THE MONTAÑA POST.

D. W. TILTON & CO., Publishers and Proprietors. "MY COUNTRY, MAY SHE ALWAYS BE RIGHT; BUT, MY COUNTRY, RIGHT OR WRONG." TERMS: $7.50 per year, in advance.

VOL. 2, NO. 25.] VIRGINIA CITY, MONTANA TERRITORY, SATURDAY, FEBRUARY 10, 1866. [WHOLE NO. 77.

The Montana Post.

D. W. Tilton & Co.

D. W. TILTON, BEN. R. DITTES,
PUBLISHERS & PROPRIETORS.

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Associate Justice—L. B. WILLISTON.
" " —L. E. MUNSON.
A. A. Attorney-General—O. F. STRICKLAND, Virginia.
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Assist U. S. Marshal—J. X. BEIDLER.
Surveyor-General—M. BOYD.
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Treasurer—JOHN J. HULL.
Superintendent of Public Instruction—T. J. DIMSDALE.
Assessor—T. C. EVERTS.
Collector Internal Revenue—N. P. LANGFORD.
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Clerk of 2d Judicial District—C. E. IRVINE, Silver Bow.
Clerk of 3d " " —T. C. JONES, Helena.

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Beaver Head	Benj. Peabody	Gallatin	Thos. Cover
Deer Lodge	Jas. Brown	Jefferson	Frank Wells

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Mayor—P. S. PROUTS. Acting, J. M. CASTNER.
Police Magistrate—T. W. Talliaferro.
Marshal—William Deasecy.
Clerk—Chas. J. D. Curtis.
Attorney—Wm. H. Chiles.
Treasurer—John S. Rockfellow.
Assessor—Thomas Pearson.
Assistant City Marshal—Jerry Lewis.

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County Commissioners—A. Stanley, Chairman; Ben. Ezechiel, W. H. Rodgers.
Probate Judge—W. Y. Lovell.
Sheriff—Andrew J. Snyder.
Deputy Sheriff—N. Beery.
Treasurer—Andy Leach.
Recorder—G. W. Hill.
County Assessor—Isaac Rogers.

BUSINESS CARDS.

Dr. A. L. Justice.

OFFICE ON WALLACE STREET, next door to the City Drug Store 8-26*

F. V. P. Moore,

PHYSICIAN AND SURGEON, Wallace street, one door east of Clayton & Hale's Drug Store. 4-16*

W. F. Sanders,

ATTORNEY AT LAW and Solicitor in Chancery, Virginia City, Montana Territory. 3-1y*

Justus Cooke,

GENERAL AUCTIONEER. 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. 4-16*

Joseph Marion,

HAY SCALES STORE, Wallace Street, Virginia City. Commission Merchant. Cash advanced on consignments. A general assortment of Miners' Outfitting Goods Provisions, Vegetables, etc., etc. 27*

George Secord,

SADDLER & HARNESS MAKER. Constantly on hand and manufacturing from the best material, all styles of Saddles, Bridles, Single and Double Harness, or anything else made in a first class saddler shop. 1-26*

Occidental Billiard Hall.

ROCKFELLOW & DENNEE'S BUILDING, Jackson Street, Virginia City. The finest tables in town. The bar supplied with the best of Liquors and Cigars.
42* JOHN H. MING.

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ATTORNEYS AT LAW, Virginia City, Montana Territory. Will practice in all the Courts of said Territory. Special attention given to the Collection of Claims. 81*

John R. Gilbert,

ASSISTANT ASSESSOR U. S. INTERNAL REVENUE, for the First Division of the Collection District of Montana, embracing Madison County. Office, first door east of City Drug Store.
Virginia City, April 27, 1865. 36-88*

Montana Billiard Saloon.

ADAM KLESER and George Williams, Proprietors. Billiard Tables furnished with all the most approved apparatus required for the enjoyment of the game. Pure liquors and choice cigars always on hand. Open from 7 A. M. to 12 P. M. 7-19*

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WALLACE STREET, one door below Nolan & Co.'s Bank. Gold and Silver, and Ores of every description Assayed. I guarantee my assays, and will pay any difference which may arise between them and the U. S. Mint.
5 D. GILBERT.

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SURGICAL AND MECHANICAL DENTIST. Office up stairs in Pfouts & Russell's Stone Building. All dental operations performed in the best possible manner. Single teeth and complete setts inserted in the highest style of art. Ladies and gentlemen will find every arrangement for their convenience. 8-20*

John S. Lewis, N. B. Hale, D. M. Gillett.

