SEMI-WEEKLY MINER.

WEDNESDAY, AUGUST 9, 1882.

NATIONAL PARK VIA BUTTE.

It does not seem to be generally known that Butte is the most desirable starting point of any of the railroad towns of Montana, from which to make the rounds of the National Park. The distances are as follows: to Virginia City, 70 miles; to Geyser Basin, 100 miles; to Bozeman, via Yellowstone Lake and Canyon, 140 miles; to Butte, the original starting point, 95 miles—whole distance 405 miles. Tourists cannot go from any point on the railroad to Geyser Basin and return with much less travel. The inducements that Butte can offer to tourists are that it is a better point to procure vehicles and camp equipage than can be found at the smaller towns. The actual travel on the route indicated can be accomplished in twelve days, which giving three days for sight-seeing among the wonders, give the shortest possible space of time in which all that is worth seeing in the National Park can be visited. A party desiring to visit Wonderland can here provide themselves with light vehicles, subsistence, tent and forage wagon, a good cook, a man for camp work, and not have to go in pursuit of pleasure under difficulties. The citizens of Butte have always found themselves so completely employed with their own affairs, and have always found such abundant employment for surplus teams and men that they seem to have hitherto overlooked their favorable position as an outfitting depot for tourists; but it seems well enough to call attention to the matter now that possibly a new industry may open to give employment to those seeking for it

THE RIGHT SPIRIT.

We cannot see upon what grounds the *Inter Mountain* counsels the people of Butte to yield to the demands of the lode claimants of Butte townsite. The Smokehouse company has no title nor the shadow of a title to a foot of the ground covered by the city of Butte. The patent was issued for that alleged lode claim with a reservation in favor of the townsite and although the company has sent the patent back for an amendment, striking out the reservation we are satisfied it will not be granted. The case of the Tombstone Mining company of Arizona is a similar one. A patent was issued to that company in which a reservation was made in favor of the town site of Tombstone. The company sent it back for amendment, but the Secretary of the Interior declined to accede to the request. The result is the property holders of that city will enjoy peaceable possession of their business places and homes undisturbed by the mine claimants. Such should be the case here. The people of Butte have bought their lots in good faith; have worked hard to improve them; have built their places of business and homes upon them; have paid their taxes upon and have enjoyed undisturbed possession of them. There should be nothing in the law, there certainly is nothing in equity nor in precedent, that should now deprive them of their continued possession.

It is true that the whole difficulty which now stares our citizens in the face, could be overcome if the lot owners of the city would pay 10 or 15 per cent. of their value to the lode claimants; but, thank God! there is too much of the spirit of '76 animating the hearts of our people to submit to the exaction. Our forefathers could have escaped the war of the Revolution if they had acceded to the demands of their English oppressors, and there were not lacking those who advised them to do it, but we may again thank God they refused, and America is a free country. If every man in his social and business relations yielded to the exactions of the stronger, our whole political and domestic fabric would topple to the ground. It requires backbone in a community as well as in a man to succeed in this world, and when they are without, it men are but slaves. We are assured this cannot be said of the people of Butte. Let them stand by their rights and victory will be their reward. So far they have shown the right spirit.

THE DELEGATE QUESTION.

The *Independent* of the 6th instant has an article under the above caption, which, though fair in the main, does, we think, injustice to the West Side. The *Independent* assumes there are no aspirants for Congressional honors on the West Side because none of the gentlemen whom it names has publicly announced himself as a candidate. In this our east side cotemporary is assuming too much. We do not think it necessarily follows that the West Side will have no candidates before the Territorial Convention because they are not heralding their names before the people now and making efforts to obtain the nomination. These gentlemen whom the *Independent* has named, and other possible candidates whom it has not named, may feel that it falls within the province of the Convention to name the nominee and not to a few upon this side of the Range, and believing this, do not choose to put themselves forward as candidates until the wishes of the people of the Territory are learned through their choice of and instructions to delegates. The MINER agrees with the *Independent* that the Democracy of Montana cannot afford to lose the coming Delegatorial election, nor do we think there is much danger of it if harmony be preserved in the rank and file of the party. This harmony cannot be preserved by grooming candidates for Delegatorial honors at this early day, hence we believe that West Side aspirants are acting wisely in withholding their names until the Convention meets, and the situation thoroughly canvassed. It may then transpire the West Side has a candidate, and one that will win. The MINER endorses all that the *Independent* says in regard to our present able delegate, and will cheerfully support him or any other gentleman who may be the nominee of the Convention.

THE CITIZENS WILL FIGHT.

It was the German philosopher Kant who observed that when men made worms of themselves they deserved to be trodden upon. The citizens of Butte whose property has been threatened cannot be so designated; they determined in mass meeting last evening that they would fight. The war spirit is rampant, and Butte can proudly boast of no cravens who choose to purchase inglorious ease with chains and slavery. There can be no compromise with those who have menaced property interests here except by an absolute withdrawal of the suits instituted. There were certain advisers who counseled conciliation, and that the citizens should sleep upon their rights until the time allowed for an answer should have passed; but these counsels happily did not prevail.

