

EUGENE LEECH SEATED.

His Republican Friends Succeeded Finally in Having Him Sworn In.

Democrats and Republicans Are Now Numerically Even in the House.

A Ballot Taken in Both Branches of the Legislature on United States Senator—Other Business.

The republicans of the house, after refusing to give a sick man a pair, and by reason of that very refusal, succeeded yesterday in having Eugene Leech sworn in on the strength of a certificate which the supreme court directed the canvassing board of Choteau county to issue to him; and they did it in the interest of the junior fraud from Montana, who is able to be in Helena and looking after just such work through the courtesy of a pair which a democratic senator made with him on all political questions. The republicans accomplished this by the aid of the speaker and his populist associate from Silver Bow county, which gave them a bare majority of one vote to carry out their plan. Had A. J. Davidson been present there would have been a tie vote of 27 to 27 on the question of seating Leech, and that would have been enough to defeat it. As the matter stands with Leech sworn in, the democratic and republican parties have each twenty-six votes in the house with all present, and two of the three populists can decide a political question. With the nine democrats in the senate that party has thirty-five votes on joint ballot, one less than a majority of all the members. The seven republican senators give that party thirty-three members on joint ballot. The populists have the other three members, all in the house.

It was simply a question of numbers that gave the republicans their extra member yesterday. Still they did not get what they wanted without a bitter struggle. Judge Bach made a fight that might have excited the admiration of even his republican adversaries had they been engaged in a less unwholesome cause than that of trying to extend by six years the Washington residence of Wilbur F. Sanders. Judge Bach was taken by surprise by the support which the republicans so unexpectedly received from the populists, against whom the supporters of the War Horse were so recently and so bitterly arrayed in the speakership fight; bitter even to the extent of ridiculing the present occupant of the chair. But the democratic leader made a gallant fight, and though the cause for which he stood received a setback, yet in the short battle preceding that result the blood spilled was not all democratic. A turnip or a frosted potato would have dropped some blood after the pondering Judge Bach gave the state auditor.

In view of the proceedings yesterday, a short history of the Leech-Hamilton contest since its inauguration in the house may prove interesting. When the state auditor called the house to order on Monday, Jan. 2, he refused to call the name of A. B. Hamilton as a member from Choteau, though that gentleman was there with a certificate issued by the canvassing board of his county, and the laws of the state distinctly state that a certificate of election shall be prima facie evidence of right to a seat. Justice DeWitt, of the supreme court, Ex-Gov. B. Flint Carpenter and other able republican lawyers held that under this law the auditor had no right to call Hamilton's name. His duties were ministerial, and not judicial. The republicans, however, have a fashion in Montana of arguing with their judges and advisers when their judges and advisers agree with their party schemes. So Hamilton's name was not called. When the house was finally organized Leech had received the certificate which a majority of the supreme court had ordered the Choteau county canvassing board to give him. His certificate and that of Hamilton were referred to the committee on elections appointed ahead of time to consider their case. The committee at its first meeting agreed to send for whatever evidence was needed to properly decide the case. At the next meeting the republican members of the committee evinced a disposition to back out of that agreement. It was then determined to ask the house for further authority to send for persons and papers, with the idea that if the house accorded them that privilege, it would be taken as the sense of that body that they wanted a full and fair inquiry. The request of the committee was made Monday. It was laid over till yesterday. Before any action could be taken on it, and while the contest was still pending before the committee, the republicans sprung their scheme of seating Leech first, and investigating later; in other words they made him a present of property in dispute, and then concluded to investigate. It was a scheme commensurate with the talents of Wilbur F. Sanders.