Lewis, Hale & Co.,

JEWELRY MANUFACTURERS. Every description of Jewelry made to order from the Native Gold, and warranted. Particular attention paid to repairing Fine Watches. Also, Engraving done to order. Sign of the Gold Watch, Jackson Street, Virginia City, M. T.
February 25, 1865. 26*

Dr. O. B. Whitford,

OFFICE on Main street, next door to barber-shop, Nevada City, M. T. 76-87

T. W. Harris & Bro.

HAVE opened a general store in Bitter Root Valley. Anything and everything can be procured at their store, from a needle to an anchor, or from a cayuse to a pack-saddle. Call and see us. All goods and provisions at cash prices. 61-tf

W. W. De Lacy,
County Surveyor,

OFFICE—At the foot of Wallace Street, next door to Mr. Simpson's Tailor-Shop.

HE will be ready at all times to survey ranches, ditches, towns etc., and make accurate maps of the same. Particular attention paid to the survey and mapping of quartz lodes and districts. 76-88*

Smith & Armitage,

(POPULARLY KNOWN AS JACK & JESSE,)

BLACKSMITHS

IN the old stand of WELDON & SALE, foot of Wallace Street, Virginia City.
☞ Particular attention paid to machine work. 64-76

DEER LODGE HOTEL,
DEER LODGE CITY,
PETER MARTIN & CO., Proprietors.

EXCELLENT accommodation for guests and boarders. First class fare provided. Good beds. A large and commodious Feed Stable, under the care of an experienced and attentive hostler. 68-80*

SOLOMON STAR,
STONEWALL STORE,
Wallace Street, Virginia City.

A COMPLETE ASSORTMENT OF GROCERISE, Flour, Wines, Liquors and Cigars. A large assortment of Box Candies. 27*

LEA. F. MARSTON. W. T. ROATH.

ROATH & Co.,
Watchmakers and Jewelers,
Corner of Jackson and Wallace Sts.
VIRGINIA, M. T.,

CONSTANTLY keep on hand, and make to order, from Native Gold, all the latest styles of Jewelry.
☞ Particular attention paid to repairing Watches. ☜ 65-tf

Metropolitan Market,

Wallace St., Virginia City, Montana Ter'y.

SHOUMAKER & CO., PROPRIETORS.

THIS MARKET has been fitted up regardless of expense, and will be supplied with Meats of all kinds, Poultry, Fish, Game, Sausages, Head Cheese, Puddings of all descriptions, etc. Every article sold will be of the the best quality obtainable in the country, and all orders of their customers will be promptly and punctually attended to. 6-18*

ALLEN & MILLARD,

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VIRGINIA CITY AND HELENA, M. T.

DEALERS IN

Coin, Gold Dust, Treasury Notes, and Foreign and Domestic Exchange.

B. F. ALLEN, Des Moines, Iowa. J. H. MILLARD, Virginia City, M. T. 29*

H. S. Gilbert, Christian Richter.

VIRGINIA BREWERY,

WE HAVE CONSTANTLY ON HAND A LARGE supply of

LAGER BEER, MALT, HOPS, BREWERY FIXTURES, BEER KEGS, ETC.

☞ All orders in our line of business will be promptly attended to. 63-76*

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Blacksmiths,
JACKSON STREET, VIRGINIA CITY.
(Opposite the MONTAÑA POST Office),
HORSE, MULE AND OX SHOERS.

☞ Plows, and other Agricultural Implements, manufactured.
MACHINERY NEATLY REPAIRED. 83*

J. H. MING,
Corner of Jackson and Wallace Streets,
WHOLESALE AND RETAIL GROCER,
And dealer in
Tobacco, Cigars and STATIONERY.
ALSO, A FINE SELECTION OF
Fancy Goods and Toys,
Suitable for Holiday presents.
☞ Toilette articles of the best French Manufacture. 65-73*

MONTANA BREWERY,
PFEIL, HEED & CO., Proprietors.
LAGER BEER
OF SUPERIOR QUALITY,
Delivered to all parts of the Territory.

