

FIVE BALLOTS TAKEN WITH LITTLE RESULT

On Four Votes Thomas H. Carter Gets Forty-Four as His High Mark.

WITH NINETY-NINE MEN PRESENT, FIFTY IS CHOICE

Helena Is Alive With Visitors, Many of Them Being Present When Joint Session Is Held--Two Dark Horses, Pigott and Cheadle, Trotted Out by Their Admirers

Helena, Feb. 27.—(Special.)—Big pull and little wool. That describes the senatorial contest today. Five ballots were cast but the material difference is so small that one can hardly see it with a microscope. Senator Carter raised three votes, those of Burlingame, Hyles and Bell, and before the last roll is called he will have McCone and Tolman, two of the three that have not already fallen in line, but unless a miracle is wrought, Higgins will go to the end without giving Carter a single vote. Walsh and Conrad stand where they have for some time. Two new Richmonds were entered this morning. Byrnes of Lewis and Clark trotted out Judge W. T. Pigott and Tolman of Carbon. Judge E. K. Cheadle, Senator Donlan, who is suffering with an attack of tonsillitis, was not able to be present, and Representative Berry, realizing the situation, volunteered to pair and did pair with the Missoula senator. Ninety-nine men voted and 50 votes was necessary for an election. Carter received 44, Walsh 22, and Conrad 25 on the last ballot.

Helena was thoroughly alive today on account of the promise of five ballots. The galleries of the house filled early and before the first poll was taken every nook and corner of the floor was occupied. Everybody was expectant, but very few of the senators anticipated anything very extraordinary. The Walsh men had agreed to stand pat, the Conrad boosters to make a desperate effort to show a compelling front, and the republicans to get together. These things were generally felt at the capital.

The senators arrived at the bar of the house at the clock struck 12. Lieutenant Governor Allen mounted the stand and was tendered the gavel by the speaker of the house. Several dozen persons stood against the walls of the room. Seeing this, Mr. Allen said: "Gentlemen, it is very necessary that every count taken here be right. Whatever we do here must be done on the square. Those standing must either find seats or go to the galleries."

This was followed by an exodus to the hallways and ludicrous efforts to squat. Soon, however, every head was below the dead line and perfect order prevailed. The presiding officer was applauded by the assembly and on-lookers for his declaration about a fair show.

Senator Burlingame.

Senator Burlingame, the first man called, said: "We are now in the eighth week in an attempt to elect a United States senator. I have heard it said on the floor of the house that if the republicans were in control it would be just as impossible for them to get together as it is for the democrats.

"I am a republican without qualifications, I do not want to be called a 'standpat' or an 'insurgent' or a 'progressive republican' but just a plain 'good republican.' It is my duty as such a republican to heed the expressed judgment and will of my party. Believing this, and within four days of adjournment, I must ask the secretary to record my vote for Thomas H. Carter, the choice of our party caucus.

The republican members applauded this heartily.

"In voting I always hope to help elect," said Mr. Whiteside. "Both of the leading democratic candidates are my personal friends. I should like to see either one have the position. I would vote for any good democrat. Some have criticized me for taking up first one man and then another, but I believe that if others showed more of that spirit it would be better for us.

"I vote for Mr. Walsh."

PRIMARY BILL BLOCKED

Helena, Feb. 27.—(Special.)—The senate committee on privileges and elections was to meet tonight, but there was a slip between the cup and the lip and the prospects now are that the Everett primary bill introduced today will not be reported out tomorrow unless the minority takes the bull by the horns and forces it out. It is the purpose of the majority of this committee, it is said, to lose the bill in the closing rush. Unless the report is made at once and acted upon in the senate there is no hope of passing the bill through both houses.

H. E. C. BRYANT.

This was on the second ballot. On the first one Mr. Whiteside had cast his vote for Conrad. Five ballots were cast but the material difference is so small that one can hardly see it with a microscope.

"I agree with Mr. Burlingame," said Mr. Bell, "and think that it is the duty of all good republicans to stand with the majority of their party under circumstances like these. I will vote for Mr. Carter."

In order to have the second ballot, Senator McCarthy, who is chairman of the democratic caucus, rose and demanded "the regular order." No one seemed to object. The third, fourth and fifth ballots followed upon similar demands. The same course is promised for tomorrow.

The ballot follows: The last one: Conrad—Senators Cockrell, Galloway, Muffy and Whiteside; Representatives Alley, Baker, Blackburn, Crouch, Dobell, Duffy of Granite, Duffy of Silver Bow, Ebert, Gillis, Hayes, Herbold, Johnson of Lewis and Clark, Kammerer, Law, Lissner, Macdonald, McNally, O'Flynn, Reel, Wheeler of Cascade, McDowell. Total, 25.