It is well that the citizens have determined to act promptly. It is not a question of how cheaply this matter can be brought to an issue, but how thoroughly. The committee appointed to prepare the defense will no doubt find high-flinded attorneys in our midst who will not care to speculate on the misfortunes of a whole community, and those who do should be known. It has been suggested that some will refuse to contribute the amounts assessed upon them for defense. No such persons can have an answer filed for them within the prescribed time. In short, any person who refuses to contribute at any stage of the proceedings can be dropped by the defense and a default entered against him. It is the old John Adams' revolutionary maxim of "sink or swim, live or die, survive or perish" with which the progeny of illustrious fighting ancestors are now confronted. Men are bound to hang together in this matter, or, as old Ben Franklin remarked on signing the Declaration of Independence, they will all hang separately. And it must not be found at any stage of the proceedings that there are any cravens who breathe the fresh air of this part of Montana.

There are those (no doubt inspired by the plaintiffs) who affect to believe that prompt action will shut out all hope of an adjustment. An adjustment appears to be what the plaintiffs most desire. The citizens desire no adjustment except an unconditional abandonment of the attempt to wrest from them their property. Let a demurrer be entered by defendants' attorneys, and then the plaintiffs can consider and take the matter to their closets whether they will abandon the suits. If the demurrer should be overruled, the court will give the defendants leave to answer and the case will go over to another term of court and the plaintiffs will still have ample time to pray over the matter. There is not probably a single one of the defendants that is so great an imbecile as to suppose that any jury can be got together, provided even that at any subsequent election the plaintiffs capture the county board and machinery of the courts, that will render a verdict in their favor. It is hinted that these cases will go to the Supreme court of the Territory and finally to the Supreme court of the United States. They will do no such thing. Men do not throw away money in lawsuits with all the probabilities so strong against them. It needs only continued firmness upon the part of the citizens to kill this thing now.

We are pleased to note that while moderate counsels prevailed at the meeting last evening, there was an exhibition of firmness on the part of those interested that augurs well for the success of the citizens. No uncertain sound was emitted. It was a meeting of men who knew their rights, and knowing them had the courage to express their determination to stand squarely upon them. The MINER will be found heart and hand with the people in this matter. It holds that the citizens of Butte own their business places and homes, and that there is nothing in the patent issued to the Smokehouse lode that invalidates their right and title to them. But it counsels moderation in all things, and a due regard for the position of those who may have been unwittingly drawn in as plaintiffs in these suits.

Thus far says the *Utica Observer* there has been scarcely an indication at Long Branch that there are two sides to this tariff question. The 500,000 people who make money out of the tariff have made a great deal of noise; no one has spoken for the 50,000,000 of people who have been robbed by the tariff. The Commissioners seem to share in the notion of their interested witnesses—that these 50,000,000 are simply beasts of burden, hewers of wood and drawers of water, whose views on the tariff are no more to be consulted than were those of a Virginia slave upon his master's guest list half a century ago.

The commission was appointed to hear "expert" evidence. And the "experts" with fine, round paunches, well filled pockets and a persuasive manner, agree that the war tariff is a very good thing, judged from their experience. They are right. It is an exceedingly good thing—for them.

Mr. John Raper, the Chicago embezzler, has but one eye, and began stealing only when there was a probability that he would lose the other. Wonder if the present isn't a one-eyed Congress.

OUR NEW YORK LETTER.

NEW YORK, July 31, 1881.

Special Correspondence of the MINER.

THE HEAT.

It is a trite subject here in New York, but at the present time it is the most important to every man, woman and child, from Battery Park to Spuyten Duyvel Creek. It is not only a question of comfort or discomfort; but, especially in the case of the out-door toilers, and the people who are packed in tenement houses, is one of life and death. Yesterday and the day before the thermometer marked 99 deg's., and the indications are that it will record the same temperature to-day. The mortality among the children of the poor, has been very great for many days, and sunstrokes are more frequent than since the summer of 1850. In some parts of the city, places of business have been closed, on account of the heat, the proprietors, like their customers, deeming it more profitable to flee to the country, than to fry within the super-heated walls of the city. Yet the trade in beer is lively. It is never too warm to drink lager.

BEARDING SATAN IN HIS DEN.

Mrs. Doolittle, a lady who believes that she cannot do to much toward saving the souls of the wicked, has been holding gospel meetings in a bar-room in Baxter Street, among thieves, murderers, and all sorts of criminals. On first applying for admission to the den, she was told that her life would be in danger, but in she went, and before the drunken inmates could tell the difference between a beer glass and a hole in the wall, Mrs. Doolittle was raising the roof with one of her most ear-splitting melodies. The worst man in the room was an ex-pugilist, called Dangerous Jack, known as a terror to all those who live virtuous lives and wear clean linen. Jack was taken aback. He tried to join in the singing, but being weak in the upper register, he abandoned the attempt, and with all the politeness he could manage, he extended to the missionary in the shape of a glass of stale beer the 'ospitalities of the 'ouse. When Mrs. Doolittle declined the beer, Jack became converted. And now when the missionary makes her tour through Barker and the other streets in which the rum-sodden and crime-soaked outcasts of the city dwell—when not in prison—Dangerous Jack always acts as her escort. With her by his side, he says he can knock Satan out of time in three rounds, with soft gloves, "and" he adds, "pray the blasted soul out of his body afterwards."

