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The Montana Post.

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CONTENTS OF THIS NUMBER.

PAGE 1—Colorado; Establish the Principle; The next Legislature; In Justice to Yourselves; Who are its Friends? The Place for it; Change of Venue; School of Mines.

PAGE 2—Montana Legislature; Message of Governor Green Clay Smith.

PAGE 3—Laws of the United States.

PAGE 4—Telegrams.

PAGE 5—Poetry; The Indian Question; Pen & Scissors; From Sterling; Virginia Letter List; Helena Market Report; Laws of the United States.

PAGE 6—Poetry; Pen and Scissors; Mining Matters.

PAGE 7—From Salt Lake City; From Sterling; Miscellaneous.

PAGE 8—Virginia and Helena Locals; McClure vs Greeley; Our Delegates; Montana Legislature.

COLORADO.

Frank Hall, Governor of Colorado, delivered his message to the seventh session of the Legislature, Dec. 3, which we find in the *News* of the same date. He regards it as the most important session since the Territorial organization, partly in consideration of the fact that by the accomplished location of the U. P. R. R. to the north, and the proposed deflection of the Central road to the southward through Santa Fe, Colorado will be isolated "like an island in mid ocean and see the commerce of nations sweep by while her shores are untouched." To prevent this by the construction of branch railways, he urges a memorial to Congress for a subsidy of lands and money, and urges unanimity and earnestness of purpose. The message gives the beneficent results of the representation of Colorado at the Paris Exposition to be partially; the first gold medal awarded for minerals; the appointment of an Imperial Commission and the selection of an Agent of the German Emigrant Aid Society who have visited Colorado and reported favorably upon the Territory, and the diffusion of intelligence regarding the advantages of the Territory throughout the laboring, financial and scientific circles of Europe. The grain product is less than during former years, owing to the ravages of grasshoppers, but sufficient to supply the home demand. The total number of acres taken up during the year is 57,416. Gov. Hall urges the organization of a bureau of statistics, that information and statistics regarding the Territory might be collated, printed and distributed wherever they will reach the immigration needed to take the place of those drawn by various agencies from Colorado to other localities, and to enlarge mining and agricultural operations. Would it not be well, in view of the frequent inquiries made of officials and private citizens in Montana, which cannot be separately and satisfactorily replied to, that our Legislature should consider the propriety of adopting the suggestion. Indian affairs are referred to, and the reservations designated evidently with but little confidence in the arrangement, placing more reliance in the protection to the U. P. R. R., and its convenience as a base of supplies. The Utes are described as a tribe similar to our Bannacks, and annuities, instruction and induction into pastoral pursuits recommended for them. The same difficulty, delay and partial success in the collection of taxes exists in Colorado as here, and an amendment of the revenue law urged. The Governor recommends the passage of a strict Registry law to prevent the fraudulent votes frequently cast, thereby requiring the rejection of the returns of entire districts, disfranchising legal as well as illegal voters, and imposing penalties on the many for the sins of the few. In regard to Sec. 4, of the Postal Imposition, he says as follows, which we commend to the attention of our Legislature.

"The partial abridgement of mail facilities is a question full of interest to every inhabitant. The law of Congress enacted in 1864, which has to this day deprived us of a large share of periodical literature, was inflicted upon us through the influence of mail contractors, to whom we are indebted for other and more serious deprivations. If at any time a cause existed for the non-interposition of Congress to prevent abuses in the overland mail system, that cause is now wholly removed and there can be no occasion for its further continuance. Congress should be vigorously memorialized upon this subject and our delegate instructed to use his utmost endeavors to relieve this people from the odious law that has so long been a measure of oppression"

He adverts to the proposition of the Cheyennites to construct a new Territory by dismembering Colorado, declares its accomplisement would entail adversity and permanent injury, and advises unhesitating opposition to the movement. The reference to those Territorial laws conflicting with the statutes of the United States, we give for the benefit especially of the *Gazette*, and incidentally for all.

"The recent act of Congress decreeing civil and political equality throughout the Territories, practically cancels and repeals the provisions of our local statutes defining the qualifications of voters and jurors. It is not my purpose at this time to discuss the wisdom or propriety of this measure, since discussion would in no wise effect the result. Its operation has met with no opposition in the several municipal and county elections, where prejudice and principle have been brought face to face, the former being lost before the mighty presence of the latter. The ordeal though bitterly severe to many, has been generally accepted cheerfully as one of the inevitable fruits of a great political revolution. As loyal citizens, we should hasten to render legal obedience to the national will by harmonizing our legislative acts with those of the general government.

