THE MONTANA POST.

D. W. TILTON, & CO., Editors & Proprietors.

"My Country, May she Always be right, But My Country, Right or Wrong."

VOL. 1. TERMS:--$7,50 Per Year in Advance

VIRGINIA CITY, MONTANA TERRITORY, SATURDAY, JANUARY 21, 1865. NO. 22

The Montana Post

D. W. Tilton, & Co.,

D. W. Tilton. Ben. R. Dittes.

PUBLISHERS AND PROPRIETORS.

Office at the City Book Store, Corner of Wallace and Jackson Streets.

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Members of Council, E. K. Woodbury,
" " Sam. Schwan,
" " James Gisson,
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The regular communications of Virginia City Lodge, U. D., A. F. & A. M., are held on the 2d and 4th Saturdays in each month.

P. S. PFOUTS, W. M.

Alex. Davis, Sect'y.

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Preaching every Sabbath by Rev. A. M. Torrey, at 11 A. M. at the Court House. Sabbath School at 2 P. M. All are invited to attend.

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3—1y

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McMATH & LOVELL,

Attorneys at Law, Virginia City, M. T., will promptly attend to all professional business entrusted to their care. 1-3m

W. J. McCormick W. Y. Pemberton. H. Burns

McCormick, Pemberton & Burns.

Attorneys at Law, Virginia City, Montana Territory. Office in Content's Corner up-stairs. 1-6m

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Cal. Iowa. Col.

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2-3m

J. B. JUDGE,

Boot & Shoe maker, Virginia City, Montana Territory. The best of custom work always on hand. Give me a trial. 1-6m

JOSEPH CRUWIT,

French Baker, Nevada City, Montana Territory, would say to his numerous customers that he is always on hand to stuff the mouths of the hungry.—Give him a call. 1-6m

DR. H. N. CREPIN,

Physician and Surgeon, formerly assistant in the Hospital du midi in Paris, and attached to the New York Hospital, New York—recently from Dubuque, Iowa. Office in Virginia City, opposite the hay scales, main street. 1-6m

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Practical Watchmaker and Jeweler. Particular attention paid to repairing all classes of watches. Any part of any watch can be made new at this establishment, and warranted to give satisfaction.—Call and examine specimens of Jewelry made from the native gold. 1-1y

CALIFORNIA HOTEL,

Nevada City, Montana Territory.

LOUIS BELANGER, - - - - - Proprietor.

This hotel is situated on Main street, and in the best part of the City. The table supplied with the best the market affords, and the saloon furnished with the best liquors.

Rooms and beds can be had at reasonable prices. Charges for board moderate. 2

FOUND.

A CERTIFICATE OF TEN SHARES OF THE consolidated Silver Star Company. The owner by proving property and paying for this advertisement can have the same at the City Book Store, Virginia City. 4—tf

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Particular attention given to the sale of Live Stock and Real Estate, sales of Stocks of Goods in Store. Office at the Elephant Corral, Virginia City, M. T. 3m—18*

BUSINESS CARDS.

IDAHO HOTEL,

Wallace street, Virginia City, M. T. J. M. Castner proprietor. The proprietor announces to his old friends and the public generally, that he is now prepared to accommodate boarders by the meal, day or week at low rates. His table furnished with the best the market affords. 1-1y

LEWIS & HALE,

Manufacturers of Jewelry, Jackson street, Virginia City, M. T. Strict attention given to repairing all classes of watches, and warranted to give satisfaction. Keep constantly on hand a large assortment of Jewelry. Every thing in our line made to order at low rates. 1-3m

COLORADO

HAIR DRESSING ROOM.

Hair Dyeing and Cutting Done in GOOD STYLE.

TOM. WHITE, Proplietor.
3—1y

Wm. DECKER.

Surgeon Dentist.

OFFICE IN POST OFFICE BUILDING. Patients visited at their residence when defired.
tf—3

ROATH & CO.,

AMERICAN WATCHES JUST RECEIVED DIrectfrom the manufactories.

Every description ofJewelry manufactured from the Native Gold. Call, Examine Specimens, and then judge.

Sign of the MAMMOTH WATCH

VIRGINIA CITY, Montana Territory.

Virginia City, Sept. 10, 1864.
3m—18*

Wm. DECKER.

INTELLIGENCE OFFICE

Real Estate and Mining Agency.

All business promptly attended to. Office in Post Office Building
4—tf

J. T. HENDERSON,

PAINTER AND SIGN WRITER.