THE FREIGHT HANDLERS.

Attempts have been made to fix upon the striking freight-handlers the responsibility of raising rows in the streets, but these attempts are miserable failures. The strikers are, on the contrary, quiet, orderly and law-abiding in every respect. This is one reason why they have the sentiment of the public with them. Money flows into the treasury every day from all sorts of sources, and it is easily seen that the railroad companies must ultimately give in. Some of them have offered the 20 cents demanded, provided the men will leave the Union, but the men prefer to hang together. Even the Italian and Russian Jews, who have joined the strikers, decline to renounce their allegiance to the Union, and are standing side by side with their brethren, evidently with no intent to surrender. Indeed, many of them have gone beyond their fellows, and declare that they will not work for less than 20 cents an hour.

THE TURF SCANDAL.

F. F. Watton, proprietor of the St. James Hotel, and better known as "The Plunger," is recognized as one of the most successful sporting men of the age. He returned from Europe a few months ago, with about $500,000 won at the races; and has been very lucky on this side. A charge has recently been made, that he has been in the habit of bribing the jockeys and otherwise tampering with them. The Executive Committee of the Monmouth Park Association are preparing to receive testimony in the case. Mr. Watton is said to have lost $25,000 on one race last week because a jockey whom he had attempted to bribe, became conscience-smitten and brought his horse in a winner.

SHOWS IN THE BOWERY.

It is almost incredible, but nevertheless true, that even in this sultry weather the dozen or more cheap shows that are open in the day time as well as at night, in the bewildering city, are doing an excellent business. They are, for the most part, in the Bowery, which, to the average visitor from the rural districts, is the most wonderful thoroughfare in the world. And the average visitor's estimate is not far from right. For dash, crash, flash; for dirt; for wealth of cheap nastiness in hundreds of shops and stores of all kinds; for Jew peddlers, Italian fruit venders, bloted drunkards of both sexes and all ages; for brazen women to whom a bath would be as great a surprise, as an invitation to a queen's drawing-room; for ragged children, homeless and shameless; for policemen, surly and ill-bred, rough and vulgar; for blind, halt, lame and deformed beggars, the Bowery has no parallel, except that London highway of the low, known as Shoreditch. In the night time, from Chatham square and Bond street, it is an endless panorama of all that is filthy, and vile and poisonous and deadly in human nature. Yet its cheap glitter and gilt, its abominable show music, its ceaseless whirl and howl seem to attract a certain class of strangers, and I verily believe that if our country cousins would give the Bowery the cold shoulder for one calender month, that time dishonored pathway of disease and vice would be overgrown with weeds.

Its chief attraction, if I except the cheap clothing stores and the Brummagem jewelry shops, seems to be its shows—miserable invitations of the cheapest so-called museums, and hardly fit to be compared with many of those little tent-shows to be seen at every county fair, or in the near vicinity of a popular circus. A description of one will suffice for all.

A man at the door of a rattle-trap building, which is embellished on all sides with the most horrible pictures, of the most impossible creatures. The man who has a voice like that of a bull of Bashan with an attack of croup, walks up and down, flourishing a cane, and howling a list of the curiosities to be seen inside, "for this night only, admission ten cents." A barrel organ, accompanied by a cracked drum, and an asthmatic cornet, sends forth strains of discordant melody upon the feted air. A blear-eyed nonderscript awaits at an inner door to take your dime. At his side stands "the largest woman in the world" taking a glass of beer. She weighs—museum weight, 900 pounds. She might weigh one-fourth as much if she wore a greater superfluity of clothing and if her arms and calves could only be more elaborately padded, and her face and neck and other visible portions of her anatomy could carry more soil. Passing the largest woman in the world; who, as soon as she drinks her beer, will put on her water-proof, and exhibit for an hour at the museum up the street, where her weight is 894 pounds, you encounter the living skeleton, weight—museum weight—41 pounds. He is simply a thin boy, too lazy to grow stouter, and weighs 100 pounds. The lecturer represents him as being 40 years old. This age he well reach about the year 1917. Then you are shown the great Patagonian Giant. He is 8 feet 11½ inches high—museum measurement—from which deduct two feet and a half, and you get his altitude. Although a Patagonian giant he was born in the Fourth ward of New York, of Irish parents, and speaks Hibernian English with a Tipperary accent. Next you view two alligators, the likes of which you may see in a dozen private aquariums and an anaconda 17 feet long, three times its actual length; and a razor-backed pig from Tennessee, that passes for an Australian hedgehog. You have seen all that is to be seen; if you tramp up and down the Bowery one block you will see at another museum the same parties barring the hedge-hog, the alligators and the anaconda. In both museums, in nearly all of them, you will see the same visitors. They are country cousins who do not read the papers. Bunnell's, on Broadway, is far superior to the Bowery shows, and in course of time will equal Barnum's world-renowned establishment of twenty years ago.

