NOVEMBER.

S.	M.	T.	W.	T.	F.	S.
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17	18	19	20	21	22	23
24	25	26	27	28	29	30

TRAVELER'S GUIDE.

TRAINS ARRIVE.

11:30 A. M.—From the South, East and West—Leaves Butte at 10:35 A. M., Silver Bow 10:50 A. M., Gregson's 11:10 A. M., Stuart 11:15 A.M.

6:20 P. M.—From Butte—Leaves Butte at 5:30 P. M., Silver Bow 5:44 P. M., Gregson's 6:01 P. M. Stuart 6:05 P. M.

7:50 P. M.—From all points on Northern Pacific railroad, Deer Lodge and Warm Springs—Leave Garrison at 6:20 P. M., Deer Lodge 6:47 P. M., Warm Springs 7:20 P. M., Stuart 7:35 P. M.

TRAINS DEPART.

8 A. M.—For Stuart, Warm Springs, Deer Lodge, Garrison and all local points between Missoula and Helena, including Phillipsburg—Also for Gregson, Silver Bow and Butte—Train arrives at Garrison at 10 A. M., at Butte 8:50 A. M.

3:25 P. M.—For Stuart, Gregson, Silver Bow and Butte—Arrives at Butte 4:15 P. M. Connects at Stuart with train for Garrison and all points East and West on Northern Pacific R. R.

7:15 P. M.—For Stuart, Gregson's, Silver Bow, Butte and all points on Utah and Northern and Union Pacific system. Arrives at Butte 8:20 P. M.

Arrival and Departure of Mails.

MAILS DEPART DAILY FOR

Deer Lodge, Helena and points North and West of Helena	8.00 A. M.
Butte City, Mont	8.00 A. M.
Butte, Helena, Deer Lodge, Stuart and Minnesota	3.25 P. M.
Butte, Helena, all Eastern, Southern and Western States	7.15 P. M.
Carroll	4.00 P. M.
Cable and Pyrenees, 11.00 A. M. Monday, Wednesday and Friday.	

MAILS ARRIVE DAILY FROM

East and Butte	11.35 A. M.
Helena and Deer Lodge	11.35 A. M.
Butte City, Mont	6.20 P. M.
All points North and East of Garrison	7.50 P. M.
All points North and West of Garrison	7.50 P. M.
Carroll	8.30 A. M.
Cable and Pyrenees, 4.00 P. M. Tuesdays, Thursday, Saturday.	

All mails close 45 minutes before departure.

THE WEATHER.

The daily record of the thermometer in this city is reported by A. T. Playter, druggist, First street. The record of yesterday was: 7 a. m., 29 degrees; 12 m., 57 degrees; 4 p. m., 53 degrees; 8 p. m., 34 degrees.

Subscriptions to the Standard will be received at the business office, or at the store of Crocket & King, Main street. Advertising rates can be learned at the business office, Standard Building, corner of Main and Third streets.

ABOUT THE CITY.

Aschheim has a special sale on Saturday which is advertised this morning, and which it will pay every resident of Anaconda to attend.

Members of the Lowland club are reminded that the opening reception for the season is announced for to-night and that the dancing begins promptly at 9 o'clock.

A furious runaway occurred yesterday afternoon. The rancher who was driving the outfit was thrown out together with quite a stock of groceries which he had just purchased, at the corner of Main and Front streets.

King Lodge, No. 17, I. O. G. T., at their last regular meeting at the Christian church, on Second street, elected the following officers for the ensuing quarter: C. T., C. A. Barker; V. T., Katie Morrison, S., Octavia Hilihouse; F. S., Jennie Gemmel; T., John Clabaugh; C., Rev. P. Lowry; M., W. H. Leck; G., L. Coghill; Sen., Maggie Hoffedits; D. M., Allen Smith.

The funeral of Jeremiah Bray will take place from St. Ann's hospital at 2 o'clock this afternoon. Mr. Bray was 26 years of age, and came to this city only a few weeks ago. He complained of a severe pain in his head and was taken to the hospital for treatment. It was difficult to determine just what the disease was. The pain increased and on Wednesday became so violent that the patient was delirious.