Office on Covertrest, Virginia City.
5—6m

LIME AND BRICK.

BY

HENRY BAIER.

Also Flue Building, and all kinds of brick work one to order. 5—3m

Wm. CHUMASERO.

ATTORNEY AT LAW, VIRGINIA CITY, MONtana Territory. Office, corner of Wallace and Jackson streets, at J. A. Ming's Store.
4—tf

Shaving and Hair Dressing Saloon.

MUSTACHE AND HAIR COLORING.

South Side of Wallace Street, Va. City

LYONS & WHITE, Proprietors.
3—1y

JOHN S. ATCHISON,

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REVENUE STAMPS AND BLANKS FOR SALE AT

ALLEN & MILLARD'S BANK.

VIRGINIA CITY, MONTANA TERRITORY.
4—tf

LUMBER YARD.

Idaho street, Virginia City, M. T. James Gennall, proprietor. Keeps constantly on hand all kinds of the best lumber, which will be sold at low rates. 1-1y

STAR BAKERY AND SALOON,

Nevada City, M. T. Patrick Ryan, proprietor.—All persons wishing good bread are requested to call. Prices low. Also, beer furnished with the best of drinks. Here is the place to get an honest loaf, a cake or pie, and "something to wash it down." 1-6m

F. C. Cornell, M. D. S. L. F. Ward, M. D

Drs. CORNELL & WARD.

PHYSICIANS & SURGEONS.

(Successors to)

Drs. BROOKE & GLICK.

Office on Jackson Street, below Wallace, Virginia City, Montana Territory. 1y—12

WISCONSIN HOUSE.

Idaho Street, Opposite Recorder's Office.

Will give Board and Lodging at $14 00 per week. Any one who wants warm, comfortable and clean beds, meals and liquors, let them call and see

CARPENTER.
12—6t*

Virginia City Council, No. 2, U. L. A.

WILL meet every Tuesday evening, at 7 o'clock.
By order of G. G. BISSELL, Pres't.
T. H. Kleinsmidt, Rec. Sec'y. 18—tf

PLANTER'S HOUSE

Corner of Idaho and Jackson Sts., Virginia City, Montana Territory.

WM. & JOHN A. SHOOT

(Formerly of the Planter's House, Hannibal Mo.)

PROPRIETORS.

THE ABOVE NAMED HOUSE, FORMERLY conducted by Wm. Sloan, Esq., having been enlarged and re-fitted is now open with every facility for the accommodation of Guests and Boarders. Comfortable rooms and beds are provided and the table is carefully furnished with the best the market and seasons afford.

Passengers for the early Stage Coaches can obtain good lodgings here and be wakened at the proper hour. The patronage of the public is respectfully solicited. Wm. & Jno. A. Shoot,
4—tf Proprietors.

Assay Office.

THE Undersigned are now prepared to assay correctly in small or large quantities the ores of Montana. Silver, Gold, Copper, Lead, Antimony, or Bismuth. Office No. 2, of Content's Block, corner of Wallace and Jackson Streets, Virginia.
18—tf W. Y. LOVELL & CO.

San Francisco Correspondence.

San Francisco, Dec. 18, 1864.

Friend Post: I again sit down to write a few lines to you poor fellows now shivering in the blasts of a northern winter, but while you are having a hard freeze on the Missouri waters, we here for the last three days, had what we call cold weather; that is, a hard frost in the morning, and a gale of wind all the time. Ships have been jumping and pounding against wharves, and performing perfectly wonderful feats of agility, and crinoline showing a great desire to reverse its most becoming position. But once more "order reigns in Warsaw," and business can be peaceably proceeded with. But oh, good Lord! business now, of all kinds is in a terrible state of decline. Consumption has fastened its firm hold upon it, and unless some Dr. Wistar or Ayer shall get up some Wild Cherry Balsam for buisness, as well as lungs, I fear the disease will be fatal.