CRUMBS.

The market is glutted with strawberries and blackberries. This is a sign that summer is near. A farmer near White Plains has killed a snake with two heads. People have ceased to express astonishment at the discovery of such *lusus naturæ* now-a-days, but just let a farmer kill a snake with a head at each end of its body, and a pair of wings between, then the curious world will howl.

THE SUMMONS.

The following is a copy of the summons served upon owners of lots located upon what is known as the Smokehouse quartz lode:

In the District Court of the Second Judicial District of the Territory of Montana, in and for the County of Silver Bow.

James A Talbott, James Matthews, William Woodward, James A Murray, David N Upton, John Noyes, John N Collins, John McLaggan and John D Thomas, plaintiffs, vs. Silas F Klag, Thomas M Lowry, Gustav Bogk, Margurite Bogk, John P Pfeifer, Horace Smith, William P. Gwinn, Isaac Morehouse, Thomas Daly, Bernard S Stack, Robert W Donnell, William A Clark, Samuel E Larabie, Julius Levy, Christian Nissler, C B Fisk, John Beckney, Charlotte A Nichols, Anna Goddard, Leonard H Nichols, Dennis Farrell, John Hauswirth, Jacob E Van Gundy, Edwin G Leiter, Louis Wise, Simeon Hauswirth, Nicholas H Connolly, George H Casey, Patrick J Brophy —— Mathewson, —— Donahoe, Frederick J Taylor, William Pinkham, Charles M Jeffries, John McClernand, Butte City Lodge No. 14, Independent Order of Good Templars, Inter Mountain Publishing Company, the Silver Bow Water Company, Samuel Schwab, Edward Zimmerman, Fidelity Lodge No. 8, Independent Order of Odd Fellows, Alfred B Dell, Horace S Houghton, John McBride, John C Roberts, Eliza Morier, John L Morris, Charles Hawkes, Henry G Valiton, Timothy Kennedy, Dennis K Butler, Reuben L Davis administrator of the estate of Edmund Kennedy, deceased, Oscar Stenberg, Peter J Schonig, Abraham Buol, Jeremiah B Wilcox, D L Harris, Kate Neidenhoffen, Patrick J Dolman, James R. Clark, Charles Schlessenger, the First National Bank of Butte, John M Bowes, Leopold F Schmidt, Daniel Gauer, William Coleman, Samuel Louis, Louis Coleman, Daniel N Dellinger, Herman Barnett, Balcain Petit, Thomas P Newton, —— Newton, Abram Sands, Julius Sands, James R Boyce, jr., George Warren, Henry L Frank, William J McNamara, J Clark Johnson, Samuel Word, John T Baldwin, Hiram Knowles, John F Forbis, Henry S Clark, William Read, G B Sarchet, Robert A Todd, Lee Mantle, Patrick A Largy, —— Richards —— Grix, Miner Publishing Company, Mrs. Mary Barnard, Mrs. —— Shodair, Nelson J Dovenspeck, Frederick Brown, Susan Ann Smith, Henry M Parchen, Harry A D'Achuel, David H Cohen, Charles M Buck, J Chauvin, Clarence W Brooks, John P Reins, John Woodworth, Mary O Butler, Thomas D Beebe, and —— Beebe, his wife, Patrick J Hamilton, m. E Marratta, —— Hoskin Mrs. Smitheram, James Thompson, Shirly C Ashby and —— Smith (Ashby & Smith), John C C Thornton, Robert Beach, Perry H Beal, Charles P Hough, George C Randolph, William I Lippencott, William H DeWitt, George W Beal, Sarah J Beal, George W Newkirk, Wolf Copinus, David Cohen, senior, Henry Jacobs, Herman Gans, Henry Klein, Louis Gans, Charles H Richardson, John D Butler, James L Hamilton, William Hamilton, heirs of M M Carpenter, deceased, Patrick A Largay, administrator of the estate of William Regan, deceased, Moses Morris, David Morris, Stanislas E Harbour, William D Pascoe, Lewis Hyman, Amariah Murphy, William O Dunbar, Dennis Leary, J F Pascoe, W N Aylsworth Elizabeth McFarland D H McFarland James McKean, Andrew J Davis, R[illegible] S Jones, George H Tong, L[illegible] Baker, heirs of William A [illegible] deceased, Richard S [illegible], administrator of the estate of William A McCollum, deceased; Sophia McCollum, Hannah A McLaughlin, Norman McLaughlin, Alfred McCollum, Alice Jane McCollum, Ernest J P McCollum, Sarah E McCollum and Clara D McCollum, Timothy Kelly, Mrs. —— Farry, Jeremiah Roach, Stephen Bynum, Michael Gette, F X Giard, William A Hensler, Geoffry Lavell, Thomas Lavell, William McDermott, Peter McDermott, C G Cornell, Mrs. Mary Ash, John F Winslow, Alexander Kemp, Paul Davis, Randolph Fagle, Caleb E Irvine, Edwin B Waterbury, T A Bennett, Matlock Davis, Thomas T Baker, administrator of the estate of Rolla Butcher, deceased, Lee W Foster, Albert Kleinschmidt, Stephen A Estes, Frederick Loeber, Charles Smith, Henry Nekel, Jacob Ornstein, Butte Hardware Company, George F Marsh, Western Union Telegraph Company, Alexander Cohen, George W Todd, John C Cowan, Francis T McBride, William Owsley, Pauline Howard, Mary Steele and —— Steele, her husband; Henry C Dalal, Patrick Talent Mollie De Murska, John C Lewis, Donald A McMillan, Moses Ornstein, W H Hodgeman, George C Fitschen, Samuel T Hauser, Henry D Hauser and Edward W Knight, Oren Emerson, Probate Judge of Deer Lodge County, Montana Territory; Caleb E Irvine, Probate Judge of Silver Bow County, Montana Territory, and the City of Butte, defendants.

