authorized to receive and execute all orders for the Tables, or any of the Fixtures belonging to them. Two of these tables can be seen at GRAHAM'S BILLIARD SALOON, Pioneer city. They will be furnished in this Territory, on application to the Undersigned, at San Francisco prices, with freight additional. 7m3 JAMES GRAHAM.

Notice of Dissolution.

THE Partnership heretofore existing between James Madigan, Cosgrove & Sheehy, and Jno. M. Cannady, doing general merchandise business at Pioneer City, I. T., under the firm name of Cannady & Co., is this day dissolved, Messrs. Cosgrove & Sheehy withdrawing from the concern. The business will hereafter be carried on by James Madigan and John M. Cannady, who, alone, are authorized to collect all debts, and are responsible for the indebtedness of the late firm.

JAMES MADIGAN,
COSGROVE & SHEEHY,
JOHN M. CANNADY.

Pioneer city, I. T., December 5th, 1864. 7w4*

SUMMONS.

TERRITORY OF IDAHO, } SS.
County of Alturas. }

In Justices Court before H. W. Niles, Justice of the Peace.

McCall & Fisher, plaintiffs, vs. W. Willey, W. Piper and L. Hartwig, defendants.

To W. Wiley; WHEREAS McCall & Fisher have this day filed a complaint in writing, under oath, for an indebtedness of one hundred dollars, balance due on settlement.

YOU are, therefore, in the name of the people of the United States, in the Territory of Idaho, hereby summoned to be and appear before me, at my office, in Rocky Bar, Alturas county, on the 5th day of January, A. D., 1865, at 11 o'clock of the forenoon of said day, to answer said complaint, or judgment will be rendered against you for the sum of one hundred dollars and the costs of suit.

Given under my hand this 28th day of November, A. D., 1864. (Signed) H. W. NILES,
Justice of the Peace.

I hereby certify that the foregoing is a true copy of the original summons in the above entitled cause, and placed in my hands this 28th day of November, A. D., 1864. JOHN G. HOWELL,
Sheriff of Alturas county.

It being made satisfactorily to appear to me that the above named defendant, W. Wiley, has left this Territory, and it also appearing satisfactorily to me that a good cause of action exists by said plaintiffs against said defendants, it is, therefore, ordered that the said summons in respect to said defendant, W. Wiley, be published for four consecutive weeks in the Idaho WORLD, a newspaper published in Idaho city, Idaho Territory, and it is further ordered that a copy of said summons be sent by mail to said W. Wiley.

Given under my hand this 28th day of November, A. D., 1864. H. W. NILES,
Justice of the Peace.

Margary & O'Co[illegible] Att'ys for plaintiffs.

J. [illegible] AFER,

ATTORN[illegible] Office—on the east side [illegible] the northeast corne[illegible]'s, and on door [illegible] City.