But some two or three letters ago, I commenced to write you about the amusements of San Franciscans. Well next to horse-racing comes riding out, and in the immediate vicinity of this city are so many places of entertainment that when one wishes to expend ten or twenty dollars for his own pleasure, and the delectation of that particular piece of crinoline that takes his eye, the only trouble is to decide in what direction to go—the Ocean House, the Cliff House, Angolo's, the Willows, &c., &c., &c.—in short, so many of them, that there really can be no decision on the part of the male biped, and the taste or fancy of the lady must decide the question. Well we suppose she decides for this time to go to the Cliff House. You procure a buggy and start over the high hills in the rear of the city, passing by the beautiful suburban residences of the rich men of Frisco, and coming to the plateau in the rear of the town, where a view of greater beauty than often can be seen, is before you. Before you, in the distance, is the vast, blue expanse ofthe Pacific, dotted with sails, and sparkling in the sunbeams. To your right, the Golden Gate, with its ten miles of straight navigation, the further shores rising into wild cliffs, and broken chasms that speak its volcanic origin—the nearer side gently falling back from the water, and covered with villas, private residences and manufactories; while further out, the regularly laid out grounds, the rows of barracks, the lofty flag staff with the glorious stars and stripes, and more than all, the bright uniforms and dashing, caparisoned horses around, proclaim the Presidio, the great depot of troops in California, and beyond this, the frowning bastions of Fort Point, while in the channel, and covering and guarding the whole, lies the little giant Alcatraz—little, but as the the nigger said of his pig, "dam old."—As you go on you pass beautifully laid out grounds and fertile fields, where two years ago, nothing but sand hills existed, till at the distance of two miles, you pass the Lone Mountain Cemetery the "*Pere la Chasse*," of the Pacific. Here, amidst flowers and evergreens rest the remains of thousands of those who have come to this country with high minded hopes, and expectations of wealth, and the anxious desire to return to friends at home, to pass the sunset of life with them. Alas! they have fallen in the struggle, and passed from earth, but amid the beauties of this place we may well think and hope that "after life's fitful fever, they sleep well." Well we go on and move through sand hills and brush, till suddenly we open upon a view where the ocean seems laid out at your feet, spreading in vast magnificence before us, a semicircle of which the one extreme is made of the Southern point of the entrance to the harbor, and on the high point just below the entrance stands the Cliff House. Every luxury is there, both in the eating or drinking line. Biliards, tenpins, cards are the order of the day, but after taking a lemonade, and ordering our dinner, as we have a lady along we of course eschew the common "noisy and boisterous amusements" of the sterner sex, and ramble around to view the scenery. You are upon the shores of old ocean. To the left stretches a long line of beautiful sand beach, where for miles you can ride on a plain as hard as though manufactured for that end, where the long seas roll up their line of silver foam making a deep diapason of harmony that well attunes with the sublimity of the prospect before you, broken, at times, by the angry rush and clash of the billows as they meet the iron-clad rocks of the heads, or dash in mane fury upon the sides of Seal Rock. This peculiar rock lies lies nearly in front of the house, and at a short distance from the shore, and rises from the water to the height of nearly fifty feet. The steep and slippery sides are continually covered with seals, literally, in heaps. They seem to have a peculiar affection for the place, and although almost in the immediate presence of crowds who daily come to the Cliff House—they, generally the most timid of animals, here seem to feel themselves at home with man. The proprietors do not allow them to be shot at or disturbed in any way, and they appear to appreciate the delicate attention. But most of all, one can be alone with old ocean, and appreciate fully Montgomery's beautiful lines:

"All hail! to thy rifts, thy rocks, and thy shores,
Thou wide rolling ocean, all hail!
Now sparkling in sunbeams and dimpled with oars,
And now dark with the fresh morning gale."

No one, however lost to the finer feelings, can come to its shores and the vast, illimitable expanse before him, and hear the deep, solemn tones of its voice, without feeling his own insignificance in the scale of being and the sense of pleasing sadness that comes over him, is that which would best prepare the heart to commune with its maker. But to him who has been born and raised upon its shores and comes back after long absence it is like a return to a mother's arms, and for hours he will stand alone to watch its billows, and revel in the joy of once more meeting his oldest and dearest friend.

"For I have loved thee, ocean, and my joy
Was, as a child, upon thy breast to be
Borne by thy billows onward."

Well you have had time to see the seals, enjoy the prospect, inhale the fresh sea breeze, and both you and your companion feel like enjoying your dinner, and if you do not enjoy the dinner you get at the Cliff, you must be very particular indeed. All the luxuries of the season, and all imported luxuries are at your command if your purse is long enough, and after a long, and if in good company, a happy day, you return at night to the city, to again return to your usual employment, rested and recruited by a day of sensible and healthy amusement—about the most sensible of all the ways of spending money that California presents. Should you not be fond of a sea trip—or if in bad health, you may vary by going to the Nappa or Sulphur Springs, or in fact, a hundred other places, so well kept and respectable, others of the very opposite character, and one has need to know the difference before taking a respectable lady with him. But our trip has lasted long enough for the present. *Au revoir.*

Desdicado.

