The Weekly Herald.

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R. E. FISK, - - - - - - Editor

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SEVERAL stories and poems, neatly illustrated, will appear as special literary features of the HERALD'S holiday numbers, Daily and Weekly.

THERE should be no delay in our Legislative Assembly responding at once to the suggestion of Representative Carter to cede jurisdiction to the United States over any site that may be chosen for the erection of public buildings in this city, as contemplated in bills now pending in both branches of Congress

NO DOUBT the Democratic members of the Legislature can go through the motion of electing Senators as easily as the Republicans, and those whom they elect can get to Washington just as quick; but the difference would be that the equities would be on the Republican side and iniquities on the Democratic side.

CARTER is a rusher. The Senate to-day took up and passed the House joint resolution introduced by him yesterday, and which was at once passed by that body. The law library, furniture, fixtures, etc., the property of the general government in our territorial days, becomes now the property of the State by donation.

MONTANA friends will read with interest the letter of Henry Macdonald, one of our oldest and best known citizens, who is journeying in the far East, among the Japs. His tour carries him next to the "Flowery Kingdom," and we may hear next from him from some point in the Celestial Empire. In descriptive writing Mr. Macdonald is a success.

WE are glad to see that the House members are going to work for the purpose for which they were elected, to prepare laws which the public necessities require. Though they may never be perfected, though they may be vetoed or ignored by the Governor, the people will make note of the fact which portion of their representatives show most disposition to serve them.

IF the estimate is correct of the increase of actual wealth in this country since the census of 1880 was taken, it shows a rate of increase much higher than has ever been reckoned, and amounts to nearly six millions every day. Not only our population but our wealth exceeds the estimates, and not only must astonish the world, but the results astonish ourselves We are not only a nation of millions and millionaires, but among other nations our is the billionaire nation.

THE fatal result of the prize fight near Butte may serve a good purpose in arousing public attention to the necessity of still more stringent legislation and to demand greater vigilance of the officers of the law. A more brutal fight was never witnessed in the grand amphitheatre at Rome, among a people with whom brutality was a fine art, and in an age when war was a hand to hand encounter and gladiatorial sports were in some sort a species of military drill and discipline.

THE prospects that Idaho and Wyoming may be admitted as States at an early day are made very encouraging by the reports from Washington. The Republican Senators do not hesitate to express themselves favorable to admission. It is a good year for the admission of new States and we hope the utmost will be made of it. The constitution of New Mexico was never submitted to popular vote and will have to be sent back for that purpose. If generally approved, there is no reason why its application should be denied.

FOR the benefit of the Butte *Miner*, we would say that no one to our knowledge has proposed to interfere with the Governor's duties. We have heard of no impending riot that would justify his assembling the House of Representatives in private quarters under special police. While he might be benefitted by consulting Republicans as well as Democrats, as he is Governor of the whole people, we certainly think he ought to consult the constitution and follow the precedents and usages of free States.

No one questions but what the eastern wool manufacturers would generally like free wool. But when they get it they will have it along with free woolen goods, and some of them are shrewd enough to know it. Those who are playing into the hands of the Democrats are simply cutting their own throats. Those who wear woolen clothes and are neither interested in growing nor manufacturing wool can more easily be induced to remove the tax on manufactured than raw wool. The Democratic policy is to array one against the other, and some are silly enough to step into the snare. The Republican policy is that both must stand or fall together.

"THE logic of the situation" is supposed to be inexorable and omnipotent. But its invocation to establish the regularity of the House whose members chose to pass under the yoke of the Governor, will never be answered. The control of the rooms where the Senators met was put in the hands of its presiding officer before any Senator entered. If the control of the court room, where the members of the House had been summoned, had in like manner been placed in the hands of the Auditor, who was designated by law to call the House to order, as he had been notified that such would be the case, there would have been no more trouble in organizing that body. The situation to-day is the natural and logical result of the Governor's unwarranted interference.

Children Cry for Pitcher's Castoria.

