

President Hayes, it is said, does not smoke, neither does he drink whisky. In the latter respect, at least, he is an improvement on Grant.

According to official statistics the Indian population has decreased nearly one-half in the last fifteen years. Yet the Indian appropriation, which in 1861 amounted to \$2,865,000 per annum, had grown in 1875 to \$8,384,000.

The Russian Government has instructed Count Shouvaloff to intimate, in the gentlest manner possible, to Great Britain, that the English Government has deliberately snubbed the Moscovites respecting the Eastern question at Constantinople. The Russian bear will pause for a reply, and it is quite possible Count Shouvaloff will demand his passports and shuffle off to Saint Petersburg, should perfidious Albion fail to explain why this was thus.

When the colored orator of a minstrel troupe slaps the umbrella upon the table, and demands to know "Whar are we now?" the effect, as all know, is extremely ludicrous. Bob Ingersoll, the champion orator of the late Presidential campaign, before whose brilliancy all other lights paled their ineffectual fires, and whose efforts in behalf of the Republican nominees were more than herculean, wants to know Where we are now, and where he is at this particular junction?

The broad expanse of the political firmament upon which the eyes of the nation will be fixed for the next four years, is now in full view. Some of the stars which were once in the upper dome, are now declining to the sunset horizon, while in the Eastern sky new constellations and some bright particular orbs are climbing the first quarter of the heavens with every portent of good luck in their horoscope. Political these rising lights, measuring their size and weight, and noting their names for future reference.

THE MARRIAGE LAW AGAIN

The following communication from a member of the Helena bar was received shortly after the appearance of the article to which it refers, but want of time and space has prevented us from replying at an earlier date. Our attention has also been called to the matter from other sources, but in a manner not altogether in keeping with the serious nature of the subject. We quote from the Helena gentleman's letter:

"I have examined the Record article on marriage, and regard the reference to section 9 as very unfortunate, from the fact that it misleads as to the intent of the law. Sec. 9 refers only and in explicit terms to such defects as may result by reason of authority or jurisdiction in the officer officiating. It does not in any manner affect the provisions of section 1. There is in many cases more or less question as to the regularity of election of justices of the peace, and in fact of other officers; and the object of the law is to relieve the parties of the necessity of looking closely into the official character of the officer solemnizing the contract, and it therefore provides that if either party believes that the officer possesses the required authority the marriage shall be valid. A careful second reading will show the above to be correct."

Before commenting upon the above, we will quote sections 8 and 9 of the marriage law, the assumed misinterpretation of which by us has led to the above strictures by our correspondent:

Sec. 8. Every person who shall willfully make and deliver a false certificate of marriage, or pretended marriage, or undertake to join others in marriage, knowing he is not lawfully authorized so to do, or knowing any legal impediment to the proposed marriage, shall, on conviction in any court of competent jurisdiction, be fined in a sum not exceeding five hundred dollars, and be imprisoned in the Territorial prison until such fine is paid.

Sec. 9. No marriage solemnized before any person professing to be a judge or justice or minister, shall be deemed or regarded void, nor shall the validity thereof be in any way affected on account of any want of jurisdiction or authority, provided it be consummated with a full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage.

The difference is one of inter-

tation only, and the vast numbers of reversed judgments, the immense amount of obstinate litigation, where both parties are firmly convinced that the law is on their side, show that such differences are far from uncommon, and may exist without disparagement of the intelligence of the party in the wrong. Sir William Jones, an eminent English legal authority, has said: "such is the imperfection of human language that few written laws are free from ambiguity, and it rarely happens that many minds are united in the same interpretation of them." It is to obviate the difficulties arising from such diverse interpretations that judges are found indispensable to every civilized society.

We have given the law that "careful second reading" suggested by our correspondent, but without the result anticipated by him. The objection he makes was not overlooked in the article on marriage. We were careful to say, "when this section (9) is considered in connection with the one immediately preceding (8);" for this association of the sections we take to be necessary to get at the full meaning of the law. By section 8, "every person," that is to say all magistrates and ministers of the gospel, are forbidden to solemnize a marriage when they know of any legal impediment thereto, which, it seems to us, is to be reckoned one of the cases of want of jurisdiction or authority provided for in section 9. In section 1, minority is declared such a legal impediment, and where it exists, though the magistrate or minister may possess the required jurisdiction—that is, may be entitled by virtue of his office to perform the marriage ceremony—he has not the authority, privilege, or right to exercise it in this particular case on account of the prohibition expressed in the law. But if, notwithstanding his want of authority created by the prohibition contained in section 8, the magistrate or minister does solemnize the marriage, the parties thereto are nevertheless lawfully joined, because they believe themselves so to be.

