The New North-West.

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

ISSUED EVERY SATURDAY

SATURDAY, JANUARY 10, 1874.

☞ Subscribers ordering a paper changed from one address to another must give name of postoffice to which it has been sent as well as that to which it is to be sent.

—The *Montanian* will be issued daily during the session of the Legislature.

—The *Graphic* Company is about to issue a weekly edition—$2.50 per annum and a chromo free.

—The *Madisonian* of January 3d was, typographically, a beauty. We do not recollect to have seen a handsomer paper in the Territory.

—It seems a little curious that the bids for public printing are to be received until 12 m. Jan. 25th, 1874 (*Sunday.*) Take a calendar.

—The 8th of Andrew Jackson and the battle of New Orleans was celebrated by 100 guns fired in the Main street of Deer Lodge Thursday.

—The Legislature of Ohio met Monday. The State debt is $32,314,000. The Legislature of Louisiana, met the the same day. The State debt is $24,283,000.

—We hand subscribers with this issue the annual calendar of the NEW NORTH-WEST, with a nice little Sunday-school lesson on it. You ought to read it every day.

—The rumor that Dr. Whitford, was to be deposed as physician at the penitentiary, for having given the prisoners sugar-coated pills, originated with the boys, and is untrue of course.

—The ocean traffic is rapidly increasing. Next summer from twelve to fifteen steamships will regularly leave New York on Saturdays for Europe, and half as many on Wednesdays. Some of the companies will despatch two vessels on the same day, one for cabin passengers and another for steerage passengers and freight.

—Caleb Cushing is appointed Minister to Spain *vice* Sickles resigned. He is one of the most competent of our legal-learned diplomats to untangle the affairs of the two nations. He is a rather strange selection for President Grant, but while few Republicans might have recommended his selection, a still less number will offer dissent.

—Yesterday was the beginning of 1874. We look to the work of this year with confidence so far as Montana is concerned. Before the close of the year we will begin to feel what is in store for us. We are confident important steps will be taken to connect us with the East, and trade and travel done in that direction. There cannot be a doubt that those East of us will make exertions to reach Montana by a new route, and we will try to meet them by good roads. Next season should not pass until there is a through connection both by stage and wagon with the terminus of the Northern Pacific Railroad. This is the work of 1874 and it must be accomplished.—*Courier.*

—The Governor's Message, of which we give elsewhere such ample extracts that our space for comment is limited, is as an entirety an able and excellent paper, and one that in most particulars we heartily endorse. The recommendation for the consolidation of the Sheriff's and Treasurer's offices is good: also that of prohibiting the sale of whisky on election days; those in relation to Education and an Immigration Society and the Road Law are alike commendable. We believe the attachment law as it stands is good and prevents much swindling. The recommendation that Co. Commissioners have discretionary power to convert the surplus moneys of a particular fund to the payment of the county debt is an excellent one, and would be of great benefit if enacted. Other matters mentioned we will have occasion to refer to in more extended mention hereafter.

TO BE OR NOT TO BE?

Now that the Legislature is in session there begins to be evident a good deal of solicitude as to what action will be had on the question of railroad subsidy. Preceding the extra session of last spring the advocates of subsidy had come out squarely in favor of granting an indefinite amount of aid to some company or other with the proclaimed object in view of thereby encouraging the construction of a railroad from the South into Montana. The scheme crumbled, as it deserved to do, from inherent rottenness; but it is due its projectors to say they showed their colors before they opened their guns and gave the opposition an opportunity to discuss the proposition and expose its fallacies. Preceding this regular session there has been little said on the matter, the press which last spring led the fight having been comparatively silent, and the speakers having been even more reticent. We do not profess to fathom the purpose. We would hope that maturer consideration of the question has convinced all that however desirable it is to secure a railroad at as early a day as possible, it is not right under any circumstances to pledge the credit of a town, county or territory in any way whatever for aid to a private corporation. Many of the States such as Illinois, Connecticut, and Pennsylvania, and in fact we believe every State which has recently revised its Constitution has specifically prohibited any such legislation or disposition of the money of the people. This they have done in ample experience of the pernicious tendencies and ruinous results of leaving the question open to legislation and the consequent heavy taxation of the people for the benefit of corporations without adequate compensation. Or, it may be that this is a "still hunt," and that the scheme, if there is one, has been sedulously concealed from the people, and withheld from their investigation and discussion until it can be sprung suddenly and forced through in the forty-day session. This would be very disingenuous and unfair. The projectors of the scheme and even the legislators are numerically but a few of the many, and represent but a small portion of the taxable property of Montana. The latter were not elected upon that issue, and the only expression by political conventions, as in Deer Lodge county, has been strongly opposed to granting any subsidy to any railroad company whatever. In view of this, the projectors of any important project held to be for the welfare of the Territory, should certainly have given as wide publicity as possible to it, have solicited the most thorough examination of its merits and demerits, and have presented in a practical manner to the people statement of its benefits, that the people might judge of what they were to pay for and legislators learn the will of their constituents. This not having been done, the inference is fair that there is no subsidy scheme matured, or if there is that it is not of such a character that its advocates were willing to have it discussed. We await events.