Walsh—Senators Dearborn, Duncan, George, Groff, Leary, McCarthy, Stout; Representatives Asbridge, Binnard, Brady, Donohue, Johnson of Ravalli, Kirsching, McMurtry, McQuitty, Martin, Moore of Silver Bow, Nolan, O'Hern, Whaley, Wheeler of Silver Bow, Woody. Total, 22.

Carter—Senators Burlingame, Christopher, Dunnigan, Edwards, Everett, Kessler, Lanson, Leighton, McDonnell, Meyer, Schwars, Survant, Sykes, Tooley; Representatives Bell, Bernard, Blake, Burt, Eikel, English, Grobb, Gray, Hewitt, Hickey, Holt, Holter, Jacobson, Jordan, Moore of Valley, Nelson, Paul, Rodgers, Reser, Roberts, Ralston, Sartor, Schwartz, Slayton, Stevens, Story, Swick, Vaughan, Williams. Total, 39.

For Lieutenant Governor Allen—Senator McCone.

For T. M. Swindlehurst—Senator Conrad.

For W. T. Pigott—Representative Byrnes.

For C. B. Nolan—Representative Tuttle.

For E. K. Cheadle—Representative Tolman.

For Frank Woody—Representatives Owenhouse and Ward.

For T. C. Marshall—Representative Higgins.

Record of the Balloting table with columns for Carter, Conrad, Walsh, and Scattering across 60 ballots.

The following resolution, introduced by Senator Leighton, was declared out of order after the joint assembly had laughed at it: "Whereas, Both the republican and democratic parties have declared in their party platforms for the enactment of a direct primary law providing for the election of a United States senator by the people, and "Whereas, The principle in such a law embodies the rule of the majority expressed in a private, or secret ballot, and "Whereas, It has been demonstrated

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IT'S ABOUT THAT TIME



INTIMIDATION BY TAFT IS CHARGED BY BOURNE

Washington, Feb. 27.—President Taft, by inference, was charged tonight with using his appointive powers to intimidate members of congress. The inferred charge was made in a speech in the senate by Senator Jonathan Bourne of Oregon, president of the New Progressive Republican league, and, until recent trouble over an Oregon appointment, the intimate friend and golfing companion of the chief executive.

The surprising thing was that, although the senator's audience construed his remarks as an attack upon the president, not a word was uttered in reply. The Beverly letter, in which Secretary Norton said the president had withheld federal patronage from certain senators and congressmen, but would discontinue that practice, was brought into the limelight. On previous occasions insurgent senators threatened to read this letter, but until tonight no public reference had been made to it.

Mr. Bourne opened his speech by a discussion of the Oregon laws. He said when this law is enacted by all the states it will destroy the power of the federal machine to renominate a president or demand his successor. The "steam roller," he said will be relegated to the political scrap heap and its operators to the shadow of things forgotten, while fourth-class postmasters will cease to be a political asset for anybody or any party.

Bribery or Intimidation. Mr. Bourne said the use of the presidential appointing powers to coerce members of congress would be either bribery or intimidation—bribery, if patronage were used as a reward, and intimidation if withheld as punishment. In this connection he read section 5459 of the revised statutes, making it a crime for any person to offer or give anything of value to any member of either house of congress with intent to influence his vote or decision in any matter pending in either house.

Continuing, he said: "The natural inference from the Norton letter is that the president of the United States used federal patronage to influence the action of members of congress. This is a charge which no citizen can discuss without regret, yet the whole subject is of such vital importance in the preservation of representative government that I would feel remiss in my duty if I failed to call it to the attention of the country and place before the country such information relating thereto as may come to my attention. The unadvised statement indicates a deplorable and despicable subservience on the part of the legislative branch to a dangerous and demoralizing usurpation upon the part of the executive.

Respect for Ward Heeler. "I would have as much respect for a common ward heeler who buys votes at the polls as for a president of the United States who uses his appointing power as a means of forcing or persuading members of congress to determine or change their course of action. One transaction is as dishonest, as corrupt, as depraving as the other, but the latter is more dangerous, more insidious, more pernicious than the former, because it strikes at the very foundation of free institutions, sets a precedent for corrupt methods in all official life and marks the beginning of dictatorship and decadence of the nation.

