New North-West.

JAS. H. MILLS, - - - EDITOR AND PUBLISHER.

ISSUED EVERY SATURDAY

AT THE FOLLOWING RATES:

ONE YEAR .....EIGHT DOLLARS
SIX MONTHS.....FIVE DOLLARS
THREE MONTHS.....THREE DOLLARS

INVARIABLY IN ADVANCE.

Saturday Morning, November 4, 1871

—John Hay has written and published a book—Castilian Days.

—"The half crown, or two and a half shilling piece, has been abolished from the British currency."

From the present appearances it will not be a very long time before the whole crown meets with a similar fate.—*Pittsburgh Com.*

—The Republicans of New York strongly urge the election of ex-Governor Seymour to the Assembly from the 19th District.

—The resignation of Collector Murphy of New York is said to be in the hands of the President, to be used whenever he thinks proper.

—The Chicago fire was a terrible national calamity, but nothing in comparison to some of the thousand and one 'pomes' it has evoked

—Joe Bein was killed in a fight recently in Toledo. He is supposed to be the same person who figured in the Montana P. R. a a few years ago.

—Secretary Belknap directed General Sheridan by telegraph to afford to the sufferers of Michigan and Wisconsin such aid as he thought their condition required.

—The Colorado *Chieftain*, one of the finest and ablest of our mountain exchanges, has made a "New Departure" from Independence to Republicanism. Welcome.

—It is said that if you take two letters from money there will be but one left. We have heard of a man who took money from letters and there wasn't any left.—*Toledo Com.*

—The Continental Bank Note Engraving Company of New York has completed the plates for National Banks of Japan. They are "One Yen" and "Five Yen" each, a "Yen" being equivalent to one dollar.

—The Washington *Capital*, the most sacrilegious of all our exchanges, denominates the quarrel between Catacazy, Russian Minister, and our venerable Secretary of State, "the CAT-FISH WAR." It's good, if it is mean.

—General Sherman has obtained leave of absence to visit Europe. Col. Audenried of his staff will accompany him. He will visit the late Franco-Prussian battlefields, and the fortifications and armies of Europe, and will be absent during the winter.

—That German expedition didn't get so very close to the pole as at first reported. They only reached latitude 79° N. on the meridian 48° E., and report things looked favorable toward the North. Still, 792 miles is a long distance to see how things look.

—And now New York is in deep tribulation. The Russian fleet has gone to Madras with Alexis. The Admiral has a roving permit to go where he pleases, and it is not certain he will come to America at all. The Chicago calamity is laid in the shade.

—It appears the politicians of both parties are dissatisfied with the Union ticket put up by the Chicagoans and have agreed on an opposition ticket, with Holden, the old standing candidate, on for Mayor. The Union ticket will be elected without an effort.

—The East Boston *Advocate* gets at it neatly by keeping this at the head of its local column:

"If there's a hole in a' your coats,
I rede you tent it;
A chiel's amang ye takin notes,
And, faith, he'll prent it."—BURNS.

—Rosenzweig, the Bowlsby murderer, having boasted to the *N. Y. Herald* reporter that owing to his being a Mason he could not be touched by the law, the *Freemason* advises the fraternity to render every assistance to convict and hang the infamous liar and scoundrel

—Hon. E. P. Smith of Rochester, N. Y., who for several years has held an important position in the Department of State at Washington, has received the proffer from the Mikado of Japan as his legal adviser on foreign affairs, with a munificent salary, and has accepted.

—The dispatches say "the War Department has refused to grant an escort to Indian Superintendent Viall on the ground of an insufficiency of troops in Montana, and that the season is too far advanced." Supt. Viall, we believe, had requested the escort for the purpose of visiting Sitting Bull, with a view to have his band remove from the route of the N. P. R. R. on the Yellowstone to the countries north of the Missouri river.

—The *Gazette* groans under the affliction that "in the changes, manipulatins and mutations of party, a genuine Carpet Bagger has been foisted upon us for Governor." Did not Green Clay Smith and Thomas Francis Meagher, as well as James Ashley and B. F. Potts—two Democrats and two Republicans—tote the much execrated valise into the Executive office of Montana. The situation is not a new one.

—Bismark has demanded the French indemnity in coin. The London *Court Journal* says all the deposits in Europe and America are less than 200,000 000 pounds sterling, and would not pay half the indemnity. It recommends the Bank of England to decline discounting the notes, lest a panic ensue, and England's vitality be touched by yeilding up her gold to be horded in Prussia.

—The Greeley Republicans of New York adopted the city nominations of the Reform Democrats. The Murphy party adopted the same ticket. By this action there is a union of the opposition to Tammany on the candidates for Register, Judges of the supreme, superior and marine Courts. The nominations are the result of a compromise, giving the Republicans a portion of the officers, or candidates, for legislative and city officers other than the above. The anti-Tammany parties as a general thing think they will have separate nominations.

THE RECENT DECISION.