THE CATHOLIC MISSION.

Large Congregations Listening to the Eloquence of the Visiting Priests.

The mission which is being conducted at St. Paul's church attracts large assemblages daily and is already productive of much good. The evening services are especially well attended, and last night the church was filled to overflowing. The mission is conducted by Rev. J. McLoughlin, of St. Louis, Rev. C. Laffineur, of Detroit, and Rev. J. Nierman, of Kansas City. Beginning at Helena on September 1, these clergymen have been holding missions in the Catholic churches in Montana ever since, and will probably remain in the state for some little time to come. Their efforts have met with marked success everywhere they have gone, and especially in this city.

Three services are held daily. At 5 a. m. there is mass and a sermon; at 8:30 a. m. there is also mass and a sermon; and at 7:30 p. m. the services consist of the rosary, a sermon, and the benediction with the sacraments. Last evening Father Nierman preached an eloquent and very able sermon on "Why Catholics go to Confession." On Saturday evening there will be a grand service in honor of the Blessed Virgin.

Under Father De Siere's pastorate St. Paul's is developing into a large, strong, vigorous church. The cosy parsonage, which has just been completed, is being furnished in a way which attests the love and esteem in which the Catholics of Anaconda hold their worthy priest.

To-morrow Night.

Without fail the members of the Wesley Brown minstrel company will appear on the boards Saturday evening of this week. The performance promises to be the most varied and brilliant ever presented before an Anaconda audience. The songs to be rendered next Saturday evening were written expressly for the Brown minstrel troop. The dining room at the Montana will be decorated specially for the occasion and the ladies who are promoting the venture have agreed to appear in uniform, which alone will be worth the price of admission. The public is solicited to drop four bits in the slot and see the fun.

Look at bargains in hosiery at Losee & Maxwell's.

All-wool ladies' cloth 39c. at Estes & Connell's.

Pure drugs at A. T. Playter's drug store.

Look at the bargains in underwear at Losee & Maxwell's.

JUSTICE REIGNS

The Votes of the Tunnel Precinct Must be Counted.

THE JUDGE'S RULING

Petty Technicalities Will Not Defeat the Will of the People.

The Returns Forwarded to the Territorial Board at Helena---The Other Cases to Be Decided This Week.

Special to the Standard.

BUTTE, Oct. 31.—Word was received here to-night that the returns of Silver Bow county were received in Helena and a receipt given for them. This is considered equivalent to an official acceptance of the returns.

BUTTE, Oct. 31.—There was a buzz of excitement in the court room this morning as the time approached for the decision in the McHatton case. Court opened promptly at 9:30 o'clock, and business was commenced by Mr. Campbell asking that the case of Courtney and the legislative candidates be taken up to-day after the court's decision upon the McHatton mandamus case.

Judge DeWolfe in preparing to read his lengthy decision explained that owing to the very short time which had been allowed to prepare this opinion upon this very important case it would necessarily be somewhat imperfect in diction and in literary form it might require some slight alterations. He then proceeded to deliver his decision. During its delivery the court room was densely packed with expectant listeners. Silence was painful during the learned judge's remarks until he came to the point where he read the famous opinion of Judge Knowles upon the duties of canvassing boards. The ridiculousness of Judge Knowles' position in pleading as republican counsel to have his decisions, which were rendered when he was judge, was very apparent to the crowd in the court room, and every face bore a broad smile. Judge Knowles was the only one in the court who failed to see any fun in the situation. Immediately after the court's decision was announced Thompson Campbell filed notice of exception to the ruling. He also asked that the court be pleased to fix bonds in the case of the members of the canvassing board. This question was left for the afternoon session for argument.

OPINION OF JUDGE DEWOLFE

In the district court of the second judicial district, the territory of Montana, in and for the county of Silver Bow.

The territory of Montana, ex. rel., J. J. McHatton vs. William M. Jack, W. E. Hall and Caleb E. Irvine, board of canvassers, etc.