PENITENTIARY MATTERS.

The government of the Penitentiary has recently attracted some attention. The Governor saw proper to supercede Warden Adriance, and appointed Mr. I. N. Buck in his stead. It being our misfortune that amicable relations have not existed between His Excellency and the editor of this paper for some time past, our information of the circumstances was derived from Rev. Hugh Duncan, a recent Director. From all we could learn, Governor Potts offered no specific objection to the expenditures of Mr. Adriance, save $2 expended for tooth brushes. It occurred to us, therefore, that the Governor in traveling 350 miles, (occupying a week's time and costing probably $100), for the purpose of removing a Warden who had only sinned in providing the prisoners with $2 worth of facilities for keeping their mouths clean, had carried his economies to the point of absurdity. Than Messrs. Granville Stuart, J. H. Robertson, and Hugh Duncan, he could not have selected a more competent, intelligent and reliable Board of Directors. They are gentlemen above reproach. They had taken oath and given bond for the faithful performance of their duties as required by the sufficient and carefully drawn law governing the penitentiary. Under section 3 of the act they are required to "audit all claims against the prison." That board had examined all the accounts of Mr. Adriance, and those which were approved had been forwarded to the Governor. This fact of submitting the accounts to him subsequent to their being audited, seems to have been wholly a courtesy extended to him, as we find nothing in the law requiring it. The act gives him co-ordinate power with the Council to appoint the Directors and Warden. If he does not approve their action he can remove them and appoint other officers. But we do not see that he has any authority whatever to exercise the power, which he has assumed and carried to such an extreme that Messrs. Duncan, Stuart and Robertson have each recently felt called upon out of proper self-respect to resign their positions, of re-investigating, questioning, disputing and returning accounts after the Board of Directors have audited them. The Governor and Auditor are authorized and required to issue and sell warrants sufficient to pay such expenses as shall have been incurred and approved by the Board, and there his powers, prerogatives and authorities end, except in removing and nominating officers. We dislike to censure Governor Potts. That he is thoroughly honest, and inspired by only one motive, viz., to administer the affairs of this Territory for the best interests of the people, we conscientiously believe. That he is the best Governor Montana ever had, we believe. That we are not likely to have another as good, we believe. And we would rather see him retain that position than to see it filled by any other person, in or out of Montana. But that, notwithstanding these things, he does those which he had better leave undone, we do admit, and as conscientiously believe. Among these is his querulous, unauthorized and harsh interferences with the duties of the Board of Prison Directors, and his ungenerous parading of Mr. Adriance's alleged extravagance as Warden, although the Directors, whom he still retained, had approved his bills.

The article on this subject in the *Montanian* is a fallacy. We cannot think that Mr. Cope would purposely charge up the hire of four guards, one warden, three directors, clothing, medical attendance, etc., to the "subsistence" account, and then state the expense of subsisting a man there is $40 per month, against $28 charged at the hotels, when the official report in the hands of the Governor shows it was less than $13 per month. But the *Montanian* does this. Mr. Buck says no butter, eggs or milk are furnished the prisoners; he says further he has questioned all the guards, and that none has *ever* been given them. Their food is as required by law. Butter and milk are furnished the guards. Because they guard convicts, at $60 per month, there is no reason why they should be fed on strict convict fare. We do not think the Legislature or people of Montana expect that, or wish it. And we would think the *Montanian* would not wish to refer to its article of last summer—one of the most ludicrously Munchausenish articles that ever appeared in a Montana paper, and which it had the good sense not to refer to after the reply in the NEW NORTH-WEST until time had dimmed the recollection of its absurdities.

We have no interest in this matter other than that of a citizen of Montana paying taxes with other citizens, and desirous of seeing the expenses kept as low as humanity and economy dictate. We believe in economy as opposed both to extravagance and meanness. We like the general characteristics of the administration of Governor Potts, in its wise retrenchments, careful economies and integrity of purpose. But we think it his misfortune, that in the enjoyment of a good salary of $10 per day, light labor and some advantages of position, he is unwilling to trust a competent Board of Directors, who are here where they have full knowledge of the purpose for which articles are obtained, or to allow guards, working at $2 per day, $13 worth of food per month. These are our general views on the discussion relating to Governor Potts and penitentiary affairs: In other words, we think the penitentiary, like the world, is Governed too much.

THE SENTENCE OF BAZAINE.

Closing Scene at the Great Trial in the Trianon.