Connected with my Brewery I have a DISTILLERY for the manufacture of
MALT WHISKEY.
I solicit the patronage of the public for a home manufactured article. 66-tf

Denver Meat Market,
Nevada City, - - - M. T.
ALEXANDER METZEL

TAKES pleasure to announce to the public, that he keeps the best stocked Meat Market in Nevada City, where there will always be found the best cuts of
FRESH PORK,
BEEF, VEAL,
MUTTON, LAMB,
SAUSAGE MEAT, and
SAUSAGES OF ALL KINDS.
He also, receives constantly Game, Fish and Fowl of the season. Try him. 59

Idaho Hotel.

Wallace Street, Virginia City, M. T.,
J. M. CASTNER, Proprietor.

THIS Popular Hotel, which forms part of Castner's Building, has been enlarged and refitted in a style to meet the demands of the Public. Its larder is well supplied, and its tables furnished with the best the market affords.

The Idaho Billiard Hall,

carried on by HULL & CASTNER, contains our First Class Billiard Tables, where the lovers of the game can always be accommodated. The old friends of J. J. Hull and J. M Castner, can always find them at the Idaho.

Those having Territorial funds to deposit, should call at the Idaho, where the office of the Territorial Treasurer is situated. 65-91

J. B. LE BEAU;

MANUFACTURER OF JEWELRY of every description and style, out of the pure Native Gold. Particular attention given to repairs of Fine Watches, Clocks and Jewelry. Orders respectfully solicited, and promptly executed. On the north side of Wallace street, west of Jackson. 70

A. J. Oliver & Co.'s Express

(Carrying the U. S. Mail between Virginia City and Helena, M. T.,) are running a

TRI-WEEKLY LINE OF SIX-HORSE COACHES

between Virginia and Rhea Cities, (Jefferson Gulch) via Boulder Valley, Beaver Town, Jefferson City, Montana City, Helena, (Last Chance) Green Horn, Blackfoot City and Washington Gulch;

A TRI-WEEKLY LINE

between Virginia City and Blackfoot (Ophir) via Nevada and Junction Cities, Jefferson Bridge, Silver Bow City, German Gulch, French Gulch and Deer Lodge City;

A DAILY LINE

between Diamond City and Helena via Middle Missouri Crossing 61-tf

DELEVAN HOUSE,
Wallace Street, Virginia City, opposite the U. S. P. O.
W. H. JOHNSON, Proprietor.

WE HAVE ACCOMMODATIONS FOR
150 *BOARDERS!*
And our table is always supplied with the
Best the Market and Season Affords.
Our house is also provided with
NICE CLEAN BEDS.
Board per week,.....$16.00
65-77* W. H. JOHNSON.

BARNARD SLAVIN & CO.,
—AT THE—
LIQUOR EMPORIUM,
(OPPOSITE THE PLANTER'S HOUSE)
Jackson Street - - - - - Virginia City, M. T.
Keep constantly on hand and for sale
PURE RYE & BOURBON WHISKEY,
BRANDY, GIN, RUM,
STOUGHTON AND PLANTATION BITTERS,
PORT WINE, CLARET WINE, HEIDSICK CHAMPAIGNE, SPARKLING CATAWBA, CARBON OIL, ETC., ETC., ETC., ETC.
☞ Call and examine our stock before purchasing elsewhere.
☞ Orders from a distance solicited. 27*

W. H. Davis, C. C. Housel, J. F. Dougherty.

DAVIS, HOUSEL & Co.,
Opposite the Post Office,
VIRGINIA CITY, - - M. T.,
WHOLESALE AND RETAIL
Grocers, Storage & Commission Merchants,
Dealers in
Liquors, Cigars, Flour, Bacon, Lard, Dry Goods, Clothing, Boots, Shoes, Queensware, Glassware, Hardware, Paints, Oils, Nails, Glass, Putty, Farming and Mining Implements, etc., etc., etc.
We have a large and commodious
FIRE-PROOF WAREHOUSE!
connected with our establishment. Liberal Cash Advances made on consignments of General Merchandise and Produce. 27*

CABINET SHOP,
WALLACE ST., VIRGINIA CITY,
(Three doors above the Post Office.)
MESSRS. CLARK & MITCHELL,
Beg to thank the inhabitants of Virginia City, for their patronage, and to inform them that they are now ready to supply and fill all calls in the following line:
Manufacturing and repairing all kinds of furniture, turning, contracting for building, counters, shelving,
Building and Repairing
Saw and Grist Mills, Setting Engines, Boilers and Quartz Mills. Wheat Fans for Sale.
For reference in the machinery department, call on Noble & Co., Indian Creek, Spencer, Harrison & Co., Granite Gulch, House & Co., South Meadow Creek.
August 26th, 1865. 26*

Joseph Griffith, Wm. Thompson.