OPINION OF THE COURT.

The relator, J. J. McHatton, in his affidavit and petition for the alternative writ of mandamus, alleges, in substance, that at the election held in this territory on the first day of October, 1889, he was a candidate for the office of district judge of the second judicial district, and received 3,334 votes for said office, against his opponent's 3,475 votes; that the votes so received by the respective candidates was exclusive of the votes cast at precinct 34, in said county; that, at the last named precinct 171 votes were cast for the relator, and only three votes for the opposite candidate, that, if the votes cast at said precinct 34 had been counted, the relator would have a majority of 27 votes over L. L. Hamilton, the opposing candidate for the said office of district judge.

The petition further alleges, that the returns of the votes cast at said precinct 34 were duly returned to the election canvassing board of said county, to-wit: the said Jack, Hall and Irvine, but they refused to count the same, and make abstract thereof as required by law, and, by reason thereof, and unless the same are counted and abstracts thereof made, the relator will be defeated for said office of district judge, to which he claims to have been elected. The prayer is for an alternative writ of mandamus to compel the canvassing board to count the votes cast for the relator at the precinct named, or to show why they have not done so.

After some preliminary motions as to the form of the action, and a demurrer to the writ, which the court overruled, two of the members of the board—Jack and Hall—filed an answer, in which they set up several different causes for not making an abstract of the vote cast at said precinct. The other member of the board—Irvine—also filed a separate answer, in which he alleged his willingness and desire to count the vote of said precinct, and was only prevented from doing so by the refusal of his colleagues to join with him in said count.

The question presented for the decision of the court is the sufficiency or insufficiency of the cause shown to justify the action of the majority of the board in rejecting the vote of said precinct.

The causes assigned in the answer may be briefly summarized as follows:

First—They deny that the relator received 171 votes at precinct 34, and his opponent only three votes.

Second—Deny that the returns from said precinct were sent or received by mail.

Third—Deny that the returns were regular, and in substantial compliance with law.

Fourth—Deny, that the returns contained the proper tally sheets, or names of candidates voted for or the number of votes received by each candidate, at full length, set forth as required by law; or that they were returns of said precinct 34, or that the returns were certified as required by law.

Fifth—Deny, that the returns were on proper blanks.

Sixth—Deny, that it could be easily ascertained from the returns, the number of votes and for whom cast.

Seventh—Deny, that the relator will be defeated for said office by reason of the refusal of the board to count the vote of said precinct.

It also sets up several matters as an affirmative defense in refusing to count the vote of said precinct. Most of this affirmative matter is an amplification, in an affirmative form, of what had been already denied; but in addition, it also states, or alleges, that 174 votes were cast at precinct 34, and that the returns and names of the voters were not written down by the clerks of election, and the certificates to the returns and the attestation of the judges was not in conformity with law.

The answer then continues as follows:

"That they (the canvassing board) were intrusted by law with the duty of determining what were the returns of the votes from said precinct 34; that in performing this duty they examined what purported to be the returns from said precinct, and what were presented to them as such returns, and determined that they were not the returns of the votes at said precinct."

Then follows some allegations in regard to some affidavits obtained by the board, which it is not deemed necessary, for reasons hereafter mentioned, to consider in this decision.

In deciding upon the sufficiency of the cause here shown, it is necessary, in the first place, to consider and determine the jurisdiction and powers of the canvassing board, and whether their functions were ministerial only, or partly ministerial and partly judicial. If ministerial only, the court can compel them by mandamus to perform the duties required of them by law; whereas, if they act in a judicial, or in a quasi-judicial capacity, while the court may by this proceeding compel them to act, it cannot take from them the discretion which pertains to the exercise of all judicial functions.