Late foreign mails furnish us with accounts of the last day's proceedings in the trial of Marshal Bazaine. The closing scene is thus described:

The Duc d'Aumale, in a clear and energetic voice, pronounced the following judgment:

"In the name of the French people, the Council of war, &c., delivers the following judgment: Francois Achill Bazaine, Marshal of France, is he guilty, firstly, of having capitulated before the enemy in the open field? Unanimously, Yes, Secondly. Had this capitulation the effect of making those under his command lay down their arms? Unanimously, Yes. Thirdly. Is he guilty of having negotiated with the enemy before having done everything prescribed by duty and honor? Unanimously, Yes. Fourthly. Is he guilty of having surrendered a fortified place, the protection of which had been entrusted to him? Unanimously, Yes. In consequence of this, Marshal Bazaine is condemned to the penalty of death, with military degradation, and ceases to belong to the Legion of Honor, and, besides, is condemned to pay the expense of the trial as regards the State. The Council orders that the sentence shall be read to the Marshal in the prison, in presence of the assembled guard under arms."

A mournful silence succeeded these words, and the sitting then closed. The crowd left silently by the different passages. Outside the night was dark, and the avenues of the Trianon were only occasionally lighted up by the lamps of carriages driving towards the railway station.

Message of Gov. B. F. Potts.

To the Eighth Legislative Assembly.

(From the Message, as delivered to the Legislature, we make the following extracts and condensations.)

FINANCIAL AFFAIRS.

After the usual formal introductory, the Governor states that 620,390 acres of land are taken up in Montana and 318,039 acres are under cultivation:

The taxable properties of the several counties are:

Lewis & Clarke	$2,648 131
Deer Lodge	1,619 303
Jefferson	698 295
Meacher	579 669
Choteau	287 034
Madison	1,897 142
Gallatin	980 394
Missoula	604 412
Beaverhead	519 365
Total	$9,803.745

Number and value of the stock in the Territory:

	Number.	Value.
Oxen	17,833	$ 484,693
Cows and stock cattle	86,944	1,720,945
Horses	19,906	788,020
Mules	1,606	117,329
Sheep	10,997	23,699

The total amount of warrants drawn on the Treasury during the fiscal year ending Dec. 1st, 1873, was $28,897.44.

The total amount of taxes assessed for Territorial purposes for 1873 was $39,214,-98.

By bonds called but not presented	$50,00
Amount of bonded indebtedness bearing 12 per cent per annum	$104,300 00
Amount applicable to payment	12,016,56
Amount of Bonded indebtedness less surplus in Forty per cent fund	$92,283 44
Add to this amount of Registered warrants and interest on same to January 1, 1874	36,479 03
Total registered indebtedness	$128,762 47
Decrease of registered indebtedness during past year	$13,786,52

The reported indebtedness of the several Counties is as follows:

Lewis and Clarke county	$148,550 39
Madison "	53,669 36
Jefferson "	39,431 70
Beaverhead "	4,611 64
Gallatin "	32 676 29
Missoula "	57,928 73
Meagher "	28,000 00
Deer Lodge "	65,395 72
Choteau "	2,723 95
Total	$432,987 74

The foregoing exhibits the debt of the several counties up to March 1st, 1873, except Lewis and Clarke, which is to Sept. 1st, 1873. The reports of several of the counties do not include the accrued interest on the debt of the counties, which will increase the debt beyond the amount stated. Deer Lodge county paid $9,361 82 of her debt, and Beaverhead county reduced her debt $1,054 15 during the year, with some surplus revenue not applied; and with these exceptions all of the other counties have increased their indebtedness, but to what extent we are unable to ascertain, for the Commissioners of some of the counties take as deliberate pleasure in violating the law by refusing to make their reports, as they do in robbing the Public School Fund of the taxes the law requires should be levied for school purposes.

The debt of Lewis and Clarke county has increased during the year $22,437 67, making her total debt $148,550 39, which is largely in excess of the debt of the entire Territory. This increase of the public debt of Lewis & Clarke county and many of the other counties, is truly alarming. The Commissioners of the several counties assert that the increase of the debt is beyond their control; that their allowances are within the requirements of the law, and that they are powerless to devise and enforce a remedy. A large county debt already exists, upon which interest is being paid at a rate that no people can pay and prosper. The payment of the annual interest consumes a large portion of the county revenues, and the remainder is found insufficient to pay current expenses under the present laws regulating fees and salaries of District and County officers; and hence the increase of the debt. The Legislative Assembly is the only authority that can provide a remedy for the existing evil, and to you the question is submitted

GENERAL TAXATION RECOMMENDED.

The necessities of the present situation will, I think, suggest the propriety of making our laws relating to the taxation of property almost universal; abolish all exemptions, except church property, cemeteries, school houses and other public buildings, and require the taxation of all property that has a market value or from which the owner derives a revenue. The true theory of taxation, while the people are laboring under a heavy debt, requires that all property be taxed at its market value in money, which distributes the public burden equally among all classes of property holders. The modification of the laws of taxation as suggested will very materially increase our revenues and contribute to the reduction of the public debt.

FURTHER REDUCTION OF FEES.