ORGANIZING THE SENATE.

The Republican Senators yesterday, after waiting patiently and vainly for twenty-five days, nearly one-third of the time allotted by law for the entire session, and after repeated conferences failing to get any promise or hope of the Democratic Senators consenting to an organization, or any step thereto, under any temporary rules, felt themselves compelled to take action under such general law as applies to all deliberative bodies.

Where a quorum is present, a motion or resolution is lawfully and properly declared carried where a majority of those voting vote for it. It was under this well established law and usage, in the absence of temporary rules, that the Democrats had persistently and unconditionally refused to adopt, that the action was taken.

The Constitution expressly provides that the Senate shall, at the beginning of each regular session, elect one of its members President *pro tem.* There are no conditions or qualifications to this explicit injunction. It does not say that a quorum shall be present, or if present, that it shall be by a majority of all members-elect. If this is a regular session and the session in legal acceptance has begun, then this duty was imperative. And yet, for no other reason given than that the Senate could do nothing effectively until the House was properly organized, the Democrats refused to go into an election, so far as abstaining from voting. In the same way they declined to nominate a candidate, refused to act as tellers and to vote for any member. They called for the ayes and nays, but as they had refused to allow any rules to be adopted there was no rule to appeal to, and by remaining mute when they had an opportunity to vote they had left no reason or ground for the presiding officer to doubt that his decision was correct in declaring the motion adopted.

Section 12 of article 5 provides that "the ayes and noes on any question shall, at the request of any two members, be entered on the journal." But this presupposes that the ayes and noes have been provided to be taken under some rule of the Senate. If there had been any law or rule requiring that the vote on any question should, at the request of one or more members, be taken by ayes and noes, then the constitutional provision would have been applicable to have such a vote entered on the journal. That they were left without this privilege of calling for the ayes and noes is entirely the fault of the Democratic members.

In the same way that the resolution to elect a President *pro tem* was adopted there was another adopted to proceed to the election of other officers for the Senate by a plurality vote. The Democrats were allowed all the time needed to speak and quote authorities from any source, but it was always from a body acting under rules previously adopted, and, of course, wholly inapplicable to a body acting without rules and governed only by the general usage of deliberative bodies.

The officers were elected so far as immediate wants demanded, without the Democrats participating, though present.

And after the organization was completed another constitutional duty was performed that is enjoined to follow immediately thereafter, the casting of lots to determine whether the Senators from the odd or even districts should hold for one year.

One Senator charged it upon the Republicans that it was a piece of sharp practice, and we shall no doubt hear it echoed and re-echoed through the State and all over the country as a deep conspiracy and a high handed defiance of the constitution and laws.

There was no advantage taken of any one's absence. The course of action and result could not have been different if the two absent Senators, one of each party, had been in their seats. There was nothing premeditated about it, for it was reasonably hoped until the last moment that the Democrats would concede something in the matter of electing at least a President *pro tem*, and in drawing lots to determine the classification of Senators.

It was only after every overture of every kind had been positively refused, that it seemed necessary to resort to the absence of rules to carry out an organization.

The policy of remaining disorganized in order to force the other two houses, to come together had been tried long enough to have shown its virtue if it possessed any. It is of very doubtful policy to attempt such coercion of a co-ordinate body. It is for each house to complete its own organization, free from all extraneous influences. We have already seen the baneful effect of interference.

There were some powerful influences and disputed facts to excuse the division of the House. There were none to prevent the organization of the Senate and the devotion of their time by the Senators to the transaction of public business.

An organized Senate devoting itself to business will be vastly more likely to unite the two houses. The election of United States Senators will now soon be settled, and if two sets are sent to Washington, perhaps it will do more to remove disturbing influences than if only one set were to go. If this is, as most think, the chief cause of all contention, then there may soon be expected to be a clearing up of the skies, and as there is no other partisan issue in prospect, the houses can unite without difficulty in legislating for the common interests.