GRIFFITH & THOMPSON,
Contractors and Builders,
OFFICE—Corner of Idaho and Van Buren Streets,
Virginia City - - - - - Montana.
☞ All kinds of Mill Work, and Stone, Brick, or Frame Building done to order, or on Contract, on the shortest notice. Particular attention paid to the Building of Quartz Mills. All work warranted to give satisfaction. ☜
REFER TO
Judge J. Tufts, New York City;
Chatam Bank, New York City;
Clark & Upson Mining Co., Hartford, Conn.;
Prof. H. A. Ward, Rochester, New York;
John G. Copelin, St. Louis;
Erfort & Petring, St. Louis;
And to business men generally of Virginia City, M. T. 23*

CITY DRUG STORE,
Dr. L. DAEMS, Proprietor,
WALLACE STREET, - - - - VIRGINIA CITY.
A LARGE, WELL SELECTED AND GENUINE assortment of
Drugs, Patent Medicines,
PERFUMERY & TOILET ARTICLES.
ALSO,
FINE WINES AND LIQUORS.
Prescriptions Carefully Compounded,
And attendance for this purpose at all hours, day and night.
A choice Stock of
PAINTS, OILS, BRUSHES, TURPENTINE, &C.
69-81*

A. H. FOSTER. J. A. CULVER.

EAGLE CORRAL,
FOSTER & CULVER, - - - Proprietors,
Corner Jackson & Cover Sts., Virginia City.
FIRST CLASS
LIVERY & FEED STABLES.
THREE CATTLE YARDS
On the premises, with plenty of good shelter and water.
HORSES FED WITH GRAIN OR HAY,
And carefully attended.
Stylish Sleighing Turnouts
WITH FAST TEAMS.
Fast Saddle Horses,
Well groomed and appointed.
☞ A comfortable room, with a cooking stove provided for the use of the patrons of the establishment, GRATIS. 683m

THE LAW OF WATER-COURSES.

Decision of Judge C. P. Hall in the Case of Preston Scott et al. vs. Hugh Bratton et al., before the Deer Lodge Probate Court.