The powers and duties to be performed by the board, as also the persons comprising it, are defined by section 1,653, of the 5th division of the revised statutes, and is as follows:

"After the fifteen day after the close of any election held under the provisions of this chapter, or sooner if all the returns shall be received, the chairman of the board of county commissioners, or in is his absence, any other member of the board, shall, taking to his assistance the probate judge or a justice of the peace, and any other officer of the county, or any county officer, proceed to open the returns and make abstracts of the votes. Such abstracts of votes for delegate to congress shall be on one sheet; the abstract of votes for territorial and district officers shall be on another sheet; and the abstracts of votes for county and township officers shall be on another sheet."

Here, it will readily be seen, is nothing which partakes in the slightest degree of the exercise of judicial or discretionary authority. The only power conferred is to "open the returns and make abstracts of the votes," and what this means is clearly manifest from the succeeding clause of the section which directs that the abstracts for delegate to congress, for members of the legislature, and for territorial and district officers and for county and township officers shall all be on separate sheets of paper.

Nothing could be plainer than what was here intended was that the board of canvassers should summarize, or add up, the vote according to the returns as received by them, if the returns were sufficient to enable them to do this; and, when this done, their duty, as their power, was at an end. Nothing whatever is said in the section referred to, or in anyother section of the law, as to their duty of inquiring into the legality or the sufficiency of the returns made by the judges of election; nothing as to the legality or illegality of any or all the votes embraced in the returns. These, and all kindred questions are by the election law left to other and different tribunels, and to an entirely different form of procedure to what is conferred on this board. That this is the correct rule, applicable to boards constituted like our election canvassing board is settled by numerous, it might be said, innumerable authorities. Many of them are collected by McCleary in his work on elections, in section 226, et seq., where the rule and the authorities in support of it can be readily found; but space and scanty time in which to prepare this opinion prevents a minute reference to them.

It is proper, however, to refer to a decision of our own supreme court, in which it enunciates the same principle, in language most clear and emphatic. In the case of Chumasero vs. Potts, 2 Mont., 226, speaking on the very question of the power of these canvassing boards, and in a proceeding in mandamus like this, the court, by Judge Knowles, says:

"This is a question that the canvassers of the returns of the abstracts of the votes had nothing to do with. It was no part of their duty to determine what was the true and legal vote cast. What they were required to do was, to determine what the abstracts of the votes returned to them showed upon this subject. As they have no right to go behind these abstracts, they have no right to assign, as a reason for not canvassing the true abstracts, that there was an illegal and fraudulent vote behind them.

"If such an issue was allowed to be raised when the question was whether an election officer should canvass or not election returns, every single one of them, down to the judges of election, might raise the same issue, and there would be a clog upon our whole political system. Officers, whose duty by law it is to canvass returns, have no other legal duties than these to perform, and as it would not be in the province of the proceedings in mandamus to compel them to go behind the returns and determine the actual legal vote cast, so they cannot set up what in law does not concern them, as officers, as a defense when they are required to do what does concern them, as officers, under the provisions of law."

Language more apt and pertinent to the case now under consideration could not be used. I cannot add to its force or hope to imitate its terseness and precision. The soundness of the legal principle it states is equalled by the clearness and precision with which the principle is stated. But, if there were no decisions, either of our own or other courts, on this question, the persons, composing, or who may, under our statute, compose a canvassing board, shows, I think conclusively, that it was never the intention of the legislature to confer upon them any power but the plain and simple one of counting the votes as shown by the returns, and making abstracts thereof. The board itself is floating and transitory, and may be composed of three out of any number of county officers. The chairman of the board of county commissioners, or, in his absence, any member of the board of county commissioners, calling to his assistance the probate judge, or any justice of the peace of the same county, and one county officer, constitutes this board. The selection of the board may devolve on any one of the three men who are at the time county commissioners, and this commissioner has a carte blanche to select whoever else he pleases to act with him, provided only, that one of the persons selected is a probate judge or a justice of the peace, and the other some county officer.