We want to know what that paper (the NEW NORTH-WEST) has to say about the peculiar position of Judge Wade.—*Gazette 31st.*

Some days since the *Gazette* cited an alleged decision of Judge Wade that the U. S. Marshal of Montana has concurrent authority with Sheriffs to serve processes in all the Courts of Montana. In the *Herald* of Oct. 30th we find the decision cited, and reproduce it in our columns. It covers the statement made by the *Gazette*. Although neither the petition or the granting of it—it being merely for a transfer of the case from one Court to another—necessarily involved the other points decided, Judge Wade took occasion to give the opinion, and it is before the people.

Holding that the Courts are and should be non-political, and recognising in them the constituted and qualified expositors of our Constitution and laws, we are loth, in our acknowledged ignorance of the subject, to assume any arbitrary positions, and should regret to see the decisions of the Courts dragged furiously over the hot coals of partizan journalism, defended or condemned with the vehement vigor, prejudice and bias that characterize our political discussions. Still, the journalist has not only the privilege, but it is his duty to review decisions having a bearing on the public welfare, and especially those which, under a new construction of organic or statutory law, break down precedent and recognized institutions, and establish in their stead a new order of things. Of such, is the recent decision. We believe that in important particulars Judge Wade is in error. But in saying this and in showing cause therefor, it is with due deference to the Court and the knowledge which he should have, and which we have not.

His premise that "the Territories are creatures of Congress" is undisputed, and Chief Justice Marshall, we believe, held further that the Courts of the Territories are creatures of Congress, and are instituted under the power delegated to it in the Constitution to make all needful rules and regulations respecting them.

Judge Wade says there is but one Court here and that is the Court created by the Organic Act. It is held that this is a United States Court, and that no Territorial Court can be established. If Judge Wade means by this that our Courts are created by our Organic Act, which is an act of Congress, and that the Legislature of Montana cannot of itself create a Court, we agree with him; but if he means by it that our Courts are U. S. Courts, and that all Acts which apply to the Federal judiciary, apply in like manner to them, we disagree. Our Courts are Territorial Courts, because they are created especially for this Territory by the Organic Act creating this Territory itself. But this Territorial Court, by a *special* conference of power is enabled to "have and exercise the same jurisdiction *in in all cases arising under the Constitution and laws of the United States as is vested* in the Circuit and District Courts of the United States, and for this particular purpose six days of the Territorial Court term is set apart. The distinction between them appears plain. From the preceding views Judge Wade reaches the case of the Marshal and District Attorney, and says "it may well be *supposed*" the object of the Organic Act was to have them prosecute and serve processes under the Territorial as well as the National laws, "and it is further believed that any writ or warrant duly served by the Marshal would be legally served."

The Organic Act provides, in Sec. 10, that the Marshal "shall execute all process issuing from the said Courts *when exercising their jurisdiction as Circuit and District Courts of the United States*," thus limiting and confining him to particular duties, and confirming our theory of an especially conferred authority to *exercise* a larger jurisdiction not inherent in the Court. It is true the Marshal can arrest, as in case of felony, outside this conferred power, but so can any citizen.

Further, by tracing back the Organic Acts to ascertain the fees he is entitled to, it leads to a judiciary bill, limiting his fees to cases arising under the Constitution and laws of the United States, alone.

This theory of Judge Wade's has developed before. It came up in Colorado, where for years it occasioned perplexity and trouble, and litigants had to assume the responsibility for fees before cases could be brought to trial. In Utah, a year ago it developed, and the Courts ran in debt under it $30,000. The Auditor's office at Washington virtually decided against it by refusing to allow the account. One of the Judges then visited Washington to get a bill passed by Congress authorizing a special tax levy on the people of Utah to pay it, and if our recollection is right, this failed, also.

The *Herald* cites Washington Territory as having only U. S. Courts. We know nothing of the facts in that case, but in Kansas, Nebraska and Nevada while they were Territories, and in Idaho, Wyoming and other Territories at this time we know the present system has prevailed and has been sustained as correct.

Then there is another point raised. The decision says: "It would be just as competent for the Legislature of the Territory to establish the office and provide for the election of a Territorial Judge in each County or District as to establish the offices of Sheriff or Territorial District Attorney and elect officers thereto."

What offices then are contemplated in Sec. 7 of the Organic Act? wherein it is provided: "That all township, district and county officers not herein otherwise provided for shall be appointed or elected, as the case may be, etc."

Certainly they are those now existing in Montana, and that have existed in all Territories within our knowledge from their first organization.

While we would gladly see the expenses of the Territory decreased, and are content to abide the construction placed upon our Organic and Statutory law by the Judiciary, and have the highest opinion of the ability and integrity of Chief Justice Wade, we are forcibly impressed with the opinion that he has erred in judgment, that his decision will not be sustained in the higher Courts, and that until it is there tested and sustained, an exercise of authority under this decision would be prejudicial to the welfare of this people, in complicating and delaying the adjustment of cases, as was the case in Colorado and Utah.