From a careful examination of our financial condition, I cannot avoid the conclusion that the public interests demand the further reduction of fees and salaries of District and County officers. The compensation of these officers under the present law is double what is paid officers, for like services, in any of the States East of the Rocky Mountains. The per diem of county Commissioners in Montana is ten dollars, while the same office is filled in counties in the States, with a population double that of the entire Territory of Montana, at a per diem of three dollars. The maximum compensation, in this Territory, to sheriffs for subsisting persons confined in jail, is three dollars per day, while the maximum in the States is fifty cents per day. Prosecuting attorneys in counties in the States, with more population than in the three Judicial Districts of this Territory, do not receive an annual compensation exceeding six hundred dollars, which is more than five times less than is paid in Montana for similar services.

CONSOLIDATION OF OFFICES.

My former recommendation that the office of County Treasurer be abolished and that the sheriff be required to collect and disburse the county revenues, is again renewed, with more confidence in its wisdom and propriety than heretofore. No reasonable argument, I think, can be advanced for the continuance of this office, while the continued increase of the burden of public debt demands its discontinuance. I have no apprehension that the duties of the office will be less efficiently discharged by the sheriff, than heretofore by another officer. The bond of the sheriff can be increased, his fees as sheriff proper and percentage as collector of taxes can be reduced, leaving him a fair compensation, and and save the counties, annually, at least five thousand dollars.

Under the present law the cost of collecting taxes in Montana will quadruple that of collecting the same amount in any of the Western or Eastern States; and yet our people have no more capacity or disposition to pay high taxes than those of any other section of the country. I again commend this subject to your favorable consideration.

The Governor recommends the restoration of that section of the statutes requiring that jury fees shall be taxed by the court againt the unsuccessful party in each civil action tried by a jury. He says its omission from the codified statutes has cost the counties from $5,000 to $10,000.

PROHIBITION OF WHISKY ON ELECTION DAYS.

The shameful practice of using intoxicating liquors to control electors in the exercise of the elective franchise, has induced the legislatures of many if not all the States to enact stringent laws prohibiting the sale or giving away of any kind of intoxicating liquor on election days. Where this law is in force all good citizens aid in its strict enforcement, notwithstanding there may be a diversity of opinion among them, as to the wisdom or propriety of prohibitory or temperance laws.

The propriety, I might say necessity, of such a law in this Territory cannot be seriously questioned by any; for at almost every election held in the Territory the people are compelled to witness the humiliating spectacle of men in a beastly state of intoxcation, being dragged to the polls by designing men, and without the exercise of any intelligence above that of the brute creation, their ballots are deposited. This class may not be numerous, but it is too large, and is sufficient, at all closely contested elections, to control the result and defeat the intelligent and sober judgment of the people. No duty that a citizen is called upon to discharge requires more mature and thoughtful reflection than that of casting his ballot, and I regret that it is often discharged in the most reckless and thoughtless manner. No court in the Territory will permit a man in a state of intoxication to testify as a witness, or sit on a jury in the most trivial case, yet judges of election will receive his ballot which may defeat the enactment of the most necessary laws that the wisdom of man ever proposed. The reckless extravagance that has heretofore characterized the conduct of the affairs of the Territory and counties, by which a large debt has been contracted, may be largely attributed to the want of sober action at the polls. I can think of no question that will be presented for your consideration during the present session that is of so much import to the welfare of the people of the Territory as this, and I earnestly hope that you will be pleased to legislate favorably on the same.

A law requiring the observance of the Sabbath day is earnestly urged.

The Governor calls attention to his efforts to prohibit the extra compensation, cites the section of the Act of Congress prohibiting it, states that it saved Montana in 1873, $41,850,21, and cites the gratifying fact that warrants advanced from 80 to 90 cents since the last regular session of the Legislature.

Reference is made at some length to the preliminary survey made by Capt. W. A. Jones, U. S. E., under command of Major-General Ord, of a military road from Point of Rocks on the U. P. R. R., to Bozeman via Wind River Valley and Yellowstone Lake to Fort Ellis. The report says the route is practicable for a railroad or wagon road. The distance from Bryan on the U. P. R. R. R. to Bozeman is 450 miles. The Governor adds this will shroten the lan travel to Eastern Montana and save 300 miles railroad transportation. The co-operation of Montana is asked in memorializing Congress to construct a militaryr oad on the route.

MARRIAGE LICENSES.

The law relating to marriage is very imperfect in its provisions, and should be amended in many particulars. The present law provides that the parties to a marriage contract shall be of the age of majority, which is fixed in this Territory at twenty one for the male and eighteen for females. I recommend that marriage be authorized, with the written consent of parents or guardians, at the age of fifteen for females and eighteen for male; and that a license in all cases be first obtained from the Probate Court of the county in which the female resides, before any officer or minister be authorized to solemnize the marriage. A certificate of the marriage should be returned to the Probate Judge that authorized the license and be recorded by him in a book provided for that purpose. This will prevent illegal marriages and is a recommendation that should enlist your early attention.