San Francisco, Dec. 25, 1864.

My Dear Post:—A merry Christmas to you and yours, though 'tis not to me. Solitary and alone, I sit at my desk writing to you, while in every direction around friends are meeting. Families long separated, are again united, and the thousand amenities of life are bringing even strangers together. But with all this, "the disinherited" in wealth and honor has no part, and can only from his distant place look on, like Dives in torment, with not even a hope for the drop of water to cool his parched tongue. What blessed memories cluster around the day! What loving remembrances of parents, brothers, sisters and friends—all, perhaps, long since gone to their home in heaven. My mother's gentle hand! I seem to feel it resting once more upon my brow, while I sit thus silent and alone, on this day of joy and happiness, and hear her loving voice as it was in my childhood giving comfort and hope in my troubles now as it did to my childish afflictions then.—God bless her memory, and again, in remembrance of her, I say "a happy, happy Christmas to you and yours."

I commenced, some time ago, writing you about the amusements of the Friscans, thinking that it would perhaps occupy one or two pages. Well, I have written some ten or twenty pages of it, and still, like the phantom kings in Macbeth, they stretch on and on, and I fear that you, like him, will soon exclaim, "I'll see no more." But I should be lacking in even a common pen and ink sketch of the city did I not mention the pastime that has given to Frisco the name of the "City of Billiards."—There is a perfect mania for that game. Everybody plays it. I can't swear that Starr King played, but if he did not, I think he was the only man in the city. New York is the great oyster city, and when one has nothing to do there he eats oysters. In Frisco, in the same case, he plays billiards. I'm not sure, but I think you could find here "billiards fried," "billiards stewed," and "billiards on the half shell." Every corner saloon has its table or tables. Every grog shop on the wharf has its likeness, and the second story over almost every store on Montgomery and Kearney streets, is fitted up with from two to twenty tables. It would be a matter of curiosity to collect the statistics of billiard playing here, but the arithmetical knowledge required "sizes my pile." The Bank Exchange boasts the finest billiard hall in the United States—a room one hundred feet by fifty, with eighteen tables of the very first class, thirty feet in height, (the hall, not the tables,) and ornamented as highly as taste will permit. From this down to the sailor's boarding house on the wharf, all are going, and it is a safe calculation that every male inhabitant of San Francisco spends one-quarter of his waking hours in playing billiards. I can't answer for the women, for though they have their billiard rooms, we poor devils who have no crinoline to dance attendance on, can "get to go" there—but it is said that they have learned to handle a cue in a style that would put many a sharp to his trumps to compete with them.

We had a queer thing come off here last night, (excuse me, but I told you I should let my pen run, on whatever came into my mind). Some wag or rascal got up an extra, purporting to come from the *Alta* and *Bulletin*, the papers that monopolize the telegraph giving a long and interesting account of the taking of Savannah, assault on Richmond, Lee's army destroyed, fighting in the streets of Richmond, Ben Butler killed, and gold at 84, *less than par*. All the news boys were supplied at the same time, and in every part of the city you could hear nothing but shouts of joy, unless it were the monotonous cry of "'Ere's your extra *Alta* and *Bulletin*." Every one was excited—some with joy, some with hope, and some with fear. Arrangements were made for a grand illumination and speechification, when the *Alta* folks, who of course knew it was a hoax, started out the police, and soon filled the station with blubbering news boys, and at last, with the getters-up of the thing. They will be brought up on Monday, but I have been bothered to know what head of the criminal law the offence will come under. Is it forgery, or obtaining money under false pretences? I think it will bother Judge Shepherd to locate it. But it would have made Democritus laugh to see the violent indignation of those who were the worst sold. Nothing short of capital punishment for the authors would have satisfied them, and strong talk that General McDowell ought to issue an order consigning all engaged in it to Alcatraz as traitors—news boys and all, was rife with the hoaxees. To-day, however, they are partially recovered, and most seem to look upon it as a very good sell and nothing more.