[Here follow the names of the above defendants.]

You are hereby required to appear in an action brought against you by the above named plaintiffs, in the District Court of the Second Judicial District of the Territory of Montana, in and for the County of Silver Bow, and to answer the complaint filed therein, within ten days (exclusive of the day of service) after the service on you of this summons, if served within this County; or, if served out of this County, but in this District, within twenty days; otherwise within forty days; or judgment by default will be taken against you, according to the prayer of said complaint.

The said action is brought to recover of you the possession of the following described premises wrongfully withheld by you from plaintiffs, situate in Silver Bow County, Montana Territory, to-wit:

The Smoke House quartz lode mining claim lot No. 88 in Section 13 in Tp. 3 N., R. 8 W., and bounded as follows to-wit: Beginning at a granite stone 18x13x6 inches, marked "M. C. 88, 1," for corner No. 1, from which the corner to Sections 12 and 13 on the E. boundary of Tp. 3 N., R. 8 W., bears N. 23 deg. 19 min. E., 33.89 chains (2237 ft.) distant, and running thence S. 87 deg. 45 min. W. 12.3 feet; thence N. 62 deg. 57 min., W 319 ft., thence N 11 deg. 56 min, W 443 ft.; thence N. 87 deg. 45 min. E. 1474 feet; thence S. 11 deg. 56 min. E. 599 feet to the place of beginning; embracing an area of 19.55 acres and including 1474 linear feet on the Smoke House Lode Mining Claim.

Also to recover of you the sum of $10,000 damages for your wrongfully withholding the possession thereof.

And the sum of $50,000, the value of the rents, issues and profits of said premises above stated; and the costs of this action.

And you are hereby notified that, if you fail to appear and answer said complaint as above required, the said plaintiffs will take a default against you and apply to the Court for the relief demanded in the prayer of the plaintiffs' complaint.

Given under my hand and the seal of the District Court of the Second District of the Territory of Montana, in and [L. S.] for the County of Silver Bow, this 31st day of July, in the year of our Lord One Thousand Eight Hundred and Eighty-two.

Signed GEO. W. IRVIN, Clerk.

FORT BENTON MILITARY RESERVATION.

The following are the proceedings had in the House on the 31st ult. upon the bill to restore the Ft. Benton military reservation to the public domain:

Mr. Townshend, of Illinois. Let us have the regular order of business.

The Speaker. The regular order of business being demanded, the House resumes the unfinished business under the Pound rule, which is the bill (H. R. No. 5,222) to restore the Fort Benton military reservation to the public domain, and other purposes, which was called up by the gentleman from Montana Mr. Maginnis, under instruction of the Committee on Military Affairs, and for which he moved an amendment in the nature of a substitute, in substance the same as the Senate bill on the same subject.

Mr. Holman. I hope the bill will be reported.

The clerk read as follows:

