

THE ANACONDA STANDARD

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THE STANDARD

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THE STANDARD.

202 No. of Main and Third streets, Anaconda, Montana.

TUESDAY, OCTOBER 29, 1889.

THE FIRST DAY.

Proceedings in Judge De Wolfe's court relative to the vote at the tunnel precinct hardly got a fair start yesterday. Most of the hours during which the court sat were devoted to the discussion of technicalities having no relation to the merits of the issue, but concerning legal trifles incident to the preparation of papers in the case. The lawyers who are defending the case are disposed to be quite as severely technical as were the laymen who tried to steal the state.

The theme of yesterday's discussion is fully set forth in the STANDARD'S report of yesterday's proceedings in Butte. It appears that the action in the case of Mr. McHatton was brought in the name of the people of Montana, a form with which the members of the legal profession, and laymen as well, are familiar. But the counsel for the returning board insisted that this was wrong, since sovereignty does not lodge with the people of Montana but with the territory, and that therefore the writ under which the proceedings started should issue in the name of the territory itself and not in the name of people.

Judge De Wolfe found that the objection thus raised to the proceedings was extremely technical, but he gave the lawyers all the advantage they asked for, and thus the writ of mandate was open to correction. Then the counsel insisted that the writ could not be amended, and that point was discussed but it was not sustained and the case proceeded. Before adjournment the right of Judge De Wolfe to hear the case was attacked and that feature of the case will be disposed of to-day.

The plan of the defense evidently is to throw every possible delay in the way of progress in this case and, by the introduction of all manner of frivolous objections, to keep away from the real issue as long as possible. The inexcusable delay will vex the public, but it cannot be helped. A conspiracy of this sort, afraid to face the real issue, is pretty apt to cling persistently to trifles. Drowning men grasp at straws and, in this county, the code is so liberal toward offenders that justice sometimes journeys slow. It is best, however, that these people have all the rope they want. There will come an end to trifles by and by, and then the real issue can be disposed of in short order.

Counsel for the Silver Bow returning board have no love for the people. They have been trying to count the people out and they are quick to notice the impropriety there is in permitting the name of the people to be used in connection with anything relating to the conspiracy.

A negro student at Harvard has been made famous by his election as class orator. All these years graduating classes have been electing orators for the "swell" day in graduation week but the Negro is first on the list to win wide fame out of the appointment. Now that the newspapers have printed extended sketches of this young man, starting in with the cradle in which he was rocked, at the home of a Washington barber, they will find it necessary to go through the same process again, as a telegram announces that the members of the class of '90 in Cornell university adopting the Harvard plan have also elected a darky orator for class-day. Strangely in contrast all this with the fact that, four weeks ago, officers of the American navy refused outright the courtesies of their mess to Frederick Douglass, while on the way to perform duties incident to a diplomatic mission.

AN OLD WAR CRY.

Republicans in Ohio find that it is not easy to overcome the popular prejudice against a third term. The Cleveland Leader tried to meet the sentiment by giving a list of governors who have held office for three terms, but the Leader has tripped in its history and is not able to face the declaration that "no person ever held the office of governor of Ohio, by election succession or appointment, for three successive terms."

The anti-third-term sentiment may be altogether unworthy and not in harmony with the best theory of good government, but all the same it will doubtless injure Governor Foraker's chances this year, and he and his friends will remember that republicans were the first to foster it. They raised the cry against President Grant and captured for Mr. Hayes a nomination which Grant would surely have received but for the persistent shout against the celebrated "three hundred and six" who were loyal to Grant to the very last, but who were buried under the anti-third-term doctrine. Prominent republicans from Ohio were

among the most lusty of the shouters at that time. They may not have had very strong convictions on this subject, but they are conspicuously on record in the business and the theory which once served its convenient purpose for them has come home to roost after all these years.

A political doctrine that holds in national politics may or may not be suited to politics in a state. However that may be, Governor Foraker encounters an ugly obstacle in the war cry originated by his own party.

If Mr. Oakes proposes to run Montana politics, there is no reason why the people of Montana should not have something to say about the management of his road.—Butte Inter-Mountain.

Of course, our contemporary intended to say "the territory of Montana." In republican circles the people don't count. Must we live to witness the day when Campbell has to read proof for the Inter-Mountain—in a technical sense? Even O'Hannon would be better.

The contest case is broadening into a farce which the people of Butte are hugely enjoying.—Butte Inter-Mountain.