There is not a single fact or circumstance that lends color to the charge of bad faith or any disposition to take any undue advantage on the part of Republican Senators. The disagreeable necessity was forced upon them to find a way to organize the Senate. The demand of courtesy and the fear of giving offence to associates cannot stand against the demands of duty. If anybody has a right to complain of discourteous treatment, it seems to us that the Republicans have much the most righteous cause.

So far as any complaint can lie against the rulings of the Lieutenant-Governor, there is no ground for it. Left without the guidance of rules for days after a quorum had assembled, he sought for such law and guidance as the case would admit of, and read it, while patiently and impartially listening to any authorities that those who questioned his rulings thought pertinent. He was fully justified in refusing to give those dissenting from his rulings the benefit of rules that they had refused to adopt.

The public will now await with interest the shifting of the scenes.

QUICK WORK.

The HERALD'S Washington special announced last evening the passage of a joint resolution through the House giving to the new States of Montana and Washington, the desks, furniture, fixtures and libraries accumulated during our Territorial condition, for the use of the Legislature and departments, purchased by the General Government and the title of which was still in the government. It was an item overlooked in the enabling act, perhaps considered of too small importance to cumber such a bill. It was an item of some value to our new State and we called the attention of our Representative to the matter in a letter of December 4th. Mr. Carter replied promptly on the 12th, saying that he had been to the department and found arrangements made to dispose of this property, but upon his request further action was suspended, and that he would try to secure if possible its transfer to the State. The results of his timely action is seen in the passage of a joint resolution through the House for the purpose.

Such quick work is something of a marvel in Congressional action and shows two things very closely, first, that Montana has a Representative alive to her interests, prompt and efficient to all, and, second, that Montana, as a State, has a standing in Congress that commands attention to her requests.

Representative Carter has shown in this, as in all other matters in which our interests are involved, his eminent capacity and devotion to the interests of our people. All honor to such a representative, and well may we be proud of his record, while it raises our expectations of what he may be able to accomplish for us.

IT is hardly in line with propriety or congenial to the truth for the *Journal* to claim that the proceedings to organize the Senate yesterday were in accordance with a process outlined by that paper. The necessity for the course pursued was not anticipated until very shortly before the action was taken, and then it could not be known whether Senators would stay or retire, or, in case they remained, whether they would vote or remain mute. Circumstances that could not be foreseen dictated the course pursued, and the Republican Senators did not themselves know what they would do or how they would act till the circumstances arose.

OUR Democratic friends have been very slow about it, but they have at last recognized Roger Q Mills as an authority. He has been quoted—not on free trade, to be sure, but on parliamentary usages. Senator Parberry thus honored the Texas taxidermist yesterday. Nevertheless, Mills was no more respected as an authority to tie to on parliamentary questions than on questions of the tariff. The Senate had no trouble in finding authorities consonant with lawful organization, and they did not hesitate to adopt them. The course pursued may be of no consequence to Mills, but it is of great importance to Montana.

THE resolution of Senator Morgan for recognizing the United States of Brazil called forth quite an interesting discussion in the Senate yesterday. The action desired by Morgan seems to us premature and in rather poor taste. We admire most the position of Senator Teller. As soon as it is demonstrated that this is a movement by the people, sustained by them, we ought to act promptly and resolutely and stand by it to the end, with not only moral but material support if necessary; but there is nothing yet to call forth such hasty action as proposed. The deposed Emperor deserves some consideration, as being one of the most liberal and enlightened rulers of modern times.

PROF. SWALLOW favors the HERALD with an interesting article on the mines of Northern and Northeastern Montana. A bright future seems to be in waiting for the districts described, which the completion of the railroad, now building, will in all likelihood realize.

Acquitted.

BERNE, December 21.—The three men, Nicolet, Darbelay and Henzi, who were arrested on the charge of issuing an anarchist manifesto, have been acquitted.

Children Cry for Pitcher's Castoria.

IN THE COURTS.

The Legislative Question Now Comes Up Before District Judge Hunt.