If in newly organized Territories and unsettled communities, exclusive jurisdiction by United States authorities were advantageous, there is not that in Montana now to render it the case. Our Territorial condition, at best, deprives us of valued privileges as citizens, and the broader, more liberal construction that can be placed upon the limitations and restrictions of that condition, the nearer it will approach the true spirit and intent of our Republican institutions. Unless there is material contravention of the Organic law, or a necessity exists that we do not know of, we hold that the present system should not be broken down. It has existed long. The Judiciary has sustained it. It is competent to the needs of the people, and they are satisfied. The exceptional instances to the system have resulted in conflict of authority and disastrous results, and brought about a state of affairs we should regret to see reproduced in Montana.

The *Gazette* has our answer.

MONTANA INDIAN VOUCHERS.

After delays vexatious enough, the claims against the Government for services and material furnished for the volunteer expedition against the Indians in 1867, appeared last summer to be in a pretty fair way for settlement, and those who held genuine accounts and vouchers anticipated early payment on the report of Gen'l Hardie. We now learn from advices sent to this Territory by Gen'l Martin Beem, that the entire evidence and records made by Gen'l Hardie were destroyed in the Chicago fire. Gen'l Hardie has applied to the Secretary of War for instructions what to do, and was awaiting reply at the time of our advices. It is probable the entire investigation of accounts will have to be gone through with again, but that could be done in time to report at the present session of Congress.

LET US HAVE PROOF.

The *Gazette* says when Governor Potts denies that he "requested Congress to grant him the power to depose and turn out all Territorial, County and Township officers and to place his carpet bag friends in their places," or when it has assurance that he has authorized the NEW NORTH WEST to deny it, that then it will give the proof. It further now claims that the charges must be taken *as confessed* until that time.

We give the *Gazette* assurance that we are thoroughly conversant with all legislation asked by this administration, have had these many months authority to deny the above allegations, have done so, and do again emphatically, and pronounce the charge that authority was asked, by Governor Potts, to interfere with any County or Township officers, wholly and utterly untrue. The amendment asked to the Organic Act we published entire, approved, and gave the reasons therefor while it was before Congress, and believe no paper in Montana dissented. Now a false accusation is trumped up for some political purpose we cannot divine, but we do not intend the *Gazette* shall get away with it. We call for the proof, or retraction.

THE ELECTIONS

The returns are now so nearly official from the October elections, that the result is beyond question. Ohio gives Noyes 20,065, official majority, all counties but four in. These four will bring it to 20,000. In 1870 the Republican majority was 16,766, in 1869, 7,518. The Senate is a tie, 18 to 18. The Lieut.-Governor has the casting vote and is a Republican. The House is 57 Republicans to 45 Democrats. Sherman will succeed Sherman.

Pennsylvania gives nearly 18,000 majority. Both branches of the Legislature are Republican. We have seen it stated that it elects a successor to Cameron. This is an error. Another election occurs before a Senator is chosen.

Iowa gives about 35,000 Republican majority. Harlan has the inside track for re-election to the Senate.

Texas gives nearly 40,000 Democratic majority. Satraps! Bayonets!! Grant!!!

TELEGRAPHIC BREVITIE.

The 5th Cavalry is ordered to Arizona.

The Mercantile Insurance Co. of New York has suspended.

The steamer for China, on the 1st, took home 700 Celestials.

The workmen of Berlin are organizing a strike for 9 hours a day.

The total Government debt principal Nov. 1st was $2,315,492,506 21.

The widow of Admiral Pearson died at Portsmouth, N. H., on Thursday.

Second Lieut. Fred. G. Grant of the 4th Cavalry goes with Sherman to Europe.

Charles O'Connor says no suits will be commenced against Tweed before the election.

The registered voters in New York Nov. 1st numbered 91,816. Two days remained to register.

Three hundred Mormons arrived at New York on Monday from Europe and have started for Utah.

A. J. Dufur and W. J. Virtue are appointed Commissioners from Oregon to the Centennial celebration.

Philadelphia has kicked up a bobbery about its municipal affairs, and the Treasurer is indicted for embezzlement.

Several important changes have been made in the Military Departments this week. The Department of the Platte is discontinued.

Gov. Bullock of Georgia, is in New York. Says there is no foundation for the charges against him, and his resignation was put in to thwart his enemies.

An immense meeting at Cooper Institute on Thursday evening, ratified the Reform Ticket. Tilden, Chapin and Evarts delivered addresses.

The New York Bar Association has received their Judgeship nominee for Superior Court Judge, and not approve the action of the Bar in the premise. They also resolved to bend their brethren of Chicago a full set of Blue Spectacles.

Telegraphic.

Reported for the "New North-West,"

BY W. U. TELEGRAPH CO.—S. A. WILLEY, OPERATOR.

Tammany.

New York, November 2d.—A statement is made, founded on the warrants paid by the Broadway Bank, that Ingersoll and Garvey, in depositing, invariably gave 42 per cent. to Woodward, 24 per cent. to Tweed and kept 34 for themselves.

Reduction of Debt.

Washington, November 2d.—The public debt has been reduced $8,950,400 during October. The coin balance is ninety-nine and a half millions.