Which is rather rough comment on Campbell and Knowles; but intended for the Inter-Mountain in a strictly technical sense, we suppose.

IN TECHNICAL TIMES.

We live in technical times. Tanner put a technical construction on the orders of his superior officer and was bounced for it. Windom is so technical that he evades responsibility by asking a ruling from congress on points that are clear to the people. The murderer who on the morning of his execution demanded a live coal with which to light his pipe because the fumes of a match are not healthy, was one of your technical parties.

The lawyers representing the Silver Bow returning board are immensely technical, yet they have not told us whether it is good form for a member of a returning board on a precinct he throws out; nor have we been informed that it is strictly technical to announce that certain citizens have made affidavits saying they voted the republican ticket, although these people swear to the fact that they voted the democratic ticket and refused a bribe.

It would be interesting to know whether the republican conspirator requested the condemned murderer in their employ to secure false testimony in the name of the people or in the name of the territory. That point has the essence of technicality in it, and the law relating thereto ought to be construed without delay.

Technically speaking, it is a question whether that one glass of liquor that kept Billy Hall drunk two days can be strictly called "straight whisky" under the law. Or, again, in a technical sense, was it good politics for Mr. Jack and his friends to pay most of the expense entailed for registration at the tunnel precinct only to have that polling place go dead against them.

Then, too, as to the republican louts who tried to get old-time citizens to bear false testimony and to put their names to perjury; ought these procurers to be hanged in a purely technical sense or should they simply grace the cross-tree of some substantial telegraph pole in the every-day old-fashioned way?

The atmosphere about us fumes with technicalities. In fact there appears to be within reach of us nothing substantial, nothing that really is what it seems to be, except the unbounded political ambition of Sanders and old Knowles.

The hearing of the contested election case is proceeding to-day at the court house and there is no paper pasted over the windows.—Butte Inter-Mountain.

And we also learn that no drunken deputy sheriff is retained in the court room to interrupt proceedings.

Congressman Tom Carter is on the trail of the Northern Pacific and will see that the corporate octopus does not grab all the mineral lands of the state, which the government clearly intended for the use of the miners.

Let the people of Montana—or rather let the territory of Montana—have a special season of prayer that, when he gets through with the railroad, he will not hoodwink us as he did about that Windom decision on lead.

OUTSIDE THE BREASTWORKS.

Warner Miller was a lonely man when he fell outside the republican breastworks in the fall campaign of 1888. His personal efforts drew out the heavy granger vote of the Empire state, which was the great factor in defeating the democratic electoral ticket, and all fair-minded republicans conceded that the martyr to high license should have a fair whack at the national crib. Thomas C. Platt soon knocked the ex-senator's aspirations galley west, however, and left him a forlorn warrior on the deserted battlefield.

Warner Miller is not so lonesome now as he was a few months ago. In fact a great many republicans have fallen outside the breastworks since March 4, and the oft occurring thud is frequently heard in the national capital.

The meaning of the battle cry of "protection" has proved a puzzle to many party leaders throughout the country, and particularly in the West. We all know what a howl went up at the clause in the Mills bill which proposed to admit raw wool free of duty. The fact remains that nearly every republican congressman in the East and especially in the New England states, is pledged to vote for a reduction of the present tariff at the next session of congress. And, furthermore, if the avowed intentions of this administration are carried out, one of the results

of the Pan-American congress will be that Central and South American wool will be admitted free along with numerous other products.

The great West has little to expect from the states east of the Mississippi, a fact which has just been discovered by many republicans. Secretary Windom's lead ore decision has resulted in more than one prominent leader being driven outside the breastworks. Senator Wolcott of Colorado does not hesitate to express his disgust with the administration and the "protection" fable. He declares that "protection" is merely a synonym of selfishness, and that the western states must look out for themselves. The Salt Lake Tribune, one of the staunchest republican newspapers in the west, is printing obituary notices of the present secretary of the treasury, in which the administration is mentioned in terms anything but complimentary.

With the friends of Tanner, Halstead, Miller, and other disappointed politicians outside the breastworks and the great lead and silver interests of the west already arrayed against him, Harrison and his colleagues may well look out for rocks ahead.

STANDARD TOPICS.

Editor Watterson says he has paid as high as \$5 for a glass of ice water. These Kentucky gentlemen are high livers anyway, and must have all the luxuries of the season at whatever cost.

Dr. Millburn, the chaplain of the house of representatives, who lost his eyesight some years ago, lectured in Washington last week on "What a blind man saw in England." We trust he didn't see any flies on the American minister at any rate.