The State Auditor Mandamussed to Compel Him to Pay the Mileage and Per Diem of Hon. W. H. Roberts.

The legislative question has assumed a new phase, and the probabilities are that it will soon be thoroughly investigated in the courts. Yesterday Hon. Wm. H. Roberts, member of the House of Representatives from Silver Bow county, presented to State Auditor Kenney a bill for $45 as follows: Per diem as Representative, five days, Nov. 23 to Nov. 27, at $6 per day, $30; mileage, 75 miles, from Walkerville to the capital, at 20 cents per mile, $15—total, $45. Auditor Kenney placed the bill on file, but absolutely refused to allow it, though pressed by Mr. Roberts. The latter then took legal advice, and this morning filed an affidavit in the District Court, applying to the court for a writ of *mandamus* to compel the Auditor to audit the bill. Judge Hunt heard the application and granted the request by issuing a writ of mandate, commanding Auditor Kenney to audit the bill of Mr. Roberts, and in case of his refusal, to appear in the District Court at 10 o'clock a. m. on Saturday, December 21, and show cause why he did not do so:

Following is the affidavit made by Mr. Roberts:

AFFIDAVIT.

State of Montana, County of Lewis and Clarke. s.s.

William H. Roberts, a witness of lawful age, being first duly sworn, on his oath says:

That he is more than 21 years of age and for more than two years last past has been a resident of the county of Silver Bow, in said State; that he is a citizen of the United States and has been such for more than two years last past; that at the election provided to be held on the 1st day of October, A.D. 1889, he was a candidate for the House of Representatives in said Silver Bow county and was elected thereto. That the returns of said election were made by the various judges of election to the clerk of said county, and that fifteen days thereafter the chairman of the board of county commissioners, taking to his assistance two officers of said county, canvassed the returns of said election and declared the result thereof so far as the county officers were concerned, and the returns were made to the Secretary of the Territory of Montana, and thirty days after said election the votes for members of the Legislative Assembly were canvassed by the Governor, Chief Justice and Secretary of said Territory of Montana, who then and there ascertained and declared the affiant duly elected to said House of Representatives and delivered to him a certificate over the seal of said Territory, signed by the Governor and Secretary thereof, certifying and declaring that at such election he had been elected a member of the House of Representatives of said Legislative Assembly. That on the 23d day of November, A. D. 1889, at 12 o'clock noon, affiant appeared at the capital of said State of Montana, and in conjunction with twenty-nine other persons as aforesaid declared to have been elected by the canvassing board above mentioned, were called to order by the Auditor of the State in the room provided for that purpose, and then and there proceeded to organize the House of Representatives of said State of Montana. That affiant traveled from said Silver Bow county, 73 miles, to the capital of said State, being the nearest usually traveled route to attend on said meeting of the Legislative Assembly. That on said 23d day of November affiant took the oath prescribed by the constitution as a member of said House, and on the 23d, 25th, 26th, 27th and 29th days of November, 1889, has been continuously in attendance upon the session of said House. That each of his foregoing colleagues to the number of twenty-nine, also presenting certificates from said canvassing board, have been in attendance on said session of the House of Representatives, and a committee on credentials appointed by them reported affiant as duly elected member of said House and entitled to a seat therein, which said report was unanimously adopted; and each of the other twenty-nine members were so reported, and the report as to them likewise adopted, whereupon they proceeded to organize the said House and affiant says that in the foregoing transactions all the proceedings have been conducted, as he is informed and verily believes, according to law.

That on the 18th day of December, A. D. 1889, he presented to Edward A. Kenney, who was then and there the Auditor of the State of Montana, at his office, an account, a copy of which is hereto attached, and is marked "Exhibit A." and requested the said Auditor that he audit and settle the said claim and give affiant a certificate thereof But to audit and settle said claim or to give affiant such certificate, the said Auditor did then and there refuse. And affiant says that he has no plain, speedy or adequate remedy for the redress of the grievance so, as aforesaid, done him.