Can it be that the legislature ever intended to confer on a board, chosen in such a manner, the important and delicate duty of deciding on the validity of election returns, and in their discretion of counting or rejecting votes cast at any election? The proposition is too absurd for belief, and to propound the question is to answer it. It cannot be that this, the most delicate of all public duties, and the one that comes nearest to the rights and interest of every citizen, is thus left to an uncertain and shifting board composed like an election canvassing board. If the principle I have stated then is correct, that the duty of the canvassing board is, simply to make abstracts of the votes, as shown by the returns, it obviates any necessity of inquiring whether the facts set up in the answer of the majority of the board are true or not. It was not for them to say or determine whether the clerks of election performed their duty as defined by law or not, or whether the certificates or attestations made by the judges and clerks were in due form of law, or whether the clerks, with their own hands, entered the names of the voters on the tally sheets, or suffered some one else to do it for them, or, finally whether the returns of the election were transmitted in the mode prescribed by the statutes, or reached them in a different way. Some, or all, of these may be important questions, and the law provides a method, as also a tribunal, in which they may be raised and decided; but they are not for the determination of a canvassing board. Again, quoting the language of Judge Knowles in the case of Chumasero vs. Potts, "officers whose duty by law is to canvass returns have no other legal duties than these to perform; and, as it would not be within the province of the proceedings in mandamus to compel them to go behind the returns and determine the actual legal vote cast, so they can not set up what in law does not concern them as officers as a defense when they are required to do what does concern them as officers under the provisions of law."

The answer in one place states that 174 votes were cast at precinct 34. I am at a loss to know how this fact could appear except by the returns which a majority of the canvassing board rejected. It appears by the returns it follows from necessity that the returns were sufficient to enable the canvassing board to ascertain the vote cast, and for whom cast, and this was sufficient to enable them to make the abstract of the votes required at their hands. This admission of the answer also negatives the allegation that it could not be "easily" determined, from the returns, the number of votes cast. Whether "easily" ascertained or not, it seems to have been ascertained for the purpose of a pleading, and as a defense against what the law enjoins as a public duty; and, if useful for such a purpose, why could not the knowledge thus acquired be as well applied in making abstracts of the votes cast at the precinct in question?

No reason has been stated, or can be imagined, why, if the vote could be ascertained from the returns, it should not be counted by the canvassing board. Many other interesting questions have been presented in the argument of the case; but want of time prevents their consideration.

It follows, from what has been said, that in the judgment of the court the causes shown in the answer are not sufficient to justify the refusal of the board of canvassers to obey the alternative writ heretofore issued. It is therefore ordered that the peremptory writ of mandamus, issued to William M. Jack, William E. Hall and Caleb F. Irvine, commanding them to make the abstract of the votes cast for said relator as directed in the alternative writ heretofore granted.

Immediately upon the decision of the court, the pre-emptory writ of mandamus was issued by Judge De Wolfe. The writ is addressed to Wm. M. Jack, Wm. E. Hall and Caleb E. Irvine, members of the board of canvssers of Silver Bow county. After reciting the circumstances of the case as set forth in the alternative writ of mandamus, the following judgment of the court is set out and a command issued to the members of the board, as follows:

This cause coming on for hearing upon the relator's motion for judgment upon the petition, order and writ and answer and return of defendants, it is ordered, adjudged and decreed, that said defendants had no power or authority to exclude said precinct number 34; and that their action therein was illegal and void, and that the returns, including said precinct, constitute the true and correct result of said election, and that said relator have his pre-emptory writ of mandate as prayed for in his petition and receive his costs and disbursements in this behalf expended, this 31st day of October, 1889.

Therefore we command you that immediately after the receipt of this writ, you assemble and count the votes of said precinct 34, and all the votes of all the other precincts of said county and make all the proper and legal abstracts thereof for said office of district judge.

Witness; HON. STEPHEN DE WOLFE,
Judge of 2nd District Court.

Meanwhile there was a side issue going on in the county clerk's office below. The state board of canvassers had met at Helena, found the returns from Silver Bow county to be absent and empowered George W. Sproule, clerk of the district court, to act as special messenger and take the returns to Helena. Mr. Sproule thereupon went to County Clerk Booth and made a formal demand for the returns as prepared by the board of county commissioners. Mr. Booth, in the light of the judge's decision, refused to furnish the board's returns, but offered those which included the thirty-fourth precinct. Mr. Sproule refused them. Therefore Mr. Booth engaged a deputy, C. H. Gasman, and entrusted to him the returns. In a few minutes a special train was flying toward Helena, on the Montana Central road, containing, it is said, as its chief burdens, the deputy, Judge McConnell, the abstract of returns, and certificates of election issued by County Clerk Booth in accordance with the court's decision.