The militia laws as at present existing are pronounced inefficient. The accounts for military expenses in 64-65 have not yet been paid. State organization is recommended, and the population claimed to be nearly equal that of Nebraska. The following in regard to mineral claims affects us equally with Colorado.

"Under the acts of Congress, approved July 26, 1866, the mineral lands of the United States, surveyed and unsurveyed, are laid open to pre-emption and occupation—pursuant to certain prescribed regulations—by citizens of the United States and those who have declared their intention to become such. Since the passage of this act, a multitude of applications for government titles to mines have been filed in the land office at Denver, but the surveyor general having found no one until a very recent date, who would accept the contract to establish meridian lines within the mining districts, owing to the inadequate pay allowed by law for such service, but one final survey has been made. This first location, by the filing of an adverse claim under the provisions of section six of the Congressional act, which authorizes parties having adverse claims to file them at any time prior to the approval of the survey, has been duly prepared by the agents of the general Government, and forwarded to the interior department to be submitted as a test case, demanding such adjudication as will establish a reliable precedent for the guidance of future decisions. This proceeding will necessarily suggest by its thorough investigation, beneficial amendments to the law, which as it now stands is practically inoperative in such cases. When there are no adverse claims, its operation is rapid and complete, but when complications exist, arising from inaccurate surveys, multiplicity of local titles, or the causes before stated, the law does not clearly delegate to any established tribunal the power to adjust them, or if it does, its meaning is so obscure as to obstruct most effectually every step taken to the permanent and definite establishment of the rights of parties litigant. The case now pending will doubtless develop the hidden construction which is to determine future action.

The message is a highly creditable and comprehensive document, and closes by invoking "the blessings of the Almighty Disposer of human events and all earthly destinies, to rest upon and crown their great and noble mission."

ESTABLISH THE PRINCIPLE.

By the pressure of public opinion, the U. S. Government is required to define her position on the question of protecting naturalized American citizens abroad and add another doctrine to her national creed. It is true that since the confederation of States, Americans never had any idea of permitting the establishment of encroaching despotisms on this Continent, but not until President Monroe, in view of the foreign combinations to violate it, and accepting the situation, gave it form, had we a fixed, officially asserted principle and purpose on the question. That principle, swerving from it in weakness as officials at times have, was recognized by France as one which the people would maintain to the last extremity, and to it is attributable the fact that Mexico is not under the shadow of the Imperial Tri-color today. Again, when the question of searching vessels was raised, and foreign alliances were formed to enforce what they were pleased to term the right of search, another article of American faith was agreed upon and successfully maintained. As circumstances have evolved necessities for decided action, the Government, holding aloof from the alliances of the Old World, has built up a distinct American policy, in harmony with republican institutions, and ever as a free agent, untrammelled by any interest in maintaining the balance of power in Europe, and fully competent to attend to all aftoward England, for her position toward the United States during the rebellion, and the sentiment demanding protection to naturalized citizens abroad is spontaneous and universal. This, added to the obligation under which a Government rests, in point of principle to maintain and protect the rights of its citizens wherever they may be, has brought the issue fully before the country, in the press, in public meetings, in Congress and in the President's Message. Of those arrested and tried in Ireland for complicity in the disturbances, were ex-officers of the United States army, who were even denied trial by a mixed jury. It is known also that every American citizen visiting Ireland since these disturbances began, has been subjected fairs on this Continent. The Fenian disturbances in England and Ireland have resulted in the implication, arrest and summary execution by the English Government, of persons who were naturalized citizens of the United States. The large Irish element among us, estimated to include, in pure and not much diluted blood, fully one-third of the population of the country, is in hearty sympathy with their countrymen, whether they may or may not approve of the actions of the Fenian organization. Their sympathies harmonize with the unpleasant feelings of Americans to the most rigid examinations, insulted, kept under constant espionage, and in many instances most respectable gentlemen have been subjected to imprisonment while guiltless of the slightest infractions of law. Upon this point England is inexorable, and refuses to permit any interference by our Government. While conceding England the authority, even more, the right, as a ruling government, to suppress in Ireland all sedition and rebellion, by mild measures if she can, by force if necessary, still she has now in the Red Sea an expedition fitted out and sailed under Napier, for the express purpose of compelling King Theodore, of Abyssinia, to grant the release of English captives held under no less justifiable circumstances than are many American citizens in English prisons. Sharing heartily in the sympathy of the American people for those of Ireland, we still believe these Fenian risings, murders, gunpowder plots, and ostentatious funeral ceremonies to be productive of evil only, and should not be countenanced. The fires of unsuccessful rebellion only weld their shackles more firmly, and Ireland has no possibility of success at present. Yet for those who have given allegiance to the Stars and Stripes, this nation demands their rights as American citizens to be respected, and our Government should take a firm position on the question of protecting her citizens abroad, not as a question with England alone, but with the World. Resolutions to that effect have been introduced in Congress and are meeting with favor. It is right. We are strong enough to maintain it if disputed. Let it be done.