Be it enacted, &c., That the Secretary of War is hereby directed to restore to the Secretary of the Interior the custody and control of the military reservation at Fort Benton, Montana. The Secretary of the Interior shall dispose of the same under the public land laws, and such actual settlers as are now on said tract in pursuance of military authority shall be entitled to the first right of entry: *Provided*, That the following described portion of said tract shall be disposed of under the provision of section 2,387 of the Revised Statutes of the United States, relating to townsites on public lands, to wit: Beginning at the northeast corner of lot numbered 3, section 14, township 24 north, of range 8 east of the principal meridian; running thence due east eighty chains; thence due south to the Missouri river; thence along the Northern bank of said Missouri river to the intersection of the eastern line of lot 3 in section 23 of said township; thence due north along the line of the townsite of Fort Benton to the place of beginning, as an addition to and a part of the present town-site of Fort Benton. And *provided further*, That there is reserved from said described tract of land to Mrs. Sarah E. Eastman, widow and administratrix of Francis Henry Eastman, and William S. Wetzel, the land on which the fur trading post known as Old Fort Benton stands, and the land inclosed and occupied by them, as described on plats on file in the War Department, the same being six acres more or less, to which they have the prior right of entry, and that the same be conveyed to them by the proper authorities upon their compliance with law. The county judge of the county in which said townsite is situated shall cause to be made a survey and plat of said tract of land, and the said plat thereof shall be filed in the office of the register of the proper land office within ninety days from and after the passage of this act; and thereupon it shall be lawful for the county judge, as trustee of said town-site, to make entry of said tract of land at the local land office, and to dispose of the same to occupants in the same manner as if the same had been a part of the original town-site of Fort Benton.

Mr. Holman. I ask that the report accompanying the bill be read.

The Speaker. The Chair will state that the report has been printed in the *Record* of the morning of July 28. Under the modification of the rule the report may be read for five minutes.

Mr. Holman. I hope the gentleman from Montana will state how many acres are affected by this bill; how many acres are embraced in the reservation and also the necessity for the passage of the bill.

Mr. Maginnis. Mr. Speaker, some years ago it was deemed advisable to establish a military post at the site of old Fort Benton, an old fur trading post, and a reservation about three miles long and two miles wide was withdrawn from the operation of the land laws. At that time I was contemplated to establish a military post at this point. Afterward the idea of establishing a military post and building a garrison was abandoned, and the buildings of the old fur company, which had been rented, were directed to be turned over to the owners by the government. The most of the land embraced in this reservation is of the ordinary character and value of the public lands of the country, mostly high table lands, and by this act they are restored to the public domain under the ordinary provisions of the public land laws. The committees of the House and Senate, however, have made two exceptions to this general disposition of the lands in the reservation. That portion on the river bottom under the bluff, amounting to one hundred and sixty acres or thereabouts, and adjoining the town of Fort Benton, are to be disposed of by the Secretary of the Interior under the provisions of the United Statutes governing town-sites, and, as the gentleman knows that under the provisions of the general town-site act the lots will be disposed of to actual settlers only, another exception in favor of the owners of the old fur trading establishment at Fort Benton is made. The owners are given the first right of entry on six acres of ground or thereabouts, which has been occupied by their establishment for thirty years or more, and on which their buildings stand. Their first right of entry is protected to this six acres.

Mr. Holman. Why is that?

Mr. Maginnis. Because they were the first settlers upon the land, and it was only deemed just and proper that they should have the first right to it. They occupied it long before there were any white people in that country. They were in a very marked way the first settlers, and it is only right that they should have the privilege in preference to other people. They claimed forty acres, that being the smallest legal sub-division of public lands, but the committee allowed only six, which had been actually fenced and claimed from the beginning.

Mr. Holman. This is a part of the town-site?

Mr. Maginnis. No, sir; it is a part of the reservation, just below the town-site.

The Speaker. Is there objection to the present consideration of the bill?

There was no objection.

Mr. Maginnis. I move now, Mr. Speaker, to substitute the bill which has been read for the House bill, the substitute being the exact language of the Senate Committee on Military Affairs, with the amendments reported by that committee.

The Speaker. The gentleman from Montana moves to strike out all after the enacting clause of the House bill and insert the bill which has been read by the Clerk as an amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. Bayne moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

On the same day the resolution was sent to the Senate, when the following proceedings were had:

The President *pro tempore* laid before the Senate the bill (H. R. No. 5222) to restore the Fort Benton military reservation to the public domain, and for other purposes.

Mr. Farley. I ask that the bill be put upon its passage.

Mr. Cockrell. I will state that the Committee on Military Affairs has reported favorably a bill of the same title, which I have compared with the House bill, and they are *verbatim* the same. The Senate bill was unanimously reported by myself from the Committee on Military Affairs, and is now on the calendar.

The bill was read three times, and passed.

Mr. Cockrell. I now move that the bill (S. No. 1499) to restore the Fort Benton military reservation to the public domain, and for other purposes, be indefinitely postponed, so as to be taken off the calendar.

The motion was agreed to.

CONGRESSIONAL.

HOUSE.

WASHINGTON, August 8.—After the reading of the journal, Hiscock moved to take a recess for an hour.

Atkins remarked if the House was to be delayed by recesses from hour to hour, he preferred to adjourn for three days.

O'Neil suggested that Hiscock make good use of the few minutes to reply to the criticism made upon the action of the House by Senator Plumb, but Hiscock stated that he did not propose to make a reply.

Several ineffectual attempts were then made to have private bills considered, and at 11:15 the House took a recess until noon.

The Star Route Trials.

WASHINGTON, August 7.—In the Star route trial the court excluded the report of Brady for the fiscal year of 1876, which the defense offered with the object of showing that Brady offered Congress measures calculated to protect the sub-contractor. Several similar reports were likewise ruled out.