MUNICIPAL APPEALS.

Provision should be made by law authorizing Municipal County Commissioners and other officers prosecuting or defending for the Territory or counties, and Executors, Administrators and Guardians to perfect an appeal from an inferior Court, Board or Tribunal to a superior Court, without being required to give bond as in other cases.

AMENDMENT OF CRIMINAL LAWS.

Section 146 of the criminal act attempts to define the crime and prescribe the punishment for adultery and fornication; but fails to make adultery a crime, unless the parties are so related as to make marriage between them void. The crime should be defined in the language of the common law and such punishment prescribed as may appear adequate.

THE ATTACHMENT LAW.

Your attention is directed to the law regulating attachments in civil actions. I submit to you whether it is just or reasonable that an attachment should issue without requiring the plaintiff to allege in his affidavit that fraud has been committed by the defendant, or that he is a non-resident. The present statute appears to give the creditor an undue advantage over the debtor.

DISCRETIONARY POWERS TO COMMISSIONERS.

The large accumulations in the Poor and some of the County Funds, will suggest to you the propriety of authorizing the County Commissioners to transfer accumulations in any particular fund not needed for the purposes for which they were levied, to the fund for the payment of the debt of the county.

The high rate of interest that is being paid by the several counties argues strongly against the present policy of allowing revenue to remain for an indefinite period in the Treasury.

The number of peremptory challenges of jurors both in civil and criminal cases should be reduced at least one-half the number now allowed by law. This will greatly curtail the expenses of trials, avoid delay and meet out ample justice to litigants.

The report of Hon. Cornelius Hedges, Superintendent of Public Instruction, is herewith submitted. Almost every question connected with our public school system is ably and frankly discussed. The report is a credit to that officer and an honor to the Territory.

PUBLIC SCHOOLS.

The following statistics are from the report of Cornelius Hedges, Esq., Superintendent of Public Instruction:

Whole No. children, 4 to 21 years of age	517
Number attending school during the year	1,881
The per centage of attendance of those enrolled	50
No. of organized school districts	21
" of schools taught during the year	20
" of male teachers employed	50
" of female " "	49
Average length of school in days	82½
Number of school houses	51
" " districts with graded schools, to wit: One each in Virginia, Helena and Deer Lodge	3
Number of private schools taught in the Territory during the year	11
Number of scholars attending the same	149
" " children not acting any school	1,497
Amt. of money raised for schools by Co. tax	$21,350 42
Amount raised by district tax, to wit: in Madison county	934 55
Amount raised from all sources apportioned during the year	33,161 50
Average pay of teachers per month	68 41

The Superintendent says, "that the provisions of the present school law, which requires that the education of children of African descent shall be provided for in separate schools practically excludes them from all opportunity to obtain an education;" you should not hesitate to so amend the law, as to afford an opportunity for each child in the Territory, without distinction, to enjoy all the benefits that are to be derived from a system of free schools established and supported by the people. Prejudice should not be permitted to stand in the path of justice, and I cannot believe that any considerable number of our citizens are willing that any child shall be excluded from the privileges of an education at the public expense on account of color. The law makes no distinction between the citizens as to the right to exercise the elective franchise, or the duty to share the burden of taxation; and, certainly no distinction should be made in the opportunities afforded the youth of the Territory to qualify themselves for the duties of citizenship.

COMPULSORY EDUCATION.

I believe it is the duty of the Territory to place education not only within the *reach of all* the people, but to compel them to avail themselves of its benefits. An elementary education should be considered as much a legal obligation as it is a necessity, and the Territory has the same power to enforce it that it has to enact any other law to promote the public welfare. All legislation designed to advance the public interests; "contribute to the general happiness of the people;" give vitality and stability to the government; and promote virtue and intelligence, are proper subjects of legislation. The States of both Europe and America, where the law requiring compulsory education has been tested, crime has decreased, pauperism diminished and marriages largely augmented. The indigent in every country, as a rule, belong to the illiterate class; and the same force will apply with almost equal force to the convicts confined in the prisons of the country.

The report of the Superintendent of public instruction discloses the fact that but a little over one-half of the children of school age in the Territory attended school during the last year. I think this should induce the Legislative Assembly to provide by law for the compulsory attendance of children between the ages of six and sixteen years, at least three months in the year, where their parents reside within two miles of a public school taught for that period.

TERRITORIAL PENITENTIARY.