THE NEXT LEGISLATURE.

The apportionment bill after drifting about from House to Council for weeks, committed, amended, reported, re-committed, passed, returned, receded from, and finally adopted; found its way to the Governor and was approved on the last day of the Regular Session. It provides that the Legislature shall convene annually on the 1st Monday of December. The representation is increased to 13 Council, and 24 House Members. We give below the Districts, representation ratio of voters to each member, and the number of each house to be elected in September 1868. In case of vacancies by death, resignation or otherwise, sucessors will be elected in their districts. The Council apportionment of Council representatives is on a fair basis, and combines in Council Districts those Counties having identical interests. The House varies considerably, but the apportionment of Members to the stronger Counties. is equitable and the favors are thrown to weaker Counties. The increase of Members will make quite an additional expense to the Territory, but will prevent in a measure the easy and pernicious combinations that have characterized the present session.

To be elected in 1868.			Members	Ratio
		COUNCIL.		
1	1st Dist.	Madis'n & Beaverh'd	3	948
2	2nd "	Deer L'd'ge & Missoula	4	858
2	3rd "	Edgerton & Jefferson	4	884
1	4th "	Choteau, Meagher, Horn,	Gallatin, Big 2	990
		HOUSE.		
2	1st Dist.	Madison	4	561
2	2d "	Deer Lodge,	5	619
2	3d "	Edgerton,	5	576
1	4th "	Beaverhead	2	299
	5th "	Missoula	1	335
	6th "	Choteau	1	280
	7th "	Meagher	2	*495
	8th "	Jefferson	2	327
	9th "	Gallat'n & Big Horn	2	*525

* Giving Meagher and Gallatin equal proportions of the aggregate vote cast in '67.

IN JUSTICE TO YOURSELVES.

The Legislature of Montana, convened for the purpose of enacting laws necessary to the good government of Montana, and presenting to the general Government the requirements of the Territory, have in one instance, at least, gone beyond the pale of legitimate legislation to do that which is neither warranted by the facts of the case or becoming the dignity of men elected by the people to their responsible positions. We do not refer now to the political selfishness exhibited in the non-confirmation of every Republican nominated for legal or other offices by the Governor nor do we refer to the repeal of extra compensation to Republican Judges and the continuation of extra compensation to a Democratic Governor; nor, again, to the resolution giving an exceptional compensation to one of them, and ignoring the equal claims of the others. Perhaps the Legislature has good reasons for doing those things, they certainly have the power. But they have gone beyond this, did that which their position as legislators gives no more force to than as the act of private individuals; assumed certain things false in themselves, and upon those assumptions passed a resolution of non-effect, except as an insult and a weakening of authority. Certain expressions, not fitting to stand upon the records as the language of a dignified assemblage of legislators; expressions that they will blush hereafter to own they gave the sanction of official action, and an act that is taking advantage of position and political unanimity to breathe poisonous defamation against the character of officials who are to expound the laws of Montana and govern its courts, because their political status is displeasing. We refer to the resolution passed at the last of the regular session, asking Judges Hosmer and Munson to resign, and giving the whereases therefor. They brand with having brought disgrace upon his honorable office, Hez. L. Hosmer, Chief Justice of Montana, against whose character as a gentleman, and as a Judge of unspotted integrity and honesty of purpose no man can produce a particle of evidence; with "incompetency," one who would certainly not have been competent to descend to the use of such terms against the author of that resolution, from his position on the bench, but who, not improbably, could learn him the very rudiments of law. The Democratic party cried out "outrageous" against Republicans because they claimed that the President should be tried for misdemeanors, but the Democratic Legislature of Montana would damn a man with eternal infamy and disgrace without even a hearing. Read this:

And further, that said H. L. Hosmer has denied the right to a change of venue, in violation of the laws of the Territory.

And, whereas, the said L. E. Munson and H. L. Hosmer are incompetent and not t th- worthy as Judges of the Supreme Court of e Territory of Montana.

"Therefore they are asked immediately to resign, that competent and able Judges, whom the people respect, may be chosen to fill their places." The first charge is false and the second is founded on it, yet it is sent forth as an act of the Legislature to weaken their authority as Judges and disgrace them as men. It would be unpardonable cowardice on their part to tender their resignations under such imputations. It is a stab in the back of Justice, should they remain, cutting deep, deadly blows at the body of the laws now enacting. We are glad to know that the resolution met with earnest opposition in the Legislature, and are assured that it is discountenanced by the legal fraternity of this city, irrespective of party. In all kindness, and without any political feeling in the matter, we urge the Legislature to blot the foul calumny from the records.