A special to the Baltimore Sun says that the republican state committee of Virginia met at Gen. Mahone's residence a few evenings ago, and was so busy that it did not adjourn until 3 o'clock in the morning. The stock in the general's wine cellar must have given out or the boys wouldn't have gone home until the regulation time for such occasions.

Geo. W. Conger, of Grand Rapids, Mich., who abandoned his wife five years ago and went to Australia, has returned to find her engaged to a young lawyer. The marriage will take place notwithstanding the wanderer's return for the splendid opportunities always open to a bank cashier, and the proximity of Grand Rapids to Canada, are inducements not to be thrown over any lady's shoulder.

General Alger declares in the Chicago Tribune that Col. Elliott F. Shepard abused his confidence in reporting a private conversation in the Mail and Express, and not only that, but the colonel in writing up the given out or the boys wouldn't have gone home until the regulation time for such occasions.

Hugo Ziemann, the retiring steward of the white house, has been interviewed in Chicago on the subject of the president's fondness for pie. "Why" said Mr. Ziemann, "they even have printed that Mr. Harrison eats pie for breakfast. Great Scott! Think of it! Pie for breakfast! Why sir," and Mr. Ziemann's expression of indignation and horror gave place to one of offended pride, "I would desert the palace of a king who would commit such a crime. It is heinous, abominable, vile—what shall I say—atrocious." After effectually nailing this campaign lie, Mr. Ziemann admits that the white house is a prey to rats and cockroaches.

I never saw anything to equal the way that old house is overrun with vermin. Rats can be heard scampering through the halls in the night. They invade every room. They ate up a small picture of President Lincoln hanging on the wall of the cabinet room. They stole into the president's bedroom one night. Mr. Harrison likes to eat fruit the last thing at night, and he had fallen asleep with a banana in his hand. The rats pulled the banana from his hand and scampered away. Fact, sir.

We have not the least desire to question Mr. Ziemann's veracity, but at that story of the president's falling asleep with a banana in his hand and the rats pulling it away from him, will Mr. Ziemann kindly pardon us while we ejaculate Rats! We would give a dollar and a half to know what was in the president's other hand. If it was not a black bottle, he will omit the rats.

Edgar Allan Poe in "The Murders of Rue Morgue" and "The Mystery of Marie Rogée" presented problems in detective science as difficult as human ingenuity can devise; and Mr. Poe's solution of those problems by the processes of analytical reasoning is something very beautiful to look at. Yet human experience often furnishes problems many times more intricate and complex than those proposed by Poe, admitting even that "The Mystery of Marie Rogée" is founded upon fact. In reality Poe's cases were ordinary and commonplace. They resolved themselves into this: Given the corpse of a person who has come to a violent death at the hands of some person or persons unknown; problem—to find such person or persons unknown. Now, change the materials: Given the corpse of a person who has come to a violent death at the hands of a person who is known and in custody; problem—to find whether such person committed murder or occasioned the death of the deceased simply by accident. If Mr. Poe were alive we fancy he would be having a picnic with the case of Mr. Andrew Wallace, of Philadelphia. Mr. Wallace was arraigned last week for killing his wife by throwing a lighted oil lamp at her, the lamp exploding in the concussion and burning her up. Mr. Wallace set up in defense that in the act of going down stairs he stubbed his toe, whereat the lamp passed out of his hands and discharged itself into the person of his wife against his will and to his great grief and mortification. The prisoner was induced to plead guilty to a charge of manslaughter as the quickest and cheapest way out of the dilemma, and the court sentenced him to imprisonment for 12 months. Being 2,000 miles away, we feel constrained to set the count down as an ass. Either Mr. Wallace deliberately slung that lamp at Mrs. Wallace with intent to kill, in which case the punishment is ridiculous; or else circum-