Beginning of Dictatorship. Mr. Bourne outlined the manner in which civil employees are sometimes used to control national conventions, and particularly he complained of their use in sending delegations from southern states which never send republican representatives to electoral colleges. Concluding, he said: "Extension of the power of the executive is the beginning of dictatorship. The remedy is to make presidents directly accountable to party and general electorates by enacting laws for president primary votes, thereby destroying the power of political bosses and their backers, the campaign contributors. The people can be trusted.

Chicago, Feb. 27.—(Special.)—The house met tonight and passed the appropriation bills which had been passed in the committee of the whole this afternoon. The state university provisions were in these bills.

Chicago, Feb. 27.—Chicago's first attempt to apply the direct primary law to the nomination of candidates for mayor will be made tomorrow. There are five republicans and three democrats on the ticket. The republicans are Charles E. Merriam of the University of Chicago, John R. Thompson, restaurateur; John Smulski, banker and politician; Tom Murray, merchant; John E. Scully, contractor and politician.

Seattle, Feb. 27.—E. D. Kirk and M. J. Webb, the detectives employed by Clarence D. Hillman, charged with fraudulent use of the mails, who were found guilty of contempt of court for alleged tampering with jurors, will be obliged to pay the costs of their appeals from the decision of Judge George Donworth. Kirk, who was formerly prominent in Kansas City, was sentenced to six months in the McNeill's island penitentiary, and Webb, a discharged Seattle policeman, to four months in the county jail. Both filed motions for relief as paupers that the appeal might be conducted at government expense. As the detectives had provided \$12,500 bail, Judge Donworth decided that they were not paupers.

San Francisco, Feb. 27.—Frankie Burns knocked out Lew Powell tonight in the 19th round of a scheduled 20-round go. It was Burns' flint all the way.

GREAT DEMAND FOR DIRECT VOTE

RAYNER SAYS PEOPLE CLAMOR FOR POPULAR ELECTION OF SENATORS.

BALLOT IS DUE TODAY

Opposition Develops to Resolution Before Federal Senate Because of Adoption of Sutherland Amendment, Providing for Government Control of Elections—Bourne Makes Talk.

Washington, Feb. 27.—Several speeches were made in the senate today on the resolution calling for the election of senators by direct vote of the people. Tomorrow the resolution will be put to a vote. One of the speakers was Senator Rayner of Maryland, who advocated the adoption of the resolution despite the Sutherland amendment voted into the bill last Saturday. Another was Senator Bacon of Georgia, who, having favored the resolution, had become perhaps its stoutest opponent in its altered form.

Senator Percy of Mississippi opposed the measure. It had been believed by many that the fate of the resolution was sealed when the Sutherland amendment was adopted.

The hostility of enough southern senators to prevent the necessary two-thirds vote for the resolution, it was thought, had been aroused by the amendment. Senator Jones of Washington, Senator Simons of North Carolina and Senator Bourne of Oregon, also were among the speakers, all being in favor of the resolution.

Mr. Bourne spoke of the election and primary system of his state, known as the Oregon plan, which he declared to be real government by the people.

Senator Rayner. "I am so strongly in favor of election of the senators by the people that I cannot possibly turn the proposition down because it contains a clause that might cause objection to the bill in the future," said Mr. Rayner.

"We will be prepared to meet the trouble if it should ever come. "Nor can I by my own vote delay this great question this session until the next congress. The vote may delay it, but I shall not and cannot participate in that plan. I want to expedite it with all my might and strength. I have fought for this proposition for the greater part of my public career and believe in it with all my heart.

People Want It. "The people want this change and they will have it. It is not the clamor of the mob, it is the deliberate and matured thought of the American people that the change shall come.

"The day of tyranny is over in this republic, and the rising generation is no longer being driven to the polls like cattle to the shambles, but is marching in unbroken phalanx with free ballots and ballots that are not for sale. They understand this question and demand it shall be submitted to the legislature of the states. They will not tolerate the suggestion that has been advanced here, that they are too ignorant to decide it."

After further argument the Maryland senator said that if the people have not the intelligence or the capacity to select their representatives, then it would be better to submit a constitutional amendment to change the form of government from a republic to a monarchy.

The senator said he was convinced he could not prevent the consummation of the plans for popular election of senators.

"We may impede it; we may delay it; we may throw obstacles in its path; we may obstruct it," he said, "but the day of reckoning and accountability will come."

Two reasons were given by the senator to show why he would support the resolution: "First, because he believed in it, and second, because he knew the people wanted it. Either reason would be sufficient for him.

Senator Bacon. Following Mr. Rayner, Senator Bacon of Georgia contended that it was not safe to adopt the elections resolution with the Sutherland amendment engrafted upon it. Mr. Bacon said the government would, under the resolution as amended, be empowered to say who might go upon the voters' registration lists. This, he urged, would be a dangerous power in view of the conditions that obtain in many sections of this country.