Senator Matts drew first blood yesterday in the contest for the location of the state educational institutions by introducing his bill for the location of the university of Montana within three miles of the city of Missoula. The bill is quite voluminous and was evidently drawn to cover every essential point in the establishment of the institution. The senator wanted the bill referred to the committee on public buildings, hospitals and asylums, because bills of like character went to that committee at the last session, but the senate, on viva voce vote, decided to support the president, who believed the committee on education was the proper one to consider all measures relating to educational institutions. A majority of the senators had an idea that it was necessary to ballot at noon in separate session for United States senator, Lieut. Gov. Hotkin explained that in separate session the ballot could be taken at any time, and read extracts from the federal law governing the election of United States senator, as follows: "Sec. 14. The legislature of each state which is chosen next preceding the expiration of the term for which any senator is elected to represent the state in congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a senator in congress. "Sec. 15. Each election shall be conducted in the following manner: Each house shall, by a viva-voce vote of each member present, name one person for senator in congress from such state, and the name of the person so voted for, who receives a majority of the whole number of votes cast in each house, shall be entered on the journal of that house by the clerk or secretary thereof; or if either house fails to give such majority to any person on that day, the fact shall be entered on the journal at twelve o'clock meridian of the day following that on which proceedings are required to take place as aforesaid, the members of the two houses shall convene in joint assembly, and the journal of each house shall then be read, and if the same person has received a majority of all the votes in each house, he shall be duly elected senator. But if the same person has

Dainty Foods Demand It.

IN EVERY Receipt that calls for baking powder, use the "Royal." Better results will be obtained because it is the purest. It will make the food lighter, sweeter, of finer flavor, more digestible and wholesome. It is always reliable and uniform in its work. I have found the Royal Baking Powder superior to all others. C. Gorky, late Chef, Delmonico's.

not received a majority of the votes in each house, or if either house has failed to take proceedings as required by this section, the joint assembly shall then proceed to choose, by a viva-voce vote of each member present, a person for senator, and the person who receives a majority of all the votes of the joint assembly, a majority of one member being elected to both houses being present and voting, shall be duly elected senator. If no person receives such majority on the first day, the joint assembly shall meet at 12 o'clock meridian of each succeeding day during the session of the legislature, and shall take at least one vote until a senator is elected. At noon to-day the senate and house will meet in joint session in the house chamber and take the first ballot for United States senator.

THE SENATE.

Bills and Notices of Bills and a Vote on Senator.

Senator Matts introduced his university bill in the senate yesterday. It provides for the location of the university of the state of Montana within three miles of the city of Missoula, and places the control of the institution in the hands of the state board of education. This board is to elect the president and all other officers and fix their compensation. The university is to be for both sexes, to contain a preparatory and science and arts departments. Tuition is to be free to all students who have resided in the state for one year, except in the medical and law departments. Ninety days after the passage of the bill, a board of education is to select a site, to contain not less than forty acres. The bill was read first and second times, and referred to the committee on education. Bayliss introduced a bill repealing the extra law, which was appropriately referred, after being read first and second times. Gibson gave notice of the introduction of a bill for the better protection of fish and game, and Folsom to create the eleventh judicial district, to be composed of Madison and Beaverhead counties.

The governor sent to the senate a copy of a resolution adopted by the former body, calling on congress to make a uniform law to regulate the immigration of paupers, criminals and dependent persons, which was referred to the committee on judiciary. The senate then had its first executive session to consider the nominations of Chas. S. Shoemaker, of Butte, for state mine inspector, and John R. Gilbert, of Beaverhead, for deputy mine inspector. The session was short and the senate confirmed both nominations.

When the senate reconvened, Lieut. Gov. Hotkin announced that no particular time was fixed for taking a vote on United States senator in separate session, and the bill of Hoffman the senate proceeded to a ballot. It resulted as follows:

For Sanders—Brown, Swift, Bayliss, Folsom, Hatch and Goddard—6. For Clark—Burdell, Cardwell, Cullen and McDermott—4. For Dixon—Eggleston and Matts—2. For Hauser—Hoffman—1. For Maginnis—Gibson—1. Steele, who would have voted for a democratic pair with Folsom, who was absent on leave.

The senate will meet again this morning at 10 o'clock.

LEECH IS SEATED.

Two Populists Assist the Republicans in Reaching That Result.

Heretofore the members of the house have picked out their seats in a sort of catch-as-catch-can style, each taking the best he could find. The result was that very few were entirely satisfied. As soon as the house got together yesterday Mr. Loecky proposed the naming of a committee to seat the members. The committee were Messrs. Loecky, Bray and Beharri-nger. During a short recess the districted the seats by drawing lots. The effect was to make a number of changes. Judge Bach got a better seat on the front row than he had before, while Mr. Loecky got no further to the rear in it. Judge Bach, Speaker Pro-Tem Bray was allowed to retain his desk at the left of the speaker, in front of the other members, so as to be convenient to the chair. The other members on the front row besides Judge Bach are Beecher, Lockhart, Loring, Burns, Jeffers and Metzler. The second row, which is almost as good as the first, is occupied by White, McDonald, Tierney, Fitzgerald, Walkup, Goodell, Code, Hutman and McKay.