"Is the Caucassian Played Out?"

Washington, November 1st.—Gen. George B. Williams, 2d deputy of the Internal Revenue Bureau, today concluded an engagement with the Japanese Minister to go to Japan and organize an internal revenue system similar to that of the United States. The engagement is for three years, at a large salary.

Maj. Thos. Long, connected with the National Intelligencer, died to-day, aged 75.

Legal Proceedings.

Chicago, November 1st.—Gov. Palmer, on October 30th, wrote to Attorney-General Bushnell, now in this city, instructing him to take proper steps to have Lieutenant-General Sheridan, Col. Frank T. Sherman, Maj. Colston and others, connected with the organization of the regiment of Home Guards, a member of which shot Col. T. W. Grosvenor, a few days after the great fire, presented to the Grand Jury for indictment for their connection with that tragedy. It is said Mayor Mason will also be indicted. It is also reported that Attorney-General Bushnell and Prosecuting-Attorney Reed were in consultation to-day in reference to the matter.

One man was killed and another probably fatally injured to-day, by a falling wall of the *Tribune* building. The men were engaged in tearing down the wall.

Utah.

Salt Lake, November 1st.—To-day everything is pacific, and there is not the least probability in this city of any outbreak or difficulty. The Mormons all disclaim the most remote intention of resisting the law or opposing the U. S. officers in the performance of their duties. Judge McKean's course in admitting Mayor Wells to bail is admitted in all quarters to be eminently wise and proper. No fault is found for refusing bail for Stout and Kimball, although its not deemed that the probability of their guilt is greater than Wells. It is understood that Marshal Patrick is organizing an expedition to follow and arrest Brigham Young. Reliable reports are to the effect that Young is still moving Southward, having 11 wagons and 100 armed men, mounted. The appointment of Mr. Geo. C. Bates, as U. S. Prosecuting Attorney for Utah is approved by both Mormon and Gentile papers.

Business is dull, and money unusually scarce. The weather is delightful.

New York.

At a meeting of the Board of Supervisors to-day, Mayor Hall submitted a resolution, which was adopted, dividing the city into fifteen election districts, and designating certain Tammany officials to receive the election returns. This is thought to be in the interest of Tammany.

No account yet of the missing Ingersoll.

The non-arrival of the Grand Duke Alexis keeps the reception committee in a ferment. If the Duke arrives this week the military reception which it was proposed to have will be deferred, as the law prohibits any military parades in the city for five days preceding the election.

The Civil Service.

Washington, November 2d.—The President has appointed Chas. C. Beaman, jr., to examine claims in the Department of State.

The Civil Service Commission was in session to-day, on the subject of Postmasters. The difficulty is to fix a point where competitive examinations shall commence, as of 30,000 postmasters, 22,000 receive salaries less than $100 a year. It is thought this class should not submit to examinations, as the greater part of the offices are held merely for neighbourhood accommodation and not profit.

Washington, 3.—Information has been received that 300 Ku Klux have made voluntary confession and surrendered to the authorities. They are disgusted with the K. K. K., thirty-seven of them have confessed at this writing. It is estimated three hundred have fled. One hundred and two are confined in jail at Yorkville. The prisoners speak well of their treatment.

Pacific Coast.

San Francisco, November 1st.—The old banking house of John Sime & Co., failed this morning. The supposed cause is unsuccessful stock operations. Sime died ten days ago. The stock market is falling heavily No indications of the failure affecting other banks.

San Francisco, November 2d—The failure of Jno. Sime & Co., bankers, of San Francisco, caused also failure of Hastings & Co., of Sacramento.

Edwd. Kehoe, a restaurant waiter was killed this evening by the accidental discharge of a pistol,

Andrew Wilson was killed, and Jno. Beckley fatally injured by falling in the Belcher mine, Virginia city, yesterday.

San Francisco, 3d—The failure of the bank of Sime & Co., Sacramento caused a run on the Odd Fellows Savings Bank of Sacramento, which quickly subsided. All demands were promptly met.

Lawrence Taff, hostler, was killed in Virginia City yesterday by a kick of a horse.

Christain Johnson, a Dane, was shot dead by Benj. Reed, a worthless bummer, at Nevada city yesterday. Reed was arrested.

Miscellaneous.

Ottawa, Ont., November 1st.—Stead's lumber mill burned this morning. Loss. $40,000.

New York, November 1st.—A special dispatch from Washington this evening, says it is asserted on the authority of Senator Poole that General Grant has expressed a determination to declare martial law throughout the entire South in consequence of the continued outrages.

The Board of Health to-day declared Charleston and Key West infected ports, on account of the yellow fever.

Baltimore, November 2d.—A mass meeting of the Democratic Conservative party of this city was held to-night in Monument Square to protest against the proceedings in South Carolina under the suspension of the writ of habeas corpus. Reverdy Johnson presided. Several resolutions were adopted and addresses delivered by Mr. Johnson, Pinkney White, Joshua Van Zandt, Mayor Chest, and others.