In this cause, the plaintiffs claim that in December, A. D. 1865, gold had been discovered in the Pence District, Ophir Gulch, and that, in February, A. D. 1865, they preëmpted their ground in the said district, for mining purposes, together with all natural facilities thereunto pertaining, for working the same; and that, on or before the 1st day of March, A. D. 1865, they became vested in the right to the use of the water of Ophir Gulch, for mining purposes, by appropriating the same, and using it for the purposes mentioned. Plaintiffs also claim that, on or about the 8th day of July, A. D. 1865, the defendants in this cause did divert the water of Ophir Gulch from its natural course, in such manner as to lead it beyond the reach of plaintiffs for their use upon their claims in the said district; and that they were thereby damaged in the sum of two thousand and five hundred dollars, and ask judgment for that amount. The defendants herein claim that, in August, A. D. 1864, they discovered gold, in paying quantities, in Tiger Gulch, (a tributary of Ophir Gulch); and that, about the same time, they surveyed and located a ditch from a point in Ophir Gulch to the head of Tiger Gulch, and claimed and appropriated the water of Ophir, for mining purposes. The testimony adduced in the trial of this cause has been voluminous, and, in the opinion of this Court, fairly and truthfully given, and without conflict, except upon unimportant matters, and not affecting materially the points in issue. The defendants have conclusively proven to the satisfaction of this Court, that they were the first appropriators of the waters now in dispute, to be used for mining in Tiger and, perhaps, in French and Steamboat Gulches, or for any other useful purpose. That parties have the right to appropriate any or all the water of any stream, for any useful purpose, provided that they are the first appropriators thereof, and no previous appropriation of the land has been made upon which the waters passing over it were intended to be used for a beneficial purpose, without any particular formula in the act of such appropriation being made, except such as would inform persons wishing to use the same of the extent of such appropriation, is no matter of question in the mind of this Court. During the trial of this cause, the Court has allowed all the latitude to the parties litigant, consistent with the rules of evidence, with the view to ascertain all the facts pertaining to the issues in this cause; and the zealous and able manner in which the interests of the parties were presented by counsel, speaks loudly in honor of the attorneys employed, for their legal acquirements and unwearying faithfulness. The defendants were allowed to prove their intentions in their first appropriation by their individual testimony, without establishing by their own or other proof that they had even declared that they had taken the water to use at any particular point. Defendants, also, proved that, on the 4th of March last, they formed their company, and appropriated the water in dispute, for mining purposes, without defining the limits of their ditch, or fixing any given point to which they intended to carry the water; and this is proven by their hand, and recorded in the books of the county; also, that the same appropriation made about six months previous, which they substantiated by oral proof, was made by staking and surveying the ditch, as well as by digging it to the head of Tiger Gulch, and part way to French Gulch. Now which of the two characters of testimony is the Court bound to consider, viz: the declaration made by defendants and proven by oral testimony, or their written intentions made on the 4th day of March subsequent, and proven by the public records. Allowing the first named to be conclusive, did the defendants so survey, stake and dig the ditch, and appropriate the water beyond a point where it would not flow back to the plaintiffs' claims, for their uses, or in anywise bring to the knowledge of the plaintiffs, their intentions so to do? The Court is already of the opinion that they did not. Allowing the record to be conclusive, had not the plaintiffs acquired a right to the use of the water previous to the 4th of March, by using it, for mining purposes, upon their claims. On either hand, the law contemplates the necessity of parties, appropriators, making good their intentions by locating and proving by their exertions, the full extent of their appropriation, in such manner as would at least put a prudent person upon inquiry, and the presumption of the law is that their appropriation could not extend further than their declaration of intention stated, (or in other words) further than was surveyed, staked and claimed up to the time subsequent appropriators came into the lawful possession and use of said water. The right to water is treated as a right running with the land, or mines, as a corporeal privilege entitling the appropriator to its use and possession, or actual appropriation, is the test to all claims to the use of water, whenever such claims are not dependent upon the right of the soils through which it flows, and cannot be a constructive right. The line where a ditch is intended to be dug, should be run within a reasonable time, and so defined that other parties may have reasonable notice of the claim, and what is reasonable notice must depend upon the circumstances of the case. In this case, the Court is of the opinion that defendants did not sufficiently establish their claim to the right to divert the water in dispute beyond Steamboat and French Gulches; for no line of ditch had been surveyed or staked, nor had work been done for some two months after the completion of the ditch to the last named gulches; and plaintiffs had undoubtedly been in the use of the water, quietly, about four months. If—at and during the time defendants commenced and dug the extension to this ditch to Carpenter and Prairie Gulches (of which plaintiffs complain)—defendants had proven that plaintiffs had knowledge of the defendants' claim, or that they were constructing it at great expense, it would materially change the rights of the parties herein; and the plaintiffs cannot be required to make extraordinary efforts to ascertain the extent of defendants' claim, subsequent to the time they came into the undisturbed possession and use of this water. The mere act of commencing a ditch, with the intention of appropriating the water, is not, of itself, sufficient to give a party a right to the exclusive use of it; but the notice must be sufficient to inform all inquirers of the full extent of such claim, and the work of construction must be carried on with reasonable diligence and force. Where parties commence the construction of a ditch, who have not, at the time, the pecuniary means to complete the same, in a reasonable time, and they project the work and claim the water, with a knowledge of their pecuniary inability at the time, they cannot urge such want of means as an excuse for not prosecuting the work. The plaintiffs herein set up as their rights in this action, their rights to the use of the waters of Ophir Gulch, for mining purposes, as based upon the appropriation by them made, and wherewith they had used and enjoyed the same from the 1st day of March last to the 8th of July subsequent, and their claim, in the opinion of this Court, is fully sustained by the testimony adduced. As to the matter of damages herein, the Court feels a delicacy in assessing them, for the reason that they are not already proven for any particular amount, as based upon any legal method known to this Court, for measuring them. Witnesses testify that, in their opinion, plaintiffs are damaged by the wrongful diversion of the water, in sums ranging from $500 to $1,200, as based upon their knowledge of what the witnesses believed plaintiffs could have made if they had had sufficient water to have worked out their ground. Now are these amounts more than they would have realized above what they could subsequently, in the spring, when water would be plenty? and, if so, upon what grounds is this difference estimated? The amount of profit arising from a mining claim not fully worked out is hard to estimate, and Courts cannot consider further than has been actually demonstrated. In this case, the Court is of opinion that there are two methods of measuring the damages: 1st, by comparing the value of the claims at the time the damage commenced, and at the time they could be worked to advantage; 2d, by computing the value of the use of the profits arising from working them, if the claims had been worked out. These are all the grounds upon which, in this case, from the testimony, the Court can have cognizance. As to the 1st, plaintiffs have failed to show any particular difference in the value of their claims, at the times mentioned, and, therefore, damages cannot be computed by that method; and as to the second method, the testimony conflicts greatly in regard not only to the amount of damages sustained, but also in regard to the amount of water continually running down Tiger Gulch, and which plaintiffs could at all times use. The Court is of opinion that, at those, plaintiffs could not work their ground with full force, on account of the wrongful diversion of a portion of the water, by defendants. It is, therefore, the opinion of the Court that the plaintiffs are thereby deprived of the use of $750 for the term of one year, and that the measure of damages thereon would be at the rate of ten per centum on that amount. The Court, therefore, finds for plaintiffs, their costs in this behalf expended, and $75 damages.