Admitting the south is especially interested in the control of elections now, the senator contended the time might come when the question would be just as acute in other sections of

Washington, Feb. 27.—The federal automobile license bill introduced by Representative Wanger of Pennsylvania was favorably reported today by the committee on interstate and foreign commerce. The measure provides a federal license in addition to the local license, but exempts the automobile from the local license of other states through which it may pass. Provision also is made for the licensing of automobile drivers.

Washington, Feb. 27.—Charles F. Murphy, leader of Tammany Hall, issued a long statement tonight in which he bitterly arraigned Edward M. Shepard for his letter of yesterday.

SHERIFF GRABS MULRONEY'S HOME

ANOTHER SUIT MAKES COUNTY ATTORNEY DEFENDANT IN DISTRICT COURT.

THIS SUIT A WARM ONE

John M. Evans, Attorney for Patt Noonan, Files Complaint Alleging That Mulroney "Notified" Noonan That a Sum of Money Had Been Paid in for Him and Cash Doesn't Come.

There was another gun fired yesterday in the campaign which seems to have become a personal persecution of County Attorney Mulroney. An attachment was placed upon Mr. Mulroney's residence yesterday afternoon by John M. Evans, an attorney for Patt Noonan of Iron Mountain; the allegation in the suit is that Mr. Mulroney "notified" Noonan that money due Noonan on a judgment against the Amador Mining company had been paid to Mulroney, and that the latter, as attorney for Noonan, withholds the sum of \$1,518.96, for which sum judgment is asked. To secure the amount, the Mulroney residence was attached.

The complaint follows a series of actions which have been directed against Mr. Mulroney since the grand jury indictments began. It may not be a part of this series, but the fact that John M. Evans is one of the attorneys in this case, and the further fact that he has been prominent in the previous movement against the county attorney, leads to the conclusion that it is. At any rate, there was a good deal of sympathy expressed yesterday for the county attorney.

Mr. Mulroney, himself, seemed to be less excited over the matter than anybody else when he was seen by a Missoulian reporter last night in regard to the suit. Asked for an explanation of the case, Mr. Mulroney said:

"In October, 1909, I secured judgment in two cases in the district court in which I was attorney against the Amador company. One judgment was in favor of Patt Noonan, amounting to about \$1,500, the other was for A. L. Trood, and was for about \$1,800. With the costs and interest these judgments now amount to about \$3,600.

"A few weeks ago Attorney Fox of Wallace and Attorney Hershey of Missoula called upon me in the interest of the stockholders of the Amador company and asked if I would accept a compromise offer for these two judgments. I named a price of \$3,200, which was accepted. About 10 days ago Mr. Hershey notified me that the money was in a local bank, and that it would be paid to me upon the assignment of both judgments to his clients.

"I notified Noonan, but we have not been able to find Trood, who is a prospector making his home in Wallace, but spending much of his time in the hills. Of course, until we find him, the money is not released, as the purchasers want the assignment of both judgments. I have not seen the money; I have Mr. Hershey's word that it is here, and I believe it is.

"Noonan came in upon receipt of my notification, and I told him what I had done. He would not accept the terms I had made; he demanded dollar for dollar of his claim. This seemed to void the whole matter. I urged Noonan to think it over, and he went away. Saturday he was in my office, and seemed friendly enough. There was no intimation that he would bring action. I had no warning until my home was placed under attachment.

"As I have said, the money has not been paid to me. Mr. Hershey is the local representative of the men who are offering to pay it. Until the terms which they impose are met, there can be none of the money touched by me or by my clients."

To a layman, this explanation seems to clear up the situation and to place the county attorney in the light of a persecuted man. There was a good deal of talk about the case last night.

SHEPARD ARRAIGNED. New York, Feb. 27.—Charles F. Murphy, leader of Tammany Hall, issued a long statement tonight in which he bitterly arraigned Edward M. Shepard for his letter of yesterday.

WITHDRAWAL TALK BY WALSH MEN

Helena, Feb. 27.—(Special.)—The Walsh men, I was informed from a reliable source tonight, will make a proposition Wednesday afternoon, unless a decided change comes in the results of the ballots in the meantime, to withdraw their man, with the understanding that Conrad is eliminated, and give other democrats an opportunity to contest for the position. If this is done the democrats will have a caucus Wednesday night and try to get together on a man. This story is current at a late hour tonight. H. E. C. BRYANT.

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