stances over which Mr. Wallace had no control caused the lamp to leave his grasp, and take a sharp in-curve towards Mrs. Wallace, who, it seems, was wholly unprepared to be hit by pitcher. In this event the twelve months' imprisonment added to and accentuating Mr. Wallace's grief over his wife's horrible death is a masterpiece of cruelty and injustice. Attempts of this kind to compromise guilt and innocence by the imposition of a light sentence is a confession of weakness of intellect, to say the least. The only point to be decided is whether Mr. Wallace did throw the lamp—whether its collision with the person of Mrs. Wallace took place with his full knowledge and consent. For if it did, the act proves murder in the first degree. A lamp filled with oil possesses both bulk and weight. Throwing it at a specified object with any degree of accuracy, therefore, presupposes caution, deliberation, a plan of action carefully preconcerted. A knife may be used or a pistol fired in an instantaneous fit of passion, the desire to kill passing off the next moment as suddenly as it came. But from the necessities of the case when a lighted lamp is the weapon fired it shows on the part of the firer the same slow, cool calculation that is displayed by a poisoner. This case is, therefore, one of murder in the first degree, or nothing. It may be set down as an axiom that he who fires a lighted lamp at any object, animate or inanimate, expects the destruction of that object, swift and complete. Now examining the defense, its main, perhaps its only, defect lies in Mr. Wallace's assertion that he stubbed his toe while going down stairs. This is not an unusual occurrence to persons going up stairs, but it is very difficult for the imagination to conceive how a person can get his foot into the required position to insure such a calamity in passing down. We are forced to one of three conclusions: first, Mr. Wallace mispoke himself, intending to say, not that he stubbed his toe, but that his heel slipped on the oil-cloth; second, Mr. Wallace, instead of proceeding in a direct line, was going zig-zag and his toes got mixed up in the baluster; third, Mr. Wallace lied. Before proceeding to a consideration of these three hypotheses, it is necessary to call attention to one fact that has an important bearing at this stage of the analysis. The difficulties encountered in making a successful trip either up stairs or down stairs, providing of course that the subject is in full possession of his faculties, arise almost invariably from darkness or obscurity. Who has not taken one too many steps when going up stairs in the dark? And who has not when going down stairs under the same circumstances been arrested by the floor in a peculiarly sudden manner while he was thinking that there were still more steps to follow? But in this case, Mr. Wallace was carrying a lighted lamp. Other things being equal, there was then no occasion for making a misstep. If he was in full possession of his faculties and a lighted lamp, it is impossible to conceive of his stubbing his toe against the baluster; if he were proceeding with that degree of gravity and carefulness which the transportation of a lighted lamp imposes, his heel could not have slipped on the oil-cloth. Either, then, Mr. Wallace was not in full possession of his faculties, or Mr. Wallace lied. Now we come to the one vital question in the whole business, and one for which we look in vain in the published proceedings before the court. If Mr. Wallace could prove that he came home that evening with a large and glorious jag, his eccentric movements upon the stairway would be clarified most beautifully. As it is, analysis must take a rest.

CURRENT COMMENT.

Pharmising in Kansas. From the London Correspondent. A Kansas pharmacy pays much better than a Kansas farm. It is better to a planter than a farmer.

A Suggestion to Mrs. Boulanger. From the Atlanta Constitution. If Mrs. General Boulanger would go to her husband and pack the bogus Mrs. General out of the house, the illustrious exile would no doubt simmer down and behave like a little man.

A True Definition of Success. From the New York Sun. That man is most successful who best and most fully puts to useful service all his powers and faculties, who finds and uses the opportunity for their employment, or in other words gets into the place which he is best fitted to fill.

Manderson's Self-Respect. From the Philadelphia Times. It is lamentable, indeed, that a gallant soldier, a respected citizen and a senator who has been lately honored by a nearly unanimous re-election, could so far forget the self-respect as a soldier, statesman and patriot as to accept a lawless pension, especially when he is a gentleman of liberal fortune.

The Prestige of the Republic. From the London Spectator. No state, however powerful, will ever again do with ease anything to which the American republic is opposed. There is not a diplomatist in Europe who does not know this, and who does not know that Napoleon III. was only sane in quitting Mexico, and that Prince Bismarck showed his wisdom when, rather than quarrel seriously with Washington, he abandoned all pretensions in Samoa.

Struggle Against an Ambushed Poe. From the New York World. Chicago deserves the sympathy of the whole country in her effort to punish the murderers of Dr. Cronin. The more the matter is probed the more it becomes evident that her officials are struggling against a vast and almost invisible power that seems to embrace many influential men with money at their command. For the credit of the nation we hope the great city of the northwest will succeed in crushing this conspiracy and thus deal another blow to murder by committee.

The Demand for Tariff Revision. From the Washington Press. As it is reported as saying that it would be the "wisest stroke of policy for the republicans in both houses to unite, as soon as congress convenes, upon a bill designed to meet the popular demand for tariff revision without disturbing the welfare of any special industry." This is precisely what ought to be done. It will not be an easy task to frame a tariff bill that will satisfy all interests, but the country will look to the Fifty-first congress for good and prompt work in this connection.

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