C. P. HALL, Probate Judge.

The Yellowstone Route to the States.

Messrs. Editors of the Post: As an item of interest to all who contemplate going East next autumn, we authorize you to give notice through your widely circulating and valuable journal, that we are preparing to build a large fleet of boats for that very popular route.

Having a mill, now complete, capable of cutting one thousand feet per hour, and other machinery for cutting, framing and preparing all the necessary timber, and a boat yard, with suitable appliances for handling and launching boats, and all located on the banks of the Yellowstone river, near where the party entered the boats last September, our facilities for building, you will see, are very great, and, indeed, equal to any possible demand. At the same time, with the experience of last season as an aid, we shall now build boats of a style far safer, stauncher, more commodious, and in every respect far superior to any boats ever yet afloat upon that river. We shall also construct some with conveniences especially adapted for families, thereby rendering that route the most pleasant for families going to "America." Our present intention is to start one fleet on, or about, September 1st, and another on October 1st. In good time we will give further notice through the journals, and by posters throughout the Territory, of the rate and terms of fare, etc. Any inquiries, for the present, may be addressed to Virginia City.

LYMAN & TOMLINSON.

Yellowstone Mills, January 26th, 1866.

WE understand that the first locomotive for the A. & P. P. R. R. will be brought across the river to this side either to-day or on Monday next. The company have run their track down on to the ice, and are increasing the strength of the ice-bridge by throwing water on, and allowing it to freeze. When it becomes thick, rails will be put across the river, and the locomotive and cars brought to this side.—[Atchison, Ka. Champion, Dec. 10th.

ONSLAUGHT ON COW ISLAND BY THE INDIANS.

Great Excitement in the Bad Lands--Indians Attack Cow Island and are Repulsed--Snake Point, one Mile Above, Taken by Storm--Proclamation by Governor Johnson, Calling for Four Thousand Volunteers--Assiniboine Squaws on the Rampage--Huge Droves of Buffalo on the War Path--The Beavers Remain Quiet.

COW ISLAND, B. L., January 10th, 1866.

GULVANUS NICKERBOCKER, ESQ.—*Dear Sir:* Great excitement was created at Cow Island, on Wednesday last, by the sudden appearance of old Blood-Tub and Whirlwind, chiefs of the Thin-Behind tribe of Indians, who attacked, and demanded the immediate surrender of, the Island, our Bude-Waugh Rangers met them two miles above the hole in the ground, and engaged them for twenty-nine hours, in a hand-to-hand fight, when they took to their heels and ran, with great slaughter (gray-backs). The next morning the same bloody-minded chief attacked and captured Snake Point, taking the arsenal at that place, and devastating with savage cruelty that beautiful spot. At this juncture, a column of Buffalo charged brilliantly across the river and effected a diversion in our favor. The Assineboine squaws, who had been waiting for this movement, plunged furiously on to two of the wounded, with their knives drawn, and, at the last account, were about to boil one captive, and to roast another. The Beaver chief exhibited great want of pluck; being called on to obstruct a stream, to prevent the passage of the enemy, he bluntly replied, "We'll be dammed if we do." Upon the information reaching the Governor, he issued the following proclamation:

PROCLAMATION.