In obedience to the requirements of law I submit the Report of the Directors, Warden and Physician of the Montana Penitentiary at Deer Lodge City, showing the operations of the prision for the six months ending November 15th, 1873. The penitentiary building, with all the property connected therewith, was on the fifteenth day of May last transferred by the United States to the Territorial authorities. The Directors appointed last May at once assumed the control and management of the prison and in their report say, "The cost of guarding, clothing and maintaining the prisoners for the past six months, and for all repairs and improvements about the prison, is $6,751.17. During that time the prisoners have earned $460.79, leaving the actual cost $6,290.38. These figures may seem to you large, but when we take into account that the building and fixtures were sadly out of repair and the supplies of all kinds nearly or wholly exhausted, and many of them had to be supplied in quantities which will run far into next year, necessarily increased our expenses; from personal observation we are safe in saying that the cost of repairs and maintaining the prisoners for the next six months, cannot exceed one dollar and sixty cents against two dollars and three cents, for the six months just ended."

The Directors recommend that an application be made to Congress for an appropriation of ten thousand dollars, to complete the upper row of cells in the building now occupied, which I approve. The increasing demand for prison accommodations, both by the United States and the Territory, and the comfort and security that the completion of the cells will add to the prison, clearly justify the recommendation.

The expenditures of the prison are in excess of what was anticipated, and are, in my judgment, larger than they should have been had the late Warden practiced strict economy. The vouchers, which I request you will carefully examine, will exhibit the purchase of many unnecessary articles, which common prudence would dictate should not have been purchased. The amount thus expended was not inconsiderable and appeared to increase each month, although the attention of the late Warden was frequently called to it, but without accomplishing the desired purpose.

On the 16th, day of December last I requested him to resign the position of Warden, which he did, and Isaac N. Buck, Esq. of Deer Lodge county was appointed to fill the vacancy, and he at once qualified and entered upon the discharge of the duties of the office. From the character of the new Warden I think I can safely assure you that the affairs of the prison will be conducted with more economy hereafter than heretofore.

I have no changes to recommend in the present law. I believe its provisions are wise, and when strictly enforced will produce satisfactory results. The same system has been adopted in nearly all of the States, and years of experience have demonstrated its wisdom. The plan heretofore adopted by some of the States of leasing prisons and inmates for a number of years has been abandoned in every instance so far as my knowledge extends. The State of Illinois is one of the last States to abandon it. Under the law of Congress the Montana Penitentiary cannot be leased for a term of years, for the building and property connected therewith, belong to the United States and have only been temporarily transferred to the Territory, reserving to the Attorney General of the United States the authority to take possession of it at any time. Good faith on the part of the Territory requires that the care and custody of the building and property should not pass from the control of the sworn officers of the Territory.

THE ROAD LAW OBNOXIOUS.

Your attention is directed to the Road Law enacted last May. It does not appear to meet the wants of the people in any particular, and no law on the Statute Book appears so unpopular. Your constituents, I have no doubt, have suggested to you the defects in the law. The popular demand for a new road law will, I trust, secure the passage of an act that will meet the wants of the people. Past experience clearly shows that the improvement of our roads is not commensurate with the amount of money expended. The amount of road tax that is assessed on property should, at the option of the taxpayer, be worked out on the roads under the direction of the Supervisor of the district, and his receipt that so much labor has been performed on the roads, to the amount of the road tax assessed, should be accepted by the County Treasurer in lieu of the money for said tax.

NO DUPLICATION OF OFFICIES.

In further prescribing the qualifications of members of the Legislative Assembly it is due to your constituents as well as yourselves, that you should prohibit members from holding county offices, or acting as deputies to county officers, while their legislative term continues.

During almost every session some question arises touching the compensation of county officers, and it would be manifestly improper to have a county officer or a deputy on the floor of either House to pass upon questions in which they have a *personal interest.* It is due the dignity of a legislative body that its members should be at least so far as the law can place them, above suspicion.

Extended reference is made to the objects sought by the recent convention held in Denver to procure assistance for a general system of irrigation, full account of which was recently published in this paper. The legislature is asked to memorialize Congress favorably.

After commending the Indian policy of the general government, the Governor adds his belief that "Sitting Bull" and his Sioux design remaining in a hostile attitude in eastern Montana debarring the extension of wagon or railroads through that country, and says the legislature should ask the government to remove him, the same policy applying to the Sioux as is applied to the Apaches of Arizona.

A recommendation is made for the appropriation of a sufficient sum of money to enable Montana to be fairly represented in its products at the Philadelphia Centennial.

LAW FORMS.

The Legislatures of many of the States have prescribed by law the form of instruments for the conveyance and incumbrance of real estate, shortening and simplifying the forms for deeds, mortgages etc. I believe the adoption of such legislation in Montana as will shorten the verbose forms now in use, will meet the approval of your constituents.

THE REMEDY FOR DULL TIMES.

The great want of our Territory is people; and how we can best obtain them, should command your immediate and earnest attention. Montana should no longer remain a close corporation, by the Legislature refusing to make known to the world the untold riches she contains. We cannot expect immigration without we invite it. Many of the other Territories have organized Boards of Immigration, with agents in New York and other principal cities of the East; and their publications containing a description of their resources, distributed throughout the different countries of Europe. These efforts are meeting with marked success, and thousands of honest, industrious and frugal people are finding homes in our sister Territories, because their Legislatures had the wisdom to provide for the publication and distribution of documents describing the resources of their respective Territories.