Therefor he prays the issuance of a writ of mandate directed to the said Auditor of State, directing him forthwith to audit and settle said claim, and deliver to affiant a certificate thereof, or that he be and appear before this honorable court at 10 o'clock a. m., of December —, 1889, then and there to show cause why he has not so done.

And further saith not.

Subscribed and sworn to before me this 18th day of December, 1889.

WILL. H. ROBERTS.

H. R. THOMPSON,
Deputy District Clerk.

The "Exhibit A" referred to above is simply a copy of the bill of Mr. Roberts, attested by Benjamin Webster, chief clerk of the House.

The writ will probably be served on Auditor Kenney this afternoon, and then the case will rest till Saturday morning.

Attorney General Haskell will appear as counsel for the Auditor, and it is understood he will request Judge McCrnnell and E. W Toole to assist in the defense. It is not known as yet what counsel Mr. Roberts has retained.

THE HERALD'S caution with respect to printing jobs meditated by the "official organ" seems to be corroborated by the boast of the *Journal* this morning that it is now "working" sixty men. The e sixty men we suppose to mean the sixty members of the Legislature, that being the number composing the two Houses, not counting the five from Silver Bow whose seats are in dispute. We question whether our scheming contemporary can work the legislative body to the extent and limit it appears to claim. There will be some to buck, and they will buck plenty, if indications count for anything.

DEADLOCK BROKEN.

The Senate Proceeds to Business and Elects Permanent Officers.

Despite the United Opposition of the Democrats Who Tried to Prevent It.

SENATE.

The 27th day of the session opened with little or no change in the situation. The Senate met at 10 o'clock, and the usual opening proceedings were gone through with. The President announced that Senators Brown and McNamara had paired on all questions for three days, beginning yesterday. No other business was done, and a recess was taken until 2 o'clock.

AFTERNOON SESSION.

Senate resumed at 2 o'clock.

Fisher offered a resolution that the Senate proceed to organization, and that a plurality vote be sufficient to elect.

A lively debate ensued.

Parberry read a lengthy abstract on the matter from the *Congressional Record*, and bitterly opposed the proposition. He was seconded by Baker.

Fisher replied, taking up Schuyler's (p. 52) History of the United States, and citing the case of the members of the Pennsylvania Legislature.

Baker stated that a rule by which a plurality can determine an election of permanent officers was entirely arbitrary and revolutionary. He did not know that snap judgment was the order of the day. If it was, they would, perhaps, have to abide by it.

Fisher—The gentlemen of the other side have refused to adopt any rules and blocked the wheels of progress of the Senate. The chairman is absolutely the rule. I ask for the passage of the resolution.

Baker—I do not remember having refused to adopt any rules. I move that the resolution be laid upon the table. Seconded. Motion lost. Ayes, 5; noes, 7.

On question of the adoption of the resolution, the motion was carried to elect officers by a plurality vote.

Senator Olds was elected Presinent *pro tem*

F. T. Gilbert was nominated as permanent chief clerk of the Senate. Seven votes were cast for him, and he was declared elected.

Pierce Hoopes was nominated for enrolling clerk, and was elected by seven votes being cast.

G. A. F. Kelly was nominated for engrossing clerk, and was elected by seven votes being cast.

Mathew McQuirk was nominatee for sergeant at-arms and elected, seven votes having been cast.

Rev. Mr Berry was elected chaplain.

— Jackson was elected watchman.

Woodman Paynter was elected page.

As soon as organization was completed, the chair called attention to the section referring to the one and three year terms of Senators, and Senator Fisher introduced a resolution providing that sixteen pieces of paper be provided and numbered and placed in a hat under the supervision of two members, and that the Sergeant-at-Arms shall draw therefrom. If an odd odd number be drawn first, the Senators from the odd numbered districts shall serve for one year; and if an even number be drawn first, then the Senators from the even numbered districts shall serve for one year.

Parberry called for ayes and noes, but the chair ruled again that no rules existe by which he could call for it.