Whereas, I was a witness to the bloody encounter with the Indians, at the upper end of Cow Island; and whereas, having the power to call forth the militia of the Bad Lands; and whereas, I have also provided myself with the spondulicks to pay them; and whereas, also, having plenty of old rye to treat the boys with;

Now, therefore, I, Governor of all the Bad Lands, by the power vested in me, do call upon you for four thousand of the bravest of you, for the defense of our great inheritance. I have plenty of small arms for infantry, and for bush-whacking, and also a substitute for heavy artillery, consisting of a ponderous air-gun, which will do terrible execution at a *long range*, when run by the Printers' Corps. The entire command will consist of Brigadiers and Corporals and Corporals and Brigadiers, and will be well supplied with rations, the A. Q. M. reporting that he has secured a box of hard-tack, and the Collector of Internal Revenue has turned over to the expedition all the commissary stores he intends to seize. I appeal to the women of Cow Island and below, whose devotion to our ranchmen has become proverbial, to aid me now. Should the Bad Lands be captured, there will be no interregnum in this department, and parties desiring to see me, in that event, will find me elsewhere.

Done at Cow Island, this 10th day of January, A. D. 1866. BY THE GOVERNOR.

State Organization---Letter from Bannack.

BANNACK CITY, M. T., January 29, 1866.

EDITOR POST: On the question as to the propriety of the application of our Territory for admission into the Union, there seems to be but little diversity of opinion in Heaven-head county. If there are a dozen men in the county in favor of it, they have not, as yet, been heard from. A very large majority of our people fail to see wherein they would be benefitted by a State organization. There might possibly be some advantages arising therefrom, but they would certainly be more than counterbalanced by the many disadvantages that must accrue, in the very nature of things. There are, so far as we are aware, no heavy grievances, necessarily incident to our Territorial condition; and, even if there be, it is by no means plain to be seen how our admission into the Union would tend to lighten them. In what regard would our condition be changed by such admission, either for better or worse? One obvious change would be an increase of local party patronage, and, as a consequence, a corresponding increase of political cormorants to eat up the substance of our people. Another result would be the shifting of a heavy weight, in a pecuniary point of view, from the broad shoulders of the General Government on to our own, that are already so grievously overburdened. As it is, there is probably no county in the Territory but which has already a greater amount of indebtedness than can readily be paid. Both Territorial and County scrip will go begging these many months, if not years, to come. Now, manifestly, there can be no short cut to the payment of these evidences of indebtedness through the method of a State organization. But, on the other hand, the increase of expenditure, necessarily consequent on such an event, will cause an accumulation of our debt, until it will ride us like a night mare. I think that we would be acting a wiser part, were we to set ourselves earnestly about devising some plan for the reduction of our public "promise to pay," rather than, as is proposed, by plunging into Conventions, Legislatures, (Heaven save us from another), or the like; or by enlarging the arena for the display of the ground, and lofty tumbling, which some of our political acrobats seem so anxious, just now, to indulge in at the expense of the Territory at large; we should learn to let well enough alone.

The whole plan of the proposed Convention has been shrewdly pre-arranged, and is as "plain as a way to parish church." Well, as it has been designed, however, by the prime movers in the affair, it may still be managed to a good end, if only every citizen will act free from party prejudice or dictation. Otherwise, without some most lucky chance, the result of the work of the Convention will be most seriously detrimental to the interests of our Territory. This is nearly as certain as thirty pounds on one side of the scale will weigh down twenty-five on the other. Beaver-Head county will send her five delegates to that Convention, instructed to oppose, from first to last, every proposition looking to a State organization. Having no aspiring politicians within her borders, she is, happily, left free to act on her own sober judgment in the matter, and her voice, as it will be heard in the Convention, is that our present form of Government is "good enough for poor folks." Yours, MAX.

Letter from Stinkingwater.

STINKINGWATER VALLEY, February 5th, 1866.

EDITOR POST: Thinking that a few words from this locality might be of interest to the many readers of your most valuable paper, I send you a few items. As this is an agricultural locality, and we are blessed, at present, with fine weather, all is stir and bustle in preparing for the coming farming season. All are busily engaged in fencing and other necessary preparations for extensive cropping. From the yield of last year we are sure that this valley cannot be exceeded, in fertility, by any other portion of the Territory, nor excelled as regards fine crops. I know of one instance where fifty pounds of barley was sown last year which yielded fifty bushels of clean, well filled grains. Wheat and oats yield remarkably well. I flatter myself that next fall will find me taking my own grist to the mill—as Cowan & Co. contemplate building a large flouring mill this spring, some three miles below Loraines, at what is known as the "Big Spring." One of the company has gone East to procure the necessary machinery.

We have, at present, two flourishing schools in the valley—one at Mill Creek and one at or near Loraine's. Here, also, is a large store and hotel, kept by Mr. Loraine, who is ever ready to furnish anything a person wants in the way of goods, or to purchase anything he has to sell, from a sack of "spuds" to the contents of a wagon train, or a drove of cattle.