Although the precious hours of the day were fast slipping by, no action was taken by the democratic lawyers to enforce the order of the court and Warren Toole said the order would not be enforced on the board of canvassers until argument on that appeal had been heard. As the court met at 1:30 o'clock this afternoon, Thompson Campbell immediately tendered an undertaking on appeal. Mr. Kirkpatrick objected to any step toward an appeal in the case. Warren Toole asked that bonds be fixed for a stay of proceedings. Mr. Campbell asked of the clerk if the papers had not been filed. The clerk said the papers had not been filed.

"I want to know why you didn't file them?" demanded Mr. Campbell.

"Because objections had been made to filing the papers," replied the clerk.

Mr. Campbell insisted on the right to file any papers he chose to.

"Attorneys are stepping entirely outside of their authority," said the court, "when they come in here and direct the clerk as to what he is to do. There is a proper and an improper way for an attorney to obtain his rights."

Mr. Campbell apologized to the clerk.

After this little by-play, Mr. Kirkpatrick took the floor to oppose the motion for an appeal. He said:

"My reasons are: First, that a judgment in a mandamus is not appealable.

Second, that a stay of a peremptory writ is not to be had by an appeal or the execution of any bond.

Third, because of this affidavit."

Mr. Kirkpatrick then read an affidavit from Caleb E. Irvine, probate judge and member of the board of canvassers, stating that no meeting of the board of canvassers had been held since the pretended counting of election returns and the exclusion of returns from precinct 34; that the board had taken no action authorizing an appeal; it has employed no counsel in the matter; that Wm. M. Jack, one of the board, left the territory for the eastern states a day or two after the last meeting of the board and is still absent from the territory, and is not within the jurisdiction of the court; and that the affiant has not and will not concur in the petition for an appeal, and on the contrary, concurs in and wishes to abide by the decision of the court.

After reading the affidavit, Mr. Kirkpatrick said:

"Accordingly these attorneys have not been authorized to give notice of appeal, ask a stay of proceedings or take any action whatever. The board of canvassers must act by the conjoint action of its three members. It cannot act by individuals. It appears from this affidavit that only two of the three members of the board are in town, that the other one is out of the jurisdiction of the court, that the board has taken no action in the matter, and that it is not for Mr. Hall alone any more than for Mr. Irvine alone to authorize an appeal. The board has not acted in this matter nor has it authorized this action. These attorneys therefore represent nobody but a minority of the board.—Mr. Hall—he alone cannot bind the board. An appeal from this judgment must be authorized."

At this point Thompson Campbell tragically arose, raised one hand far above his head, and said in solemn accents:

"Never before in my legal career have I been challenged in court on my right to appear. I desire to be sworn so that I may show my retainer by this board."

Mr. Campbell was sworn by the clerk and then said: "Mr. Jack came to me about 3 o'clock on Monday afternoon, the day the canvassing board met, and at the time of the service of the first writ of mandate. He told me that he desired me to appear for the board in all proceedings in this matter, and asked if he was at liberty to leave the jurisdiction of this court. I said he could. Now, I have a perfect right to represent Mr. Jack for these reasons——"

"Let us know," remarked Mr. Toole, "if you please, where your affidavit ends and your argument begins."

The hint was taken. Mr. Campbell took his seat and Judge Knowles began to talk. The judge said it was unheard of in judicial proceedings for it to be necessary that the party themselves must authorize an appeal.

"Have you any authority for an appeal in mandamus?" asked Mr. Toole.