TELEGRAMS IN BRIEF.

The Chicago *Tribune* says 500 or 600 masons and 2000 carpenters can get winter employment there at $4 to $5 per day.

Chas. O'Connor says he can recover $5,000,000 from Boss Tweed, obtained by fraud, unless corrupt legislation covers it up within the next 20 days. He says Tweed wants to get back in the Legislature and retain his position on the Board of Public Works.

The President issued a proclamation recommending Thursday, Nov. 30th as a day of Thanksgiving.

Hon. James M. Cavenaugh arrived in Washington October 27th, on Indian business.

Vincent Colyer is back in Washington championing Cochise and the other Apaches.

Chief Justice McKean on last Saturday sentenced Thomas Hawkins to $600 fine and three years in the penitentiary at hard labor. There was no excitement. Notice of appeal was given.

Daniel H. Wells, Mayor of the city, Hosea Stout, formerly Attorney General of the Territory, and William Kimball, of Kimball's Hotel, in Parley's Canyon, were arrested in Salt Lake by U. S. Marshal Patrick, upon an indictment of the Grand Jury, charging them with the murder of Richard Yates and a man named Beckt, several years ago.

A man named Bennett was murdered near Salt Lake City a week ago.

Gladstone resigned the Queen in Parliament.

The Pope has issued an Allocution condemning Dollinger and other members of the Ecumenical Council and protesting against Italy's application on papal authority.

The *Star* is the only paper in New York sympathizing with Tweed. The others set it to him *fore*, on the occasion of his arrest.

The British Statesman of the Intrigue of Charles O'Connor, disclaimed Election Superior of Utica, as a candidate for the Assembly from New York, against the Tammany candidate, Tom Fields. Segment telegraphs his withdrawal.

In the horrorizing fire on Jay street a member of the Hook and Ladder company was killed.

of guilty of manslaughter in the second degree. Recorder Hackett sentenced him to the State prison at hard labor for seven years, and disregarded the recommendation to mercy by the jury.

Over one hundred civil suits have been commenced against the States Island Ferry Company by persons injured by the Westfield explosion. Nearly 150 more are preparing. The damages claimed vary from $1000 to $5000.

Salt Lake, Oct. 28.—Warrants are out for the arrest of Brigham Young and his son, Joseph A. Young, on the charge of murder, in having ordered the killing of Richard Yates. The indictment in all these murder cases is understood to be founded upon the testimony of Bill Hickman, who was once what is termed by the Gentiles, a Danite, or secret agent of the Mormon authorities. Yates visited the Mormon camp during the rebellion of 1857, ostensibly to sell powder The Mormons regarded him as a spy, and some weeks afterwards arrested him and placed him in the custody of Hickman, to be taken to Salt Lake. D. H. Wells then commanded the Mormon troops, and Hosea Stout was Judge Advocate. On the way to Salt Lake, Hickman killed Yates, as he says, by orders from Brigham Young and Joseph A., and at the instigation of Wells and Stout. Hickman, who is now confined at Camp Douglas, went with the officers to Echo Canyon, and after pointing out the spot where he had buried Yates, assisted in disinterring the remains.

Lexington, Ky., October 29.—The Mayor and many of the other officials of this city have been arrested on indictments from the Federal Court, charged with felony growing out of the disturbances at the August election. General indignation exists at what is considered a gross outrage, instigated by leading Radicals of this place.

New York, October 29—The Committee of Seventy have formally endorsed the reform ticket.

Mayor Hall's paper takes strong ground for the reelection of Tweed.

New York, October 30—The *Times* states that Tweed has concluded to pay $420,000 to Jackson S. Schultz, as the assignee of Keyser, for work and material furnished to Tweed's houses Tweed's original defense was that Keyser agreed to do this work in consideration of receiving certain contracts. This action of Tweed will stop one suit against him.

Judge McKean granted the motion to admit Dan'l H. Wells, charged with murder, to bail, He was held in $50,000.

Buenos Ayres had 26,000 deaths by yellow fever last summer and plenty of small pox beside.

Jobbing prices of nails have advanced 15 cts. per keg. 100,000 kegs were burned in Chicago.

Wm. M. Evarts declines to run for the Assembly.

Colonel Wickizer declined the appointment of United States Attorney for Utah, because the Postmaster General refused to allow him to hold the office of Postal Agent at the same time.

Charles Dean, of Greenwood, Mississippi, was assassinated recently.

Governor Bullock of Georgia resigned to take effect October 30. Benj. Conolay is installed successor. There is much excitement.

Baltimore, October 30—In the race to-day, four-mile heats, between Harry Bassett and Helmbold, Bassett won easily in two straight heats. Time, 7:34¼ and 8:03¼.

JUDGE WADE'S DECISION.

Andrew J. Davis vs. Sam'l L. Watson and Others.

Petition to Remove Cause to Circuit Court.