While Montana is not surpassed by any in the richness of her agricultural and mineral resources, her great water powers, her facilities for manufacturing and her healthy and invigorating climate, yet she is sitting supinely idle, while her energetic sisters around her are passing her in the race for wealth and greatness. The cry is the want of a market for the surplus products. Had an effort been heretofore made, population would have been obtained and a market provided. Provide for a Board of Immigration with wise regulations and ample means and population will come and the cry of "no market" *cease.*

Invoking the blessing of Divine Providence upon you and all the people within our borders, I close this communication with the assurance that you will receive my hearty co-operation in all your efforts to legislate for the public good.

B. F. POTTS.

EXECUTIVE DEPARTMENT, Virginia City, January 5th, 1874.

The York-Pomeroy Trial.

St. Louis, January 6.—The *Republican's* special from Topeka says the case of the State *versus* Pomery, for the bribery of Senator York, was called in the county court to-day. The defendant was not present, and his counsel asked for a further continuance which was refused, and Pomeroy's bail of twenty thousand dollars was ordered forfeited, with the understanding, however, that if the defendant appears for trial during this month the order for forfeiture will be rescinded. It is believed here that Pomeroy will never be tried, but as the case now stands it puts him in the position of a criminal at large without bail, and liable to arrest at any time.

Portland, Dal es & Salt Lake Railroad.

CORINNE, January 3.—Col. Chapman, President of the Portland, Dalles and Salt Lake Railroad Co., has located the terminus of the road at Corinne. The Utah, Idaho and Montana road, is adopted and to be identical with the Oregon road for fifty or a hundred miles. The leading men of Oneida county and Corinne city agree to grade and tie fifty miles of the road. Col. Chapman leaves for Washington in the morning.

The above is in the associated press dispatches. What significance it has is not yet manifest. Col. Chapman was before the Idaho Legislature last winter for moderate assistance to the road, but we believe was unable to procure any benefits except the immunity of the road from taxation for a term of years. The line of the road said to be selected—the Utah, Idaho and Montana, right of way for which was secured by Hollister a couple of years since—leads up Bear river, thence to Malad, and through Port Neuf Cañon. What means or methods Col. C. can command for its construction is not yet known to us. Idaho did not appear last winter to have much confidence in the project, and if it is not built until Corinne and Oneida county men grade and tie fifty miles of the road it will probably be some time before the engine points into Snake river valley. There was a great furore gotten up two years ago over the rapid construction of the U. I. & M. by General Connor and the *Reporter,* but the hosts of workmen were mythical, and the road was never graded a half mile. We hope the present scheme is more substantial. The following indicates that Col. C. has some plans by which he expects to procure means for the building of the road.

From the Idaho Statesman, Dec. 27.

A meeting will be had this evening in the United States Court Room at 6 o'clock, for the consideration of railroad matters. Col. Chapman arrived in town night before last, on his way to Washington, and desires to meet the people of this city, and lay before them his plans and prospect for building the Portland, Dalles and Salt Lake Railroad. *He asks no subsidy from the Territory,* but his plans are altogether new and from conversation with him, appear to be feasible and within reach of the Company. Co-operative aid on the part of the people, such as they are able to give will be asked. A full and satisfactory explanation, and the manner in which the road can be built will be made at the meeting by Col. Chapman. We hope to see our people put in a full appearance on this important occasion.

The fact of the dispatch from Corinne being subsequent to the above, indicates that the Boise people favored the plans of the President of the P. D. & S. L. Co. If they are feasible to build a road from Corinne to Portland we should think the same plan would be competent to procure the extension of the road to Montana, and will look with some interest for the succeeding dates of Boise and Corinne papers.

SURVEYOR GENERAL OF MONTANA.—The nomination of Col. Andrew J. Smith, as surveyor general of the Territory of Montana, was yesterday confirmed by the Senate. To a committee of Montana gentlemen, who lately waited on him, President Grant is reported to have said:

"You propose to me, gentlemen, a number of names known each of them, to some particular member of your party for this office. If I accept either of your recommendations, I please but one of you. Instead, I have selected for this office a gentleman of very considerable abilities, who did honorable service during the rebellion, and whom I know will do honor to my nomination. I know that he will make only friends in the Territory."

The nomination was unanimously confirmed by the senate. We are certain that the Government and the Interior Department will be well served.—*Washington Republican,* Dec. 19.

News Paragraphs.

A few days since we had the news of the capture of the Benders, whose terrible deeds startled the country not many months since. Now the report comes that they have been tracked into Northern Mexico, but that they cannot be arrested, there being no extradition treaty between the United States and Mexico. It is to be hoped this notorious band of murderers will not be allowed to go unpunished much longer.