Mr. Knowles said that he had, and quoted a statute to show that any party aggrieved might appeal from the final judgment in an action or special proceedings within one year after the first entry of judgment. Mr. Knowles made one of his famous exhastive addresses, and was succeeded by Mr. Toole. Mr. Toole said there are only two acting members of the board of canvassers at present. The board has taken no action regarding the appeal, and the appeal is accordingly unauthorized.

The court asked whether counsel could not represent the board just as counsel represents a corporation. Mr. Toole replied that a private corporation is in effect a private individual. In this case this board never employed this counsel and never took action in this matter. Messrs. Jack and Hall, we are told, individually, employed counsel, but the board of canvassers never discussed the matter at any meeting, and never employed any counsel.

"Who appeals in this case?" asked the court.

"Jack and Hall," said Mr. Knowles.

Mr. Toole said the supreme court of California did not allow a stay of proceedings in a mandamus case untill after the passage of an act permitting that in 1864. Montana followed California in its original statutes, but that provision made specially applicable to mandamus was never passed in this territory.

After further argument Judge De Wolfe said he would consider the matter over night and render his decision in the morning.

The court then took up the consideration of the mandamus case of the five democratic candidates for the legislature, who call upon the board of canvassers to count the vote of the thirty-fourth precinct in their cases.

Judge Knowles objected to this writ on the ground that the original writ had no seal on it, and quoted authorities to show that the service of a writ without having a seal on it is a nullity. He also objected on the ground that the writ was returnable October 28. The question as to whether the seal is a material matter was argued an hour. By this time Thompson Campbell's hours had given out, and Judge Knowles actually manifested symptoms of fatigue. In argument, he remained seated by consent a large part of the time. There was talk of an evening session, but the judge said he had been up a large part of the night before and preferred adjourning until 10 o'clock to-morrow morning. The judge said these cases must be finished this week.

The peremptory writ will not be served on the board of canvassers until after the judges' decision in the morning, and then not if the judge should order a stay of proceedings. It is believed that this will make no difference, as the returns were sent to Helena this morning. The order of the court does not require that the returns be signed by the board of canvassers, and so were signed by the county clerk. The latter to-day said that he had sent the returns to Helena by special messenger, but declined to say what returns they were, whether those which include or those which exclude precinct 34.

As soon as the decision of the court was rendered this morning ordering the returns from precinct 34 to be counted, County Clerk Booth issued certificates of election to those entitled thereto, in conformity with the provisions of the law which makes it his duty to do so.

Notes of the Court Room.

Judge Knowles's favorite occupation while listening to the argument of his adversaries is to tear up little pieces of paper and let them fall at his feet. Each night the janitor of the court house has had to carry away basketfuls of the bits of paper. Late in the afternoon, after a hard day's work, Judge Knowles looks as though he were seated up to the knees in a snow drift.

J. D. Ruff is representing the Helena *Journal* and C. B. Nolan the Helena *Independent* at the great contest.

Mr. Seligman has been one of the most attentive listeners to the proceedings. He sits leaning back in a juryman's chair, with his elbows resting on the arms of the chair and his fingers interlocked.

Thompson Campbell's eyes have been greatly affected by the strain of the past few days. He had to leave the court after a short speech last night and his eyes have been troubling him so to-day that he had to absent himself from the scene of operations for long intervals.

Judge McConnell has also broken down. His closing speech was made last night while he was in a state of extreme ill-health. He returned to Helena this morning.

Judge Dixon's absence from the proceeding has been generally remarked. The secret is that the judge has been quite sick and did not get out until to-day.

"Do you want to know what the course of the republicans will be now?" said a republican attorney to-day to a STANDARD reporter. "This board will refuse to canvass the returns. They will be thrown into jail for contempt of court and will begin action for a writ of habeas corpus in another district court. Thus the case will be brought before another judge. However, if this board refuses to canvass the returns, the court can do that himself."

Judge DeWolfe is the most patient man in Montana. He has been talked to for four days and the first impatient word has yet to escape him, in spite of the many trying situations in which he has been placed and the vexatious circumstances that have arisen.

The STANDARD sold like hot-cakes at the court house this morning. Its accounts of the proceedings of the court have been in general demand.