WASHINGTON, August 7.—After some important testimony Ingersoll said he was through, and the other counsel for the defense said they were. This created much surprise and a recess was taken.

New Cattle Disease.

ST. LOUIS, August 8.—Dr. Reeves, secretary of the State Board has received information of a new cattle disease in several counties in the State and has ordered specific reports. It seems to be a contagious febrile affection.

NIGHT DISPATCHES.

BY WESTERN UNION TELEGRAPH

Reported British Defeat.

ROME, August 8. — Newspapers continue to display a very hostile feeling against England. They declare the reconnoissance Saturday was really a heavy defeat for the British, though disguised by the official dispatch.

Conference to Adjourn.

BERLIN, August 8.— It is believed that the Conference will be adjourned if military operations in Egypt assume a more serious character, and will reassemble to discuss the Egyptian question after the campaign has terminated.

Important Mining Decision.

WASHINGTON, August 8.—The Secretary of Interior has rendered a decision in case of the Grampion Silver Mining company of Utah. The Secretary holds that it is not necessary that an applicant for patent should make proof of service of notice upon delinquent company owners who have not paid their share of assessments, provided the objectors to the issuance of patent fail to file an adverse claim under section 2,325 of the revised statutes.

English's Recent Speech.

CHICAGO, August 8.—An Indianapolis special in response to the offer of Terrell of the Republican State Central Committee to print 10,000 copies of Wm. H. English's recent speech for distribution among the country Republican clubs of Indiana says that English replies accepting the proposition and only stipulating that that the Cepublican committee shall pay the cost of preparation. The letter is bitterly sarcastic on the the subject of temperance and of the Republicans of Indiana, and expresses the utmost gratitude at the sudden conversion of the Republican committee.

Steamboat Disaster.

ST. LOUIS, August 8.—No additional particulars of the explosion of the steamer Gold Dust, which collapsed her flue, near Hickman, Ky., yesterday, has been received here at this writing, 10 a. m. The steamer City of Alldon is reported to have arrived at Cairo last night with the dead and wounded, and will come through to St. Louis. A more complete list of those who died from scalds and other wounds received by the accident, is as follows: W. A. Ingraham, third clerk; John Lytell, second pantryman; Wm. Traverse, barkeeper; Peter Winter, second porter; Jim Jerry, captain of the watch; Wal Howard, roustabout. Charles Williams, second barber; Manuel Victor, deck passenger. The names of the missing are not known, as the books are lost and the number may be swelled to 40 or more.

Miscellaneous.

SAN FRANCISCO, August 8.—Judge Delos Lake died this morning of heart disease.

WASHINGTON, August 8.—A cable message was received from Minister Hunt this morning stating that Chandler's message had been received and stating Lieut. Aarlie has been made acquainted with the views of the department.

The House has adjourned *sine die*.

The Law of Prize-Fights.

The statutes against prize-fights passed in 1856 and 1858 in this State was not necessary in order to make such fights criminal, for at common law although by voluntarily taking each other's blows the combatants precluded themselves from civil actions against one another they are amenable for assaults at the suit of the Crown and to indictments for manslaughter if either should die from the effects of the blows each has agreed to receive. Our statutes simply increased the punishment. Russell, who wrote a treatise on criminal law more than a quarter of a century ago, thus summarized the common law:

"There is no doubt that prize-fights are illegal, indeed just as much so as that persons should go out to fight with deadly weapons, and it is not at all material which party strikes the first blow, and all persons who go to a prize-fight to see the combatants strike each other and who are present when they do so are in point of law guilty of assault."

The whole law as to prize-fights has, however, been reviewed as lately as last March by Lord Chief-Justice Coleridge and his colleagues, Justice Denman, Huddleston, Manisty, Hawkins, Lopes, Fitzjames Stephens, Cave, Norton, Pollock and Mathew. Each of these Judges read an elaborate opinion. They did not agree on some of the points involved, but they all did agree "that a prize-fight is illegal, and that all persons aiding abetting mere presence unexplained affording evidence for the consideration of a jury of aiding or abetting in a prize-fight were guilty of an assault, and that the consent of the persons actually engaged in fighting to the interchange of blows did not afford any answer to a criminal and not a civil charge of assault." The case before the Judges was of a ring-fight with fists fought in June, 1881, at the close of the Ascot races. There was no evidence that the fight was for money or reward, but there was evidence of bets and of a trial of endurance by the agreement of the contestants, who were named Burke and Mitchell. The persons accused before the Judges were spectators of the fight, and in considering their guilt it became necessary to consider all the circumstances of the relations between prize-fighters in the ring. The Judges agreed that "boxing with gloves in the ordinary way without idea of punishment" did not involve the law of assault. But Justice Hawkins and with him a large majority of the Judges agreed distinctly affirmed the law laid down by the late Judge Fitzroy Kelly in a case recently cited by *The World*. Said Justice Hawkins: "The case in which it has been held that persons may lawfully engage in friendly encounters not calculated to produce real injury or to rouse angry passions in either, do not in the least militate against the view expressed, for such encounters are neither breaches of the peace nor are they calculated to be productive there of; but if under color of a friendly encounter the parties enter upon it with the intention to conquer each other by violence calculated to produce mischief regardless whether hurt may be occasioned or not, as for instance, if two men, pretending to engage in an amicable spar with gloves, really have for their object the intention to beat each other until one of them be exhausted or subdued by force, and so engage in a conflict likely to end in a breach of the peace, each is liable to be prosecuted for an assault." Justice Fitzjames Stephens added: "When one person is indicted for inflicting personal injury upon another the consent of the person who sustains the injury is no defense to the person who inflicts the injury if the injury inflicted under such circumstances that its infliction is injurious to the public as well as to the person injured. The injuries given and received in prize-fights are injurious to the public, both because it is against the public interest that the lives and the health of the combatants should be endangered by blows and because prize-fights are disorderly exhibitions and mischievous on many obvious grounds.