WHO ARE ITS FRIENDS?

"Like begets like." Good may come out of Nazareth, but so infrequently that the instances are historical. Fragrance rarely rises from a carcass or healthy vapors from a cess pool. Bad men seldom propagate good doctrines. It is no more difficult to judge a tree by its fruits, than to judge of fruits by the tree. If we have a proposition before the country, its merits are determinable by two methods; by the character of those who advance it and an analysis of the proposition itself. There is a proposition now before the country. It is greenback redemption of bonds, a specious fallacy, a snare, a whited sepulchre, the painted corpse of rebellion. Who are its friends and originators? Pendleton, Seymour, Vallandigham, anti-war men, all. That or wholesale repudiation is advocated by every disloyal man in the country. Ben. Butler favors it. He is unreliable, and no more belongs to our party than Johnson does to Democracy. He is ambitious and thinks it will become popular. Thad. Stevens favors it. He is consistent. He urged the issue of bonds redeemable in greenbacks when the loan was authorized, claimed that on a technicality he had carried his point, and although we opine it is the most serious mistake of his life, adheres to it with bull dog tenacity. The men who fought the rebellion down, and those who sustained them by moral and material support are en masse opposed to these measures which were hatched in the prolific nest of disloyalty. The press that sustained the Government opposes them almost unanimously. Honesty opposes them. Fraud endorses them. They aim at a violation of faith on the part of the Government, the increase of greenbacks to an amount that will render them worthless, and eventually bring disaster upon the country, only second to that which would have succeeded successful rebellion. By funding the national debt, Congress can obviate the pernicious effects which even an agitation of this question produces, but if retained as an issue to be discussed by the press and decided by the people, every man who has shown devotion in preserving the life of the nation is called upon by every instinct of patriotism, to do valiant service in protecting the national honor from the machinations of treacherous friends and known enemies.

THE PLACE FOR IT.

"The Washington *Chronicle* says the increasing importance of the great mineral regions west of the Rocky Mountains, and the vast area of country which it appears from recent explorations, remains yet undeveloped, will doubtless furnish many interesting subjects for discussion during the approaching session of Congress. Prominent among these will be a movement for the establishment of a great National School of Mines on a liberal and comprehensive basis—an institution similar in its general scope and organization to the great mining schools of Europe, upon which we are now compelled to rely for nearly all the scientific aid employed in the reduction and amalgamation of our ores."

We find the above in an exchange. The establishment of a National School of Mines is one of great importance to the great west. We westerners are inclined to ignore the usefulness of scientific men and pin our faith to the skirts of the practical men, because they have been most successful. Yet to maintain that science is useless, is to write ourselves asses. The fact has been that scientific men generally have come here filled with fine spun theories that fade in the presence of rugged nature, and as soon as they lay those aside which are false, and adapt their science to nature, we enrol them at once as practical men. Science is speculative, but its speculations are, or should be, based upon established truths. It takes actualities as a basis and builds a fabric of advanced theory thereon. It follows that, starting upon a false basis, or none at all, the theories are likely to be erroneous. A perfect structure must have a sure foundation. Here is where the difficulty with scientific men begins. When they come to examine the formations and characteristics of the minerals in the western belts of mountains on this continent, they find that they do not correspond with the baseless, impractical theories taught in the Atlantic or European schools and they either return, to launch light literature against the Almighty Architect for the incomprehensible manner in which He has arranged the foundations of the earth, or, with commendable sense, accept the situation, as Mohamed is said to have done, and become our most useful and successful citizens. There is every argument in favor of the establishment of of mining schools. We have the most extensive, varied and richest minerals of any of the nations. They are the backbone of the national resources, illimitable, and but scarce prospected. Education is as necessary in this branch as any other. The midnight student bending over crucible and retort has staked discoveries that have yielded millions of treasure from the earth to man. The location of a mining school is an important point in securing its usefulness. As we look at it, it is just as sensible to locate a Pomological seminary in the Desert of Sahara, or an agricultural college on the Rock of Gibraltar, as to establish a mining school in New York, Boston or Washington, intended to educate its students in gold and silver mining, virtually limited to the Rocky Mountains and the Western Slope, and upon the importance of which is based the proposition. By locating it in any of the great mining States or Territories, its students would be brought in actual contact with facts; their researches would be practical and their theories builded on realities; science would be advanced and art assisted; the endowment would return many fold to the national coffers, and America would take the first rank in intelligent and economical mining. We hope to see this school established, and established where its results would justify the expenditure and add to our wealth and intelligence. The place is west of the Missouri.