This is a suit brought by Andrew J. Davis against Samuel L. Watson, L. B. Church and Samuel Hart, wherein it is charged that said Church, as Assessor of the United States Internal Revenue, Samuel Hart, as Deputy Assessor, and Samuel L. Watson, as Collector of Internal Revenue, in the years 1870 and 1871, did unjustly, maliciously and wrongfully assess and caused to be assessed and collected certain licenses, taxes and assessments of, and from, the said plaintiff. [This is a sufficient statement of the complaint for the present purpose.]

This suit was commenced on the 13th day of July, 1871, and on the 26th day of October, 1871, and, before the trial or hearing of this cause, the defendant, Watson, files herein his petition, asking that this case be transferred to the calender of causes arising under the Constitution and laws of the United States, and that it be tried as a case in the Circuit Court of the United States.

This petition opens the question about which so much has been said, and of which so little is known from authority, viz: As to how many court we have here? And what is its jurisdiction, and what form of proceeding should herein prevail?

Under the provision of the Constitution which provides that Congress shall make all needful rules and regulations respecting the Territories of the United States, it may be safe to say, that the Territories are the creatures of Congress, and that Congress, under the Constitution and the laws, has the supreme control over them. Exercising this supreme power Congress has given to Montana an Organic Act, creating a temporary government. This act creates a District Court, defines its jurisdiction and gives it certain powers. The first six days of this court may be devoted to United States business; but while transacting any other business it is the same court still. There is but one court here and that is the court created by the Organic Act. There is no such thing in the Territory as a Territorial Court and cannot be. The Organic Act establishes the only courts here, or that can be established here, viz.: The Supreme Court, District Court, Probate Courts and Justices of the Peace, and only Congress alone can alter or abolish these courts. Then this court is a United States Court, created by statute, and cannot be added to or taken from by any act of the Territory.

The Organic Act also creates the office of United States Marshal, and United States District Attorney, and makes them officers of the court, and it may well be supposed that the object of the Organic Act, in establishing these offices and providing for the appointment of officers thereto, was that they should serve the processes of the court, and prosecute offences against the laws, both Territorial and National; and it is further believed that any writ or warrant duly served by the Marshal would be legally served. It would be just as competent for the Legislature of the Territory to establish the office and provide for the election of a Territorial Judge for each county or district, as to establish the offices of sheriff or district attorney and elect officers thereto. The Organic Act designed to save all this expense to the people, by providing a Marshal and United States District Attorney. But while the offices of sheriff and district attorney exist by virtue of Territorial law, they are valid offices, and the acts of these officers are binding and of full force and validity: for they are officers created by the Legislature, and whatever the Legislature does is valid and in full force until made void by Congress or its own action. The Legislature acts only with delegated powers. That body is simply agent of Congress, and Congress can abrogate any of its acts.

Then we have in the district composed of the counties of Lewis and Clark and Meagher, a United States Court, called in the Organic Act a District Court, and this court is clothed with certain powers, and among these powers, is the following: "And each of said District Courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States, as is vested in the District and Circuit Courts of the United States."

The act under which the petition is filed, provides that in any case civil, or criminal, where suit shall be commenced in any court of any State, against any officer of the United States, appointed under or acting by authority of the act to provide Internal Revenue to support the Government, it shall be lawful for the defendant in such suit or prosecution, at any time before trial, upon proper petition to the Circuit Court of the United States, in and for the district wherein the defendant shall reside, to remove the cause, and it shall thereupon be entered upon the docket of such circuit court and tried therein.

The first question presented by this application is: Has this court jurisdiction as a Circuit Court of the United States in such a manner as to be capable of entertaining and trying the case herein stated? The case in question is a case that arises under the Constitution and laws of the United States. This is not denied, and as to such cases this Court, under the language of the Organic Act, is, to all intents and purposes, a Circuit Court of the United States for the purposes therein expressed.

The next question is: Can a case arising under the Internal Revenue law be taken and transferred from a *Territorial* to a *State* Court? The act authorizing the transfer of these cases provides that they be transferred as herein stated, from a State Court to the Circuit Court. Can the same transfer take place from a Territorial Court?

A citizen of the United States residing in any of our Territories does not thereby become deprived of any of his rights under the Constitution and laws of the United States. And any officer here performing the duties of any office created by a general law applicable to the States and Territories, is entitled to the same privileges and is subject to the same penalties as if he resided in the States.

The Revenue Assessor or Collector in Montana, stands upon precisely the same footing as the Assessor of Ohio. The law creating these offices and defining their powers and prescribing their duties, is general and universal in its character and operates in the States and Territories alike, and it would be a very great hardship to say that either of these officers here have not the same rights as elsewhere. And the Organic Act has removed every difficulty in the way of enforcing these rights, by providing that for the purpose of cases of this kind, this is a United States Circuit Court. What the consequence of granting this petition may be, it is no part of our duty to inquire, for it seems that the prayer of the petitioner may be demanded as a matter of right.