The house had two sessions, morning and afternoon, but it was at the latter session that the important business was transacted. At the morning session the house, in committee of the whole, considered and making several changes of minor importance, one of which was to conform to an amendment already adopted requiring a two-thirds vote to call the previous question. Mr. Loecky proposed several changes, and gave notice that he might offer more when the rules came before the house. The first bill introduced in the house was that of T. R. Kligation, of Silver Bow, to prevent the transportation of timber into the state. It provides that no sheriff, mayor or other person in authority shall appoint as special deputy marshals or policemen any person who has not been in the state for two years, and in the county or city from which appointed for one year. The bringing of special deputy marshals or policemen into the state from outside is prohibited, for the protection of either public or private property. The penalty for violating this law is imprisonment for from one to three years, to which may be added a fine not exceeding \$300. The bill was read twice. Notices of introduction of bills were given as follows: By Butler, to create the county of Klathend; by Goodell, for bounties on stock-killing animals; by Sweet, to regulate the hours of labor for stationary engineers; and to prevent importation of Pinkerton; by Carpenter, relating to notaries public; by Bach, relating to the assignment of property by insolvent debtors; by Ward, to create the county of Valjeon; by Lockhart, establishing a state insane asylum; by Fleming, creating the Eleventh judicial district out of Madison and Beaverhead counties. The house, on motion of Judge Bach, decided to have a joint session with the senate to-day and vote on United States senator.

As soon as the roll was called in the afternoon Judge Bach took the floor to once more appeal to the republicans for a pair for A. J. Davidson. "He and his physicians," said Judge Bach, "assure me that he will be here at all times when it is necessary. I call attention to the fact that Col. Sanders is here looking after his interests through the courtesy of a pair with a democrat in the United States senate. "Is the democrat sick?" asked Mr. Loecky. "I don't know," replied Judge Bach, "but I do know that when Mr. Hooster, of Louisiana, had to leave the house on account of the illness of his wife, Mr. Carter paired with him on the silver question. There are some on the other side who are not unwilling to extend to Mr. Davidson the courtesy of the same kind of a pair. I have told you that manliness and decency required it, and yet they cannot obey those instincts without the permission of a party caucus." As no caucus responded to this appeal, Judge Bach moved to proceed to ballot for United States senator. Before this was put, however, Mr. Montestah, for the republican side,

made a short reply. He said the republicans claimed they were in a minority through no fault of their own. They felt that it was a wrong that should be righted. The appeal for a pair was meant purely for partisan advantage. If Mr. Davidson was endangering his health by coming to the house, he was not one of the republican members. He could come or remain away as he saw fit. When justice was done the republican side he would be willing to extend the courtesy asked. The motion to proceed to ballot for United States senator was then carried, and the formality of nominating speeches having been dispensed with, the house voted. The republicans voted for Sanders their usual nominee, and the populists for Samuel Matville. The democrats divided their vote. The result of the ballot was:

For Sanders—Amner, Babcock, Benson, Bray, C. H., Burdell, Burns, Carpenter, Code, Goodell, Goodell, Graves, Hoffman, Jeffers, Lawrence, Lewis, Loecky, Loss, McKay, Metzler, Montestah, Rose, Swett, Tallant, Van Cleave, Winters—26. For Clark—Ash, Butler, E. H. Gibson, Kligation, Loring, McDonald, Martin, Sappington, Subarinkov, Truman, Willson—12. For Dixon—Bonner, Burke, Fitzgerald, Gorman, Ward, Walkup—6. For Hauser—Burdell, Loring, Smalley, Tierney, White—5. For Matville—Beecher, Bray, A. F. Matthews—3. For Maginnis—Murphy—1. For Steele—Burdell—1.