In the middle of the afternoon, when Judge Knowles was in the midst of his most abstruse and lengthy argument, somebody unknown, in the rear of the court room, murmured: "He who puts the tribe to slumber." There was a general titter, and Judge Knowles looked around in an angry manner, but said nothing.

There have been thus far twenty-five solid hours of argument on the McHatton case.

The clock in the court room has stopped short at 4:45 o'clock. Curiously the court has adjourned every afternoon at almost precisely that time.

City Marshal McArthur and Thompson Campbell met outside the court-house this morning and shook hands warmly. Both dislike reporters and both have threatened to whip them if things don't go to suit them.

General admiration has been expressed for Deputy Sheriff Thomes's voice as he convenes and adjourns court. It is also generally admitted that Mr. Thomes is a first-class officer, courteous and obliging at all times and ever ready to attend to his duties.

"Cholly" Jones was present every day to watch the result of his labors in affidavit gathering. A gentleman from Helena saw "Cholly" in the crowd and recognized him at once as the young man who was compelled to leave the Capital City a few months ago under very unfavorable circumstances. The gentleman said, "Why, surely that ain't the Jones who was engaged in securing affidavits for the republicans?" Upon being told that he was the great and only Jones who had obtained, in company with Bernard, the affidavits from the four Swedes, the gentleman said "Bernard and Jones are truly a worthy pair. One is a murderer and the other has been horse-whipped out of Helena for beastly conduct."

FOW LING WANTS HIS WIFE.

He Paid $160 for her, but She Eloped with Wicked Ching Ching.

Special to the Standard.

BUTTE, Oct. 31.—Fow Ling, a Chinaman of this city, about a year ago purchased a China wife, paying for her the exorbitant sum of $160. Although the price was very large, the woman was considered worth it. After a few months Ching Ching stole away Ling's wife and then disappeared from the country. Ling took the elopement especially to heart on account of the high price he had paid for the woman and also because she carried off two silk dresses, a massive pair of gold ear rings and much other jewelry which he had given her. Since then he has made efforts to find her and her paramour, and has now located them in the Salmon river country, Idaho. To-day Ling went to Attorney Booth and asked for a mandamus to compel the return of his wife, or a proper equivalent in money. Mr. Booth has taken the case in hand, but is doubtful what charge to bring against Ching. The charge will probably be grand larceny, as the woman was considered worth several hundred dollars. Extradition papers are being prepared and Chinese detectives have been despatched to Idaho to bring the woman back.

Butte Real Estate Transfers.

Special correspondence of the Standard.

BUTTE, Oct. 31.—These real estate transfers were recorded to-day:

Fred L. Grandey to Patrick W. Murray for $1,000, one-sixth of the Blue Dick claim.

Ed Quinn to Duncan McRae, for $275, one-half interest in the Brown Girl claim.

Fred L. Grandey to Patrick W. Murray, for $500, land in the Blue Dick claim.

H. C. Kessler to James Byrne, for $200, lot 3, in block E, of the Belle of Butte addition.

Hattie M. Petter to Joseph Klaffke, for $1,400, land in lot 8, block 11, of Butte townsite.

P. S. Franklin and J. B. Franklin have filed notice of application of the Quarry placer mine in an unknown district.

D. J. Hennessy Mercantile Co

Are Now Showing the Finest Line of

Silks, Plushes, Fancy and Plain

DRESS GOODS ETC.,

Ever yet brought to this city.

NO DRESS IS COMPLETE UNLESS IT IS WELL TRIMMED.

We Have Just Received an Eastern Importation in the Very

Latest Novelties in Trimmings.

HOLIDAY GOODS!

It is a little early to think about these goods, but call and look over our line. It is no trouble to show them and it will be worth your while.

We are making a special effort this fall to meet the demands of our customers in the NOTION LINE, and with our COMPLETE STOCK feel confident of success.

We invite inspection.

Respectfully,

D. J. HENNESSY MERCANTILE CO.

Corner Oak and First Streets.