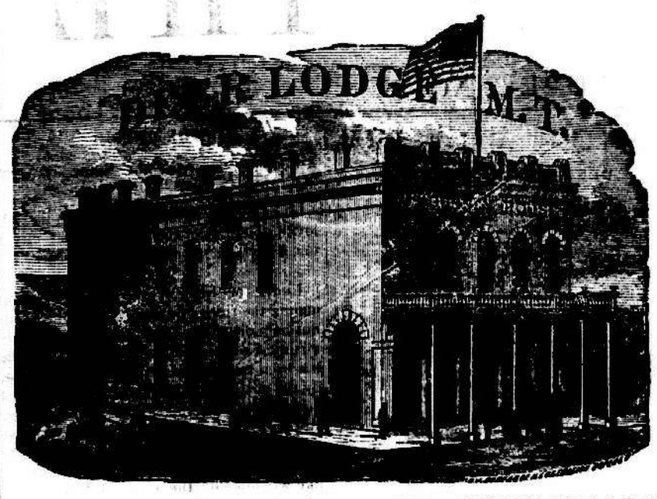
The petition is granted.

—Mons. Lencornant, a *Savant* of the Academy of Science, has presented a paper on "the Antiquity of the Hog." Family pride will come out.

About 10,000 men are now at work clearing away the ruins at Chicago.

FOR RENT

THE McBURNEY HOUSE



WILL BE LEASED FOR ONE OR TWO YEARS

Terms Reasonable to a Good Tenant.

THE McBURNEY HOUSE IS OF GRANITE AND BRICK, 35x90 feet, two stories high; contains 35 rooms—10 on first, and 25 on second floor; Dining Room, 30½x31½; chambers, 8x13 to 13x13½. It is plastered throughout; walnut and oak finish. Ranges and cooking apparatus, complete for 300 persons, are in place. This is, unexceptionably, the best Hotel building in Montana. Apply to

GEORGE McBURNEY,
Deer Lodge, Montana

121-6t

New To-Day.

THRASHER & HYDE

—PRACTICAL—

Watchmakers, Jewelers,

AND

Photographers!

DEER LODGE CITY,.....M. T.

MAKE IT A SPECIALTY TO SELL ONLY

GOOD WATCHES!

No Cheap Watches Retailed!

☞ The most intricate Watches Repaired in a manner second to none in the Territory, and at REDUCED PRICES to meet the times.

PHOTOGRAPH

Pictures made of superior excellence, artistic in position and brilliant in finish. Please visit our Gallery and inspect our various styles.

NEGATIVES PRESERVED,

and duplicates can be had at any time.

FOR RENT!

A large store, well situated on Main Street. Also, two Fire and Frost Proof cellars, 80x40 feet, either for Rent or Storage, cheap. Apply to

THRASHER & HYDE, Proprietors.

Thrasher & Hyde

withdraw their Lottery, and parties holding tickets are requested to call and get their money.

Deer Lodge, Nov, 1st, 1871. tf

LOST! $390 Reward!

IN DEER LODGE, TUESDAY EVENING, OCT. 30th, a Brown Leather Wallet, tied with a cord, containing $780 in Greenbacks—four $50 notes, and the others of smaller denominations. If the finder will return the above pocket book to A. S. Willey, Express Agent, they can retain one-half the contents and no questions will be asked, or it may be dropped in the Express office on the same terms.

H. C. WIEBOLD.

Deer Lodge, Nov 3d, 1871. 122-tf

List of Papers, Periodicals, Magazines, etc

FOR SALE BY

Stackpole & Fuller,

POST OFFICE STORE, DEER LODGE, M. T.

WEEKLY.

Appleton's Journal,	Nation.
Banner of Light,	National Police Gazette,
Boston Journal,	New York Clipper,
Boston Pilot,	New York Ledger.
Courrier des Etats Unis,	New York Weekly,
Days Doings.	New York Tribune,
Every Saturday,	New York World.
Leslie's Chimney Corner,	Police News,
Leslie's Illus. Newspaper,	Pomeroy's Democrat,
Leslie's Illustr'd Zeitung,	Sporting Times,
Harper's Bazaar,	Saturday Night,
Harper's Weekly,	Scientific American,
Illustrated Police News,	True Flag,
Irish American,	New Varieties.

MONTHLIES.

Atlantic Monthly,	Jolly Joker,
Ballou's Monthly,	Budget of Fun,
Comic Monthly,	Chimney Corner,
Demorest's Magazine,	Leslie's Ladies' Magazine,
Eclectic Magazine,	Peter's Musical Monthly,
Every Saturday,	Phunny Phellow,
Galaxy,	Scribner's Magazine,
Harper's Magazine,	Wild Oats,
Overland Monthly,	Yankee Notions,
Howe's Musical Monthly,	

Any of the above for $1.50 per quarter, $3 for 6 mo.

Wilkes' Spirit, $3 per qr.	Waverly Mag., $2 per qr.
Alta California, "	London Graphic, $6 per qr
San Francisco Bulletin, do	" Illust'd News, $6 per qr
Sacramento Union, do	

Any of the above will be delivered to Subscribers at their respective Post Offices, at the price named, postage prepaid. All subscriptions must be paid in advance.