As has already been stated in *The World* it is announced that next month another ring-fight, with seconds and between ropes, will be fought at Madison Square Garden between two persons who agree that one or the other within a specified time shall, by a blow given with a padded glove, be struck so forcibly that the person so struck shall be unable by reason of physical exhaustion occasioned by the blow "to come [as it is termed] to the time;" or in other words, shall be physically conquered by blows. It would seem that under the common and the statute law against ring-fights, especially as commented upon by the assembled judicial learning of England, the above arrangements for a ring-fight directly invite the interference of the police, and a prosecution of the parties owning the Garden who may let it for the ring-fight with knowledge of the circumstances and methods of the contest.—*New York World July 28th.*

Some Fashionable Beauties.

The "professional beauty" is the new feature of the London season; and though photography has no doubt done much to give publicity to the charms of the loveliest women in the ranks of fashion, yet in the days of our great-grandfathers and great-grandmothers the reigning belles excited just as much vulgar curiosity and gossip as they do now. Take, for example, the Gunnings, Maria and Elizabeth, who appeared at the Court of George II., one at the age of eighteen, the other of nineteen, and both without a shilling to their dowry. "They are declared," writes Walpole, "to be the handsomest women alive; they can't walk in the Park or go to Vauxhall but such crowds follow them that they are generally driven away." One day they went to see Hampton Court; and as they were going into the Beauty Room another party arrived; the housekeeper in a state of great excitement, said to the new-comers, "This way, ladies, here are the famous beauties!" The Misses Gunning thereupon flew into a passion, and asked her what she meant; they went to see the palace, and not to be shown as a sight themselves.

The youngest of the two sisters became the wife of James, Duke of Hamilton; he fell in love with her at a masquerade, and a fortnight after met her at an assembly at Lord Chesterfield's gorgeous new house in Mayfair. His Grace was so enamored of the lovely Elizabeth that he left the faro table where he had staked a thousand guineas, and "let the game slide," while he paid devoted court to the enchantress. Two nights later, at half an hour past midnight, they were married by Dr. Keith with the ring of a bedcurtain in Mayfair Chapel, one of the most hasty and eccentric marriages on record. In less than three weeks Maria Gunning followed her sister's example, and was wedded to Lord Coventry, though not with such indecent haste as in the other case.

The beauties were even greater objects of popular curiosity after their marriage than before. When the Duchess of Hamilton was presented, the crowd at the drawing-room was so great that even "noble persons" clambered upon chairs and tables to look at her; whilst throngs gathered round the doors of the two "goddesses" to see them get into their sedan-chairs, and such crowds flocked to see the Duchess when she went to her castle that 700 persons sat up all night in a Yorkshire town in order to see her start in her post-chaise the next morning.

Lady Coventry was equally run after; at Worcester a shoemaker made two guineas and a half by showing, at a penny a head, the shoe which he was making for the Countess. She had, however, little but her beauty to recommend her; it was she who made the singularly *naïve* remark to his Majesty that the one sight she longed to see was a coronation. Her husband, who was a sensible man in many respects, though somewhat of a bear in manners, objected strongly to her ladyship's excessive use of red and white powders and paints; and once at a large dinner-party, suspecting that she had been "making herself up," he chased his wife round the table till he caught her, when, before all the company, he scrubbed her face with a napkin. When Lady Coventry visited Paris she expected that her beauty would meet with the applause which had followed her and her sister through England; but she was put to flight by another English lady, still more lovely in the eyes of the Parisians. A certain Mrs. Pitt took a box at the opera opposite the and was so much handsomer than the Countess, and was so much handsomer than her ladyship that the *parterre* cried out that this was the real English angel; whereupon Lady Coventry quitted Paris in a huff. Not long afterward she died of consumption, accelerated it was said, by the red and white paint with which she plastered those luckless charms of hers.—*London Society.*

She Knew The Language of Flowers.

A woman with a market bas