Then came the surprise of the day. Mr. Fleming, republican, of Beaverhead, moved that Eugene Leech be admitted to the vacant seat from Choteau county, without prejudice to the right of A. B. Hamilton to contest. Judge Bach at once moved to adjourn. As the roll call proceeded, and Mr. Bray, populist, of Silver Bow, voted with the republicans, it was seen that there was going to be a very close call for some one, and the interest was great. When Speaker Matthews voted with the republicans also it was seen that the motion to adjourn was lost. Mr. Beecher, the other populist, voted with the democrats. The result on the motion to adjourn was yeas 23, nays 27.

Judge Bach got the floor and proceeded to make a speech against what it was now apparent was a determination on the part of the republicans to seat Leech without waiting for the committee on elections to investigate the case. He said the Choteau contest could not properly be before the house until all the testimony was heard. Whatever wrong had been done had commenced at Box Elder, and now, as in the past, his voice would be raised against the proceedings of the canvassing board of Choteau county in regard to that matter. But the members of the house were acting as judges, and as such they were not aware of the proceedings of that board. Judge Bach at this point saw Auditor Cook sitting in the rear of the house and exclaimed: "The next step in the outrage was the part of a man who sits on the floor of this house, and the wonder is the auditor does not usurp the speaker's place now as he did not. I appoint him to the chair." Judge Bach then spoke of the refusal of the auditor to put Hamilton's name on the roll, and added that he was authorized to say that Justice DeWitt, of the supreme court, was surprised at the action of the auditor in this respect, and held to the position that a ministerial officer had no judicial power. Judge Bach said he knew now why the auditor refused to call Judge DeWitt to administer oath to the auditor, and he had refused to come because he didn't want to go back on the effect of his own mandamus.

The republicans were getting restive under the able exposure of their plans, and Mr. Montestah interrupted with a point of order that Judge Bach was not confining himself to the motion. Speaker Matthews asked the speaker if he was doing that, and Judge Bach said he expected to do that. "The next step in the proceeding," he continued, "was the auditor's request for a deputy marshal. At the suggestion of a republican I accepted the explanation that he didn't know what he was doing, that he was excited. But he has since said himself that he did it as a bluff." Judge Bach said the action of the auditor had been a wrong one, and he thought of the honor of every member of it, but gentlemen on the other side sat silent and entered no protest. He wished to say in justice to one member on the other side that that gentleman had said he was surprised at the action of the auditor, and he never had taken the stand he did. Not only had the party lash been applied, but falsehood had been used as well. The gentlemen referred to had been told by the auditor that he was already seated to Leech. Until Leech had presented himself Hamilton had the de facto and the de jure right to the seat. Judge Bach then referred to the opinion of a leading republican who was who held the issuance of the mandate by the supreme court did not destroy the certificate of Hamilton. The man with the first certificate was entitled to the seat until he was ousted by a better title. The contest had been referred to the committee on elections, who had made no final report, though the democratic members were ready to go ahead with the inquiry. Judge Bach then read the report of the committee, headed Monday, to show that Talant had made the motion to ask authority to send for persons and papers, and that Loecky had seconded it. If there was any error in what he said he was a democrat. "I don't believe an angel from heaven, with all his eloquence, and with divine authority, could make any impression on the other side," exclaimed Judge Bach. "When ever gets to the point of making heads could make and unmake legislators. We desire to be chosen by the people," he said, "and not by canvassing boards and supreme courts." He said it was the duty of the house to seat Leech and then receive evidence as to who was the one rightly entitled to the seat.

After some little further desultory discussion, during which Mr. Loecky got in a question that was overruled, Judge Bach moved a call of the house. Judge Bach decided that if there was a quorum speaker's call was not necessary. The rule on the subject was discussed, and in connection with it the fact that Mr. Davidson, the only absentee, was away by leave of the house. The leave, however, was but for one day, the one when he appeared to be sworn in. But this cut no figure, as the republican members moved the previous question, and a motion by Mr. Sharrinkov to lay this on the table was not entertained by the

SANDS BROS.

Will commence in a few days their

Annual January

Clearing Sale.

All Winter Goods will be marked at Sacrifice Prices and the entire stock will be offered at a Sweeping Reduction.

See the extraordinary values now given in Dress Patterns.