In these days, when mining claims have turned out so badly, and so many men have been ruined by speculating in bogus stocks, the men who have money to spend and invest, have been obliged to look for other means of making money, and accordingly, the raising of cotton has become a prominent branch of business. The Mexican provinces of Sonora and Sinaloa, at present are the familiar grounds, and every few days companies and individuals are going from here with a view to cultivating the cotton lands in those provinces. The new government of Mexico is said to be very favorably disposed towards the business, and some parties that have been there about eighteen months, have already succeeded so well that the it is reduced to a certainty that the Pacific coast is to be one of the greatest cotton growing countries in the world. The expense is said to be but very little compared with the profit, and the profit is such that the rush to get into the business is now commencing to be very great. Those who have cotton growing are now looking very proud, and hold their heads high up in the air, and those who have not, are hoping when they shall be in. In fact, for those who have a small capital and energy, there is no safer investment in the world, and when your miners have made their pile of two or three thousand dollars, they can go to Mazatlan and live easily, in the very finest climate in the world, and make money with very little labor. The only objection to Mexico is the internal troubles that have been, and still are convulsing that unhappy country, and those who fear to invest on that account are looking to the islands of the Pacific. The Sandwich and Society Islands are found to be far ahead of any cotton countries, both for cheapness of labor and fertility of soil, and the French government at Tahiti offers every inducement to capital and labor to come there. In short, in every direction from San Francisco new fields of labor are opening, new means of investing capital are found, and though the Pacific is a new field, the seeds are being sown, which, when time has allowed them to mature, will place her, for indusiry and wealth, far ahead of the Atlantic shores, and our children will hereafter see such an improvement in all her bounds, they will forget from whence their prosperity arose, and the old Atlantic be considered as an old fogy country and Young America will have taken leave of the Bowery and Chatham streets, and taken up his residence at San Francisco, where even now you find a very fair likeness of him around the engine houses and standing on the favorite corners of Montgomery street. By the way, I must hereafter tell you something of our fire boys and fire department, and give you an insight, if possible, into one of the greatest and most growing interests of California, viz: the wine making. We now have all kinds of native wine and brandy, from light red to champaine, and equal, in every respect, to the imported articles. Till then *au revoir.*

Desdischado.

Austin Correspondence.

Austin, Nevada, Dec. 23d, '64.

Editor Post:—Burns said "na man can tether time nor tide." So we have trudged along behind his car for the last week, without any remarkable incident to mark our progress. Business is dull and times are hard, and so is the ground, for we have had a week of bitter cold weather, in fact the coldest known here for many years. The roads are in splendid condition for sleighing, and people are inclined to take advantage of it, for every one who can get two boards for runners, a dry goods box for a body, and a quadruped to haul them, have their sleigh ride. Several of the large companies about here have been discharging a good many hands in the last week, but whether it is to give them a chance for the holidays, or whether the claims are fizzling, deponent sayeth not. Balls and parties are still all the rage, and I believe some people have come to the conclusion to follow the advice of the sage old owl. "Ho! hoot!" says the owl. It is the best way to dance all night and sleep next day. But you have no doubt observed "in the course of human events" that when young men have nothing or but little to do, their minds become kind of muddled up and confused with the ideas of cherry lips, rosy cheeks, ruby wine, fantastic toes, fairy waists, heavenly music, etc. Ha! ha! It is a bad case, as the M. D.'s say, and nothing but a severe depletion of the purse can stop the fatal consequences of the disease and bring the patient under the influence of milder treatment.

But the *elite* have had a little variation in their programme, by adding a little scandal to the regular bill. I think a gentleman from Virginia, M. T., had the pleasure of dancing with a charming and accomplished "gal with the blue dress on," not long since, when he passed through here. Well, one of our fast gents, having seen said young lady, went and took board at the house where she stopped, and as all "women are made to be wooed and won," our gallant lothario nearly succeeded in his designs, by the assistance of drugs and wine. But the gentleman at whose house she was stopping, was, in the meantime, making some inquiries about the gay l——, and found he was not only corresponding with a young lady in San Francisco, but that he also has a family in New York. Heavy news, you will say. Well, the upshot of it was, the lady's friends brought the gay gentleman to an account, and for a while there was a strong scent of tar and feathers about the premises, but he begged so hard that he finally got off by binding himself never to come near the lady again. But the lady is "tabooed," as the New Zelanders say, for a while in society, and that will be an awful punishment to her in these gay times, and she may well exclaim, "what's this gay town to me."