Our blacksmiths are no less busy than the farmers. Mr. P. White, who is carrying on business at Loraine's, is working day and night in getting up a lot of fine steel plows for the coming season.

To conclude, I must say if you would take a "scoot" down among us, you would find a most hospitable people and a flourishing valley. Yours, J. T. L.

Declaration of Occupancy not Liable to Stamp Duty.

Treasury Department, Office of Internal Revenue, Washington, January 4th, 1866.

Sir: Your letter of November 4th, enclosing a "Declaration of Occupancy," and inquiring if it is subject to stamp duty, has been received. It seems from your statement and from the Declaration itself, that the sole purpose of the instrument is to give notoriety to the declarant's claim, to give him constructive possession, and, eventually, a title by adverse possession, against all persons and all parties, except the United States. If that is the only purpose for which it is used, I am of the opinion that no stamp is necessary.

Very respectfully,
D. C. WHITMAN, Deputy-Commissioner.

N. P. Langford, Esq., Collector of Internal Revenue, Virginia City.

TRADING EXPEDITION TO MONTAÑA.—A grand trading expedition to the mines of Montaña and Idaho is being organized at Sacramento. A meeting was held January 13th, at which sufficient money was subscribed to purchase twenty-four teams and goods sufficient to load them. It seems that a short and superior route can be easily located from the terminus of the Pacific Railroad down the Truckee river, to the Big Bend; thence passing east of the Pyramid Lake, and between the Mud Lakes and the Humboldt river, in an almost direct line to the heart of the Owyhee mines, from which there is a good road to the Boise mines and it is believed that a good route can be found from there to the Montaña mines, which are now commanding so much attention. It is believed that the latter mines can thus be reached with less than eight hundred miles of wagon travel, while it is not less than sixteen hundred miles from these mines to reliable navigation on the Missouri river. Those well acquainted with the country intervening between the Big Bend and the Truckee and the Owyhee mines, all agree that there is no difficulty in locating an excellent wagon road over the route indicated, requiring but little labor to make it passable for heavy freight teams, and well supplied with grass and water. The association, which is composed of teamsters, merchants, and other leading business men of Sacramento, contemplate fitting out some fifty wagons, to be drawn by oxen. The expedition will carry tools for making roads, building boats and bridges, and, in short, to establish a permanent road from the termius of the Pacific Railroad to the mines. The movers in the project are confident that they will be able to reach Idaho sixty days in advance of those carrying goods to the mines by any other route, and that they will make the trip a very profitable one. The route chosen is the best that could have been hit upon.—[Virginia (Nev.) "Enterprise."

NEWS SUMMARY.

It costs the Government, by the present method, about $17 to bring a bushel of corn across the Plains. Last year the transportation involved a cost of $6,000,000. The saving effected in military outlay, by a railroad, would nearly pay the interest on the cost of construction.... Artemus Ward, who, with his wife, was lately suffocated by coal gas, at Worcester, Mass., was a printer, and not Charles F. Browne, the humorist.... The Dutch Flat stage from Virginia City, Nevada, says the "Telegraph," horses and passengers, were swept from the road by the wind when near the summit, one hundred feet down the steep declivity. The stage was badly smashed, the driver somewhat bruised and some of the horses slightly wounded, but the passengers were unhurt.... Several wagons laden with cotton passed through Belleville, Illinois, on their way to St. Louis, in the latter part of December. The cotton crop of Southern Illinois was very good last season, owing to the favorable weather.... A new color is reported by the Parisian journals, as produced from coal tar. It is called *dianthine*, and occupies a medium position between a deep purple and the brightest rose color.... It seems that the Swedes have struck oil. Many wealthy companies are working their wells.... The San Francisco "Call" recommends mutilation and branding as a punishment for incest.... A gentleman in San Francisco, doing a large business in the manufacturing of quartz mills, gives a detailed estimate of the cost of the iron-work of a twenty-stamp mill, at the foundry. He figures it at $18,000, all hardware fixings included.... The way they manage to evade the late decision of the Supreme Court of Nevada, is to count greenbacks at par and gold at $1.50. Everything is charged in greenbacks.... The Klamath "News" of the 7th Dec., informs us that a gentleman from Hongkong, working on Six-Mile Creek, a tributary of Salmon, picked up one day last week, a nugget of pure gold, weighing twenty-five pounds. The lucky rascal immediately left