STACKPOLE & FULLER.

A. E. F. HEINZE,

DEER LODGE,.....MONTANA

[First St., New Post Office Store.]

Watchmaker and Jeweler.

All kinds of Watches repaired and kept in good order at Five Dollars per Year. A printed guarantee to this effect will be given.

NO CHARGE FOR KEY OR CRYSTAL

On parle Français.

243m A. E. F. HEINZE.

Livery and Feed Stable

Virginia City, Montana,

TOM. J. FARRELL,.....Proprietor.

HAVING established in the Livery Business in Virginia City, with Good Stables, and Ranch convenient, I will be pleased to have the patronage of WEST SIDE FRIENDS, and others, and will endeavor to give satisfaction in attention and prices.

TOM. J. FARRELL.
116 1yr Virginia City.

Notice.

ALL PERSONS having Soda Water Bottles belonging to me will please return them by the Stage Lines.

WM. WILSON,
121-tf Deer Lodge, M. T.

International Hotel,

VIRGINIA CITY, MONTANA.

THIS HOTEL, having been refitted and refurnished is now complete in all its appointments, and is a first-class hotel in every respect. The patronage of the Resident and Traveling Public is respectfully solicited. Charges moderate.

116.1yr DAVIS & SHIRVING.

Dissolution.

NOTICE IS HEREBY GIVEN, that the partnership heretofore existing at Pike's Peak, M. T., between the undersigned, is this day dissolved by mutual consent, F. Loeber withdrawing from the firm.

S. PEARSOLL,
F. LOEBER.

Pike's Peak, M. T., Oct 9th, 1871. 121-4t

LUMBER

LATH AND SHINGLES

CHEAPER THAN EVER!

"BRUNDY MILLS"

LUMBER YARD, OPPOSITE MURPHY & CO.'S,

OFFICE, AT KLEINSCHMIDT & BRO.'S.

SEASONED LUMBER!

OF EVERY KIND ON HAND.

BUILDING LUMBER!

CUT TO ORDER ON SHORTEST NOTICE.

Delivered in Deer Lodge

HAVING the above well known Saw Mills, with all the Seasoned Lumber in the Yards, now in our management, we are prepared to sell every kind of Lumber on most

REASONABLE TERMS

Parties contemplating building will find it to their advantage to see us before contracting elsewhere.

KLEINSCHMIDT & BROS.,
119 Deer Lodge, M. T.

IT is one of the Largest, best Illustrated and most Original and Enterprising Agricultural Journals in America, and has no rival on the western side of the Continent. Its circulation is rapidly increasing, and it is very popular with its patrons.

A New Husbandry

as it were, is being developed on the Pacific Coast, by its peculiar seasons, soil, climate, and topography. The new discoveries, ideas, and useful hints evolved in its rapid progress, are to be observed with interest, and read, as reported in the PACIFIC RURAL, with profit by practical and progressive agriculturists everywhere. Sample copies of the Press, post paid, 10 cts. Subscriptions, $4 a year. DEWEY & CO.,

119-tf Publishers, San Francisco, Cal.

Passengers for the States!!

Quick Time: Low Rates!

The Diamond R Express & Passenger Line

Will carry passengers on and after this date, and until further notice, at the following rates:

Deer Lodge to Corinne,	$6 00
Helena " "	5 00
Va. City, " "	4 00

Eight Day Time!

We are prepared to issue through tickets at the following rates:

Deer Lodge to Omaha,	$ 70 00
" " Chicago,	84 40
" " Saint Louis,	86 00
" " Cincinnati,	95 00
" " Louisville,	94 50
" " Buffalo	95 40
" " Pittsburg,	95 40
" " Baltimore	102 15
" " Washington,	102 15
" " Philadelphia,	102 05
" " New York City,	102 05
" " Boston,	107 05

Railroad Tickets Furnished Here.

T. P. FULLER, Agent,
Sept. 1st, 1871. 113 Deer Lodge, M. T.

To Let!

ON SHARES OR RENT, my farm, adjoining Deer Lodge city, containing 160 acres of land under good fence, good Dwelling House and Stable, No. 1 Horse Team and Farming Implements. Possession given immediately. To a suitable man I will give a good chance to make money. Address, or apply to

119-8t W. S. DANCE.

The Bridal Chamber.

ESSAYS For Young Men, on Great Social Evils and Abuses, which interfere with MARRIAGE—with sure means of relief for the Erring and Unfortunate, diseased and debilitated. Sent free of charge, in sealed envelopes. Address, HOWARD ASSOCIATION, No. 2 S. Ninth St., Philadelphia, Pa. 116-1yr

Pioneer Steam Mill,

MURPHY, KENYON & CO.,
PIKE'S PEAK and PIONEER, M. T.

Planing and Building Lumber of the best quality, Constantly on hand.

We will furnish any kind of Lumber from our yard or saw to order, promptly, and

WILL NOT BE HUMBUGGED.

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FOR SALE!

A Number One Buggy!

WITH HARNESS COMPLETE. Ap