It appears almost certain that the construction of a tunnel under the sea from Calias to Dover, or places in the vicinity of one or both ports, is to be seriously undertaken. The English Channel, which separates France from England, is not quite 21 miles wide between the above-named ports. Mr. John Hawkshaw, the eminent English engineer, who first ascertained, by deep borings and an examination of the bottom all across, that the design was practicable, writes: "It would be idle for any one to claim to be the inventor of a Channel tunnel. When made it will be like all other tunnels, differing only in being longer than any yet made, and in requiring artificial ventilation." It is not to much to expect that, if travel between France and England could be performed *under,* instead of *upon* the waves, the number of travelers would soon be doubled. The terrible sea-sickness during that short voyage, in small and incolvenient steamers, deters thousands from the journey.

Dan Rice, the old clown, has fallen under his evil star. After quite a successful summer tour he reached Louisville about three weeks ago, rented the exposition building and fitted it up at great expense. The first week turned out badly, and for the second time the price of admission was reduced to fifteen and twenty-five cents; but the show didn't draw. As a consequence the whole concern was attached, and on Saturday last horses, canvas and general paraphernalia were sold at auction, the celebrated blind trick horse bringing only $126. The performers, musicians and all the employes were minus their wages, Dan not having a dollar left to pay them. During the summer Dan himself, with his blind horse, etc., was traveling with another company in Canada at $1,000 per week, and that, too went up, leaving him minus $26,000.

Amendment of the Bankrupt Law.

Washington, January 5.—The substitute for the house bill repealing the bankruptcy act reported by the Senate Judiciary Committee, provides for a number of amendments to the present law, the most important of which are the following: That it shall require the action of one-fourth on an insolvent creditor, or one-third tde amount of the debts, to force him in to bankruptcy, instead of a single creditor, or debts to the amount of $250, as now; that protested notes may run 60 days instead of 30 days as now; that whenever a majority of the creditors agree to take the case out of bankruptcy, they may do so; that the courts are empowered to permit any number of creditors to make a composition of their claims in cases of involuntary bankruptcy; that the term "four months" mentioned in section 35 in the old law shall be changed to two months, and the period of six months therein named shall be changed to three months. The first of these provisions not to take effect until two months, and the second not until three months after the adoption of this act. The act provides for reduction for composition charges and all allowances, excepting actual and necessary disbursements of and to be made by officers, agents, marshals, messengers, assignees, and registers, of one-half; provided, that this section shall be and remain in force until the Justices of the Supreme Court of the United States shall make and promulgate new rules in respect to these matters.

Rumors of the Southern and Northern Pacific Railroads---Important if true.

CHICAGO, January 2.—A Washington special says Col. Thomas A. Scott was addressed recently on the subject of affairs of the Texas Railroad, by citizens of San Diego, through their agent in this city. The people of San Diego were alarmed lest an extension of time should be asked for the completion of the work now in progress at the Pacific terminus. They were also anxious to learn the prospect for legislation by Congress in the interest of the Company.

Col. Scott authorized the sending in his name yesterday the following dispatch:

"The prospects for legislation are good. No extension of time will be asked for." It is understood no definite form of action has yet been agreed upon, but a number of bills are in course of preparation to be submitted to him for approval. The main object in the East being to provide means to obtain Government aid in disposing of the railroad bonds, and to secure the Government for all disbursements.

It is authoritively stated that the North ern Pacific has agreed to leave the field to the Southern Pacific or at least for the present season.

Miscellaneous.

NEW YORK, January 3.—The entire number of railroads in default is 115, representing an indebtedness on interest account of twenty-seven million dollars.

KANSAS CITY, January 2.—A fire to-day destroyed a number of wooden buildings. Loss, $12,000.

LOUISVILLE, (Ky.,) January 2.—This evening Thomas Cook, a young man, fatally stabbed his wife, stabbed and killed his mother-in-law, who sought to protect her daughter, and then cut his own throat. He and his wife are still alive, but fast sinking.

ST. LOUIS, January 5.—The Glenn House, the *Appeal* newspaper office and several stores and shops at Paris, Mo., burned Wednesday. Loss heavy.

WASHINGTON, January 1.—General B. J. Sweet, Deputy Commissioner of Internal Revenue, died here this morning after an illness of nine days, of pneumonia, aged 41 years. His body is to embalmed and will be sent West to-morrow evening.

WASHINGTON, January 2.—The public debt increased $8,453,272 during December.

There are no new developments in regard to the Chief Justiceship, although the preponderance of opinion now is that the nomination of Williams will be confirmed.

WASHINGTON, January 5.—The President this morning sent to the Senate the nomination of Caleb Cushing as Minister to Spain; Edward L. Baker, of Springfield, Illinois, as Consul at Buenos Ayres. Cushing is designated as from Virginia.

MADRID, January 5.—A decree was promulgated to-day suspending the constitutional guarantees and putting in force throughout Spain the law of 1870, for the maintenance of public order.

Bishop Wilmer of Louisiana, says many persons are starving in