But perhaps our correspondent will say that the words "jurisdiction or authority" apply merely to the official privileges of the minister, and not at all to the parties to the marriage contract in their relation to the prohibition of the law. But if so, why "jurisdiction or authority?" The single word "jurisdiction" implies that much, and unless "authority" is used in a different sense, it is mere tautology. We cannot think that the words are used as synonyms, but that "authority" is used to express something different from "jurisdiction"—that it adds a new idea to the law, and that that idea is, the right to solemnize the desired marriage because, as the officiating person believes, there exists no legal impediment thereto in the parties seeking to be thus united. This idea is conformable to Webster's definition of the word "authority," as he includes among its meanings "warrant, permission, that which is claimed in justification of the measure." And this view is partially supported by the summary of contents that introduces the chapter embracing the marriage law. It says: "Sec. 8. Penalty for making a false certificate or marrying without authority," wherein the marrying without authority is evidently designed to include the case of one solemnizing a marriage both when he knows that he is not lawfully authorized and when he is aware of a legal impediment to the proposed marriage, both cases being provided for in this section.

In conclusion we submit that though our view of the law be incorrect, there is to the unprofessional mind a great temptation to fall into an error of this kind. We are not a lawyer, and perhaps do not possess in a great degree the legal instinct that would without professional training keep us generally right. At all events we do not pretend to infallibility, and ask no one to accept our views to whom they do not seem as conclusive as they do to us. We thank our Helena friend, and have taken pleasure in setting his views in contrast with our own, that any one who has been led astray by us may be reclaimed by him.

Minister Elihu B. Washburne has arrived from France in order to persuade the President to let Elihu be.

BREVITIES.

The darkies are dispirited—black spirits and white mingle in this feeling.

When Judges sit in banc are they not subject to the current rate of discount?

American flags must now bear thirty-eight stars, counting one for Colorado.

The "Tribune" says that Carl Schurz has been a faithful censor, which accounts for his political perfumer.

The Southern carpet-baggers have been badly hazed by the President. They are all down with the hay fever.

Zach Chandler made no profit by being a prophet. In fact, the prophecy was an unprofitable investment.

"Bradley's bastard President" is the St. Louis "Times" stigma upon Gov. Hayes. Thus R. B. becomes B. B.

Gen. Butler does not wish to be Speaker of the next House. He can use his tongue more effectually than the gavel.

Gen. Comly, of the Ohio "State Journal," will be tendered the Hawaiian Mission, on account of his predilection for sandwiches.

President Hayes thinks he has found the Key to the Southern situation, which his name it is David M.

Judge Thomas Jefferson Mackey is in Washington endeavoring to get up an im-mackey-late interview.

Blue glass is now recommended as a specific for defaulting bank officers, and failing insurance companies; also for the paymims.

Olive branches are the order of the day, but we fail to perceive where the dove comes in. The appetite for olives is an acquired taste.

Gen. Phil Sheridan is preparing for his spring campaign against the Indians. He will give the hostiles their fill of Sheridan.

Gen. Noyes, the clever ex-Governor of Ohio, is to have the French Mission. He will make a noise on the Boulevards with his wooden leg.

Charles Hays, ex M. C., from Alabama, says he does not wish to be Commissioner of Agriculture. He is opposed to nepotism, agricultural.

Carl Schurz's name is pronounced "Shirts." Like one of our prominent shirt manufacturers, he is in "for keeps," but he needs a little button holding.

Brigham Young is in declining health. The Mesdames Young are buying their mourning in contemplation of the sad event. Brigham's disease is Younger's ail.

Pelton repudiates Patrick, and therefore, in order to restore confidence, it is proposed to give Patrick a seat in the Cabinet. Will this mollify Cronin? Who knows?

Senator Thurman thinks the Electoral Commission was only good enough to be hung. Thurman is authority on the Hungarian question and should supply the rope.

Contrary to established precedent, the Vice President is to be consulted and recognized by President Hayes, and Wheeler will not be, like his predecessors, a fifth wheeler.

The Hon. R. T. Van Horn, of Missouri, has been recommended for a Cabinet position by the Kansas Legislature. The Kansas folks ought to lead their own van and blow their own horn.

The Washington Association of Dartmouth College alumni gave a dinner recently. The Dartmouthers filled their mouths with food and speeches. General Eaton naturally presided.

Killing insects by the concussion of discharged firearms is attracting attention. They tried "cussing" on the grasshoppers out in Nebraska, but having omitted the "con" it was unsuccessful.

Col. Meacham delivered a lecture on "Lo, the poor Indian," at Cooper Institute to a thin audience, the subject itself being very thin. He didn't say anything about his little unpleasantness with the late Capt. Jack.

Rufe Ingalls and Pay Director Cunningham were entertained at San Francisco, by Celestial hosts, who fed them on birds' nests, shark fins, bamboo sprouts, stewed rats, and the like. Rufe has not been in the seventh heaven since, owing to a misery in his Ingalls-side. Cunningham says the ham was not cun-

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