But mid all the sports, riding down hill on a hand-sled appears to be the most popular, for men, boys and other folks can enjoy it, even staid politicians indulge in it when business will permit. But some of them are very busy just now in trying to upset the city government and get the charter repealed. They say taxation is too heavy upon the "dear people." The fact is, I suppose the city license makes whiskey too dear for their pockets, and city policemen make thieves keep in the shade. We must wait until Christmas and New Years are over, and then something may turn up for an

Old Batchelor.

The Law Relating to Ranches.

An Act declaratory of the rights of occupants of the Public Domain, expect as against the United States.

Be it enacted by the Legislative Assembly of the Territory of Montana:

Section 1.—Conceding to the United States of America the primary and paramount right to dispose of the soil of this Territory, according to the laws existing or to be enacted by Congress, and full and complete exemption from every form of taxation of their property, it is hereby declared that as between all citizens now residing in, or who shall hereafter come to reside in this Territory, and as between them, or any of them and others, having or claiming now, or hereafter, pretending to have or claim, any right to occupy, possess, or enjoy, any portion of the public domain, situate within the boundaries of this Territory, and as between each and every one of them, and all other persons, associations, corporations and powers, except the government of the United States of America, the right as the same may exist, under the local laws, to occupy, possess and enjoy any tract or portion thereof not to exceed 160 acres, in such form as may be prescribed by the laws of the United States, shall be respected in law and in equity, in all the courts and tribunals of this Territory, as a chattel real, possessing the character of real estate.

Sec. 2.—All rights of occupancy, possession and enjoyment, of any tract or portion of the said public domain, except mining claims, shall be expressed and described in a declaration in cases of original occupation, and by deed in cases of purchase, duly acknowledged by some officer authorized to take the acknowledgement of deeds, and recorded in the office of the recorder of the county in which the land is situated.

Sec. 3.—The owner of every claim or improvement on any tract or parcel of land has a transferable interest therein, which may ce sold by execution, or otherwise, and any sale of such improvement is a sufficient consideration to sustain a promise.

Sec. 4.—All rights of occupancy, possession and enjoyment of any tract or portion of the said public domain, acquired before the passage of this act, shall be ascertained, adjudged and determined by the local laws of the district or precinct in which such tract is situated, as it existed on the day when such rights were acquired, or as it may thereafter have existed there by the common custom then prevailing in respect to suchproperty in the district or precinct in which it existed.

Sec. 5.—The declaration of an occupant of a tract or portion of the public domain required by the second section of this act shall be substantially in the following form, to wit:

"To all whom these presents may concern: Know ye, that I, A. B., of ——— in the county of ——— in the Territory of Montana, do hereby declare and publish, as a legal notice to all the world, that I have a valid right to the occupation, possion and enjoyment of all and singular that tract or portion of land, not exceeding 160 acres, situate, lying and being in the township of ———, in the county of ———, in the Territory of Montana, known and described as follows: (Here insert the description.) Together with all and singular, the hereditaments and appurtenances thereto belonging, or in anywise appertaining.

Witness my hand and seal, on this ——— day of ——— A. D., 186—, to be subscribed with the full christian name and surname of the person making the application, acknowledged in the same manner as a deed of real estate.

Sec. 6.—All persons, associations and companies now claiming individually or collectively, the right to the occupancy, possession and enjoyment of any tract or parcel of the said public domain, except mining claims, under or by virtue of the terms expressed in the fourth section of this act, and other muniments of title, for record with the recorder of the county in which the lands shall be situated within three months from the time a duly elected recorder shall enter upon his duties, unless witnin that time, the book of records in which they may have been recorded according to the local law, or custon shall have been deposited in said office for the public use.

Sec. 7.—In all legal or equitable proceedings hereafter instituted in any court in this Territory, the record of any declaration, deed or mortgage, or any other muniments of right referred to in the third and fifth sections of this act, shall be received except as against the United States, and all persons claiming under the United States as presumptive evidence of the regularityof the paper itself, under the local law and custom existing at the time of its execution, and if the regularity thereof, be challenge the burden of proving the alleged irregularity, shall rest upon the party making the challenge.

Sec. 8.—The declaration of every occupant of any tract or portion of the public domain mentioned in section five of this act, shall not be construed to include any gold bearing, quartz lodes, silver lodes, or gold diggings, but said lodes or diggings shall be excepted from the tract of said occupant, and shall be subject to be occupied, possessed and enjoyed, according to the local law or custom of the district in which the same may be situated, and if there be no local law or custom in said district, then by the customs prevailing in the nearest mining district thereto.

Sec. 9.—This act shall take effect and be in force from and after its passage.