CHANGE OF VENUE.

One of the most remarkable laws ever passed by a Legislature, is the recent amendment made to our Civil Practice Act, providing for the change of venue. It is in these words: "When an affidavit is made by any party to said action or proceeding, or by his or her attorney, that the party making the application, and on whose behalf the affidavit is made cannot have a fair and impartial trial in said action by reason of the bias or prejudice of the Judge before whom said action is then pending, such Judge shall, and it is hereby made his duty to immediately order said action to be transferred to some other county in said Territory, outside of his Judicial District, on payment of the costs that have accrued in said cause in said Court up to the time of making said application." By this, it will be perceived that any party, or the attorney of any party who will make oath that he cannot have a fair and impartial trial by reason of the bias or prejudice of the Judge, can have his cause transferred to another county. There is no limit to the application, and nothing in the law, requiring the person making it, to set forth his reasons for believing that the Judge is prejudiced or biased, or upon which, the Judge himself can exercise the least discretion, as to the propriety of the change. The party or his attorney is thus enabled on any pretense, which he may magnify into a prejudice or bias, to make the required oath, and the change is peremptory. If a Judge rules against a party as to the law governing a cause, the party who by disagreement of the jury or otherwise obtains a new trial, has only to swear that the Judge is biased, and his case must be immediately transferred. So if a party has no defense, is in default for depositions, and has had his cause continued, until all the rules for further delay are exhausted, the fact that the Judge rules that he must proceed to trial, affords a convenient cause for an affidavit, that the Judge is biased, and the cause, of necessity, is transferred. Nor is this all. An unscrupulous party or attorney, as is unfortunately, sometimes the case, even in this country, may follow his cause through all the districts, and if he is willing to take the required oath, prevent it from coming to an issue in any of them. There is nothing in the law to prevent him from doing so—nothing to punish him for so doing, if so disposed, for it would be impossible to prove that he had committed a perjury. How many people are there in Montana, who if they had bad causes, would hesitate to take this oath, on the smallest pretense, so that delay or ultimate defeat could be effected by it. The only reason that can be given for this short-sighted act, is that it originated in some cause quite as ridiculous as the act itself. Our Legislators are now considering the Civil Practice of California, with a view of adopting it for this Territory. We will direct their attention to some decisions under that act, by California Judges, on the foregoing subject. In the case of the People vs. Williams, 24th California Report, page 32, the court decides that "Bias or Prejudice on the part of the Judge constitute no legal incapacity to sit on the trial of a cause, nor is it a sufficient ground to authorize a change of the place of trial." Again "The fact alone, that the Judge on a previous trial of the same cause, made an erroneous ruling, is no evidence of the existence of bias or prejudice in his mind." We would recommend to our Solons a careful perusal of the opinion of Judge Sawyer in the above cause, believing that a consideration of the effects of the Statute cannot otherwise than influence its repeal.

SCHOOL OF MINES.

Senate Bill 156, introduced Nov. 23 by Stewart, of Nevada, covers the point we urged in the last issue in regard to this national institution. It provides that the entire tax levied on bullion shall be set aside so long as such tax is collected, for the endowment and support of a School of Mines, to be located on the Pacific Railroad, west of the Rocky Mountains, and as nearly as possible the center of the mining regions. Each State and Territory to appoint one Director. Tuition free, all personal expenses to be paid by the students. The school shall be free to native citizens and foreigners having the necessary qualifications. All assays, tests and experiments on ores to be charged only the actual cost of material used. The fund to be set apart by the Secretary of the Treasury, on and after July 1, 1868, and the location to be made on receipt of the report of the Board of Directors. An examination and report of the mining schools of Europe to be made and paid for from the bullion tax heretofore collected. The Reports on the mining regions, now made by special commissioners, shall hereafter be made annually by the faculty of the school. The Instructors and classes to make annual visits to the principal mining districts for observing practical mining operations, and such instructors shall, for the diffusion of useful information, give free lectures upon geology, mineralogy and kindred subjects. One half of the bullion tax shall be expended for the institution, the remaining half to be a permanent fund, the interest on which, after the tax shall cease, to be used for the expenses of the institution.

Congress on the 22d of February last, appropriated $650,000 for enclosing the various national cemeteries with proper fencing, and for placing over each grave a commemorative tablet. It has been ascertained that 330,000 tablets will be required—a fearful account of the destruction of human life in the late war.