SANDS BROS.

speaker. The previous question was ordered by yeas 27, nays 23, two democrats being out at the time. The motion to seat Leech was then carried by yeas 27, nays 23, and the Choteau contestant was sworn in, making the house stand, with all are present, democrats twenty-six, republicans twenty-six, populists three. Mr. Bray, of Silver Bow, moved that the members on privileges and elections have the authority they asked for Monday, and that they bring the "contest" to a conclusion. This gave rise to some more discussion, many of the republicans holding that there was no contest until Hamilton filed one. Mr. Loecky said the expense might amount to \$25,000, and the house ought to consider that. Judge Bach said the other side were affected by a sudden parliamentary streak. The committee might as well be discharged, though, he added, "the Lord only knows how many more contests are to go before them now." Party lines were not strictly drawn on the motion to authorize the committee to send for persons and papers in the Choteau case, but it was adopted. Leech voted "aye" in a very stank voice. It was his first vote. The house then adjourned.

LEGISLATIVE NOTES.

There will be a caucus of the democratic members of the legislature to-night on the memorial contest.

In revising senate bill No. 1, "an act to regulate the practice of dentistry in Montana," it was made to appear that a person to be eligible under the law is required to have been in practice three years in this state. Such is not the case. Three years practice is what is required, whether in this or any other state. It was also made to appear that after the passage of the bill all persons desiring to begin practice should pass examination. Any person possessing a diploma is not required to pass examination, but to present such diploma for the approval of the board of examiners.

Chas. S. Shoemaker, who was yesterday appointed state mine inspector to succeed Jos. W. Hogan, is a practical mining man who is highly spoken of by those who know him. He was the expert of the Blue Bird company previous to the closing down of that property. His deputy, John R. Gilbert, is well known in Lewis and Clark county, having been employed at the Alta mine for a number of years. Recently he was in the employ of the Golden Leaf company at Hancock. Since the closing down of that property he has been engaged in ranching. He owns quite an extensive tract in Beaverhead county and is engaged in horse and cattle raising.

Mr. Hogan goes out of office with the satisfaction of knowing that his work as mine inspector has been thorough, and that as such he has won the confidence of both employers and employes. Both himself and his deputy, Mr. Oliver, proved to be competent men for the positions.

There is talk that the members of the house may not get any pay for this session. The constitution fixed the pay of the members of the first assembly, and provided after the first session the compensation of members should be as provided by law. It also prohibited legislative assemblies fixing their own compensation. The last legislature fixed the pay, as it thought, of the present one. It fixed the pay of senators and senate officers, and of officers of the house, but omitted "members of the house." As the pay of the members of this house is not fixed, there is doubt about their getting any until the next legislature passes a bill for it. This is on account of the clause in the constitution forbidding a legislative assembly fixing its own pay. In this connection it may be stated that the first session passed no bills whatever, for paying its successor or otherwise, yet the members present at the second session got their pay.

The Request of Many Ladies.

The New York Dry Goods Store, by request of the Helena ladies, will remain open evenings. This an opportunity is given to their many customers to make purchases of opera goods during their monster mid-winter sale, goods that should be seen by electric light to enable the purchaser to make selections in correct correspondence to the complexion. Remembrance to be able for the New York Store will be at your disposal evenings.

HELENA IN BRIEF.

Jackson's music store, Bailey block.

To Loan Money at 7%, 8%, and 9%.

Amount of Loan and Security determine the rate of interest. I am prepared to make loans promptly in amounts from \$500 to \$100,000 \$100,000 Commercial and Short Time notes wanted. Also City, School, State and County Bonds and Warrants.

No. 10 Edwards St, Helena, Mont. H. B. PALMER.

Clarke, Conrad & Curtin

HARDWARE

Iron, Steel and Nails.

HOUSE FURNISHING GOODS.

WOOD AND COAL HEATING

STOVES

In all Sizes and at Low Prices.

Cooking Stoves and Ranges

TELEPHONE 90.

42 and 44 South Main Street, Helena.



PAPA has just bought a new pair of our "FOOT FORMS," and can well afford to throw his old shoe after the happy bride and groom for "luck." If you want luck in 1893 start with a proper foundation, in the shape of a pair of our Shoes. We feel sure you will be so well pleased that you will insist on the entire family being fitted at our store. You will find your Shoe bill will not be so large as in the past. It will pay you to try us.

CLARKE & FRANK. Montana Shoe Company.