Resolution was adopted.

The chair appointed Senators Fisher and Parberry. Parberry declined to act, as did Hoffman and Redd, and the chair appointed Senator Hedges. The ballots were placed and Sergeant-at-Arms McQuirk drew one and handed it to the President. No. 12 was drawn and the members of the even-numbered districts will serve for the one-year term.

The Democratic Senators then all left the hall with the exception of Parberry and Hoffman. The Senate is still in session as we go to press.

HOUSE

The House met at 10 o'clock. Roll called. Harrington and Moran absent on leave. Absent, Waite. A call of the House was ordered and proceeded with until Moran appeared, when the call was suspended and the Speaker announced a quorum present.

Proceedings were then opened with prayer by the Chaplain. Yesterday's journal was read and approved.

Notice of bills were given as follows:

By Bray—To amend section 1435, chapter 86, compiled statutes, relating to the rights of married women.

By Harlan—Providing for fish guards and screens at the head of canals and ditches and for fish ladders on all dams. Also, to submit to the vote of the people an amendment to the constitution in regard to fixing the terms of county commissioners.

Loud offered a resolution to amend rule 52 so as to allow bills to go to committee and be reported before they are printed. After considerable discussion the resolution was referred to the committee on rules.

Recess was taken until 2 o'clock, at which time the House reassembled, and after roll call took another recess until 4 o'clock.

THE REGISTRATION LAW.

The Governor recommends a modification of the registration law so that it shall apply only to cities and the larger towns, but our experience has shown that frauds are more apt to be perpetrated at smaller precincts such as Wilder's landing and the new railroad camps, than anywhere else. Of course there is a larger opportunity for fraud in the larger places, but there are always more there to watch the polls. We are in condition to have a great many railroads built through Montana and perhaps there may be tunnels to bore and we have always noticed that these tunnels are dangerous places at election time.

It is possible to modify the law so as to make it less expensive and inconvenient, but we should always keep in mind the main purpose, and that is to prevent those not entitled to vote from perverting the purposes of election and neutralizing the votes of honest electors.

Under any system there will be some cases of hardship. It is inconvenient for voters to have to travel long distances even on election day, and in a country so large as ours and so thinly settled in some portions to provide convenient election precincts. The most we can do is to provide reasonably for the convenience of voters consistent with security for the honest voters.

Men who are entitled to vote and who prize the right as it should be, will not complain of the trouble and inconvenience which is entails.

HOW IT WAS DONE.

Full Report of the Notable Session of the Senate Yesterday.

Credit Due the Republican Senators For Breaking the Deadlock.

The HERALD'S report of the organization of the Senate yesterday was necessarily brief, owing to the fact that the proceedings took place just at the hour of going to press. As the session was a momentous one and will become a matter of history, we give below the full proceedings of the body had yesterday afternoon:

At 2 o'clock p. m. the Senate resumed its session, the roll was called and a quorum was found to be present.

Hedges moved that the Senate now proceed to the election of a President *pro tem.*, which was adopted.

Thornton called for the ayes and noes.

The president decided that inasmuch as no rules had been adopted by the Senate there were no rules for calling the aves and nays.

Thornton stated that the Constitution said that the ayes and noes, under the Constitution, could be called for upon the request of two members, and the president reiterated his decision, stating that if any member had any objection to the decision there was a remedy.

The Senate then proceeded to the election of a President *pro tem*, and Hedges nominated the Hon. L. B. Olds, of Madison.

The president asked if there were other nominations, repeating the question several times, when, no other nominations being made, a vote was had, which resulted in the election of Olds.

Fisher offered a resolution, which was read as follows:

Resolved, That the Senate do now proceed to the election of the officers and attaches of this body, and that the rule of this election shall be that a plurality of votes shall elect in each and every case until permanent rules are adopted governing this body.

Fisher moved the adoption of the resolution.

Thornton called for the ayes and noes.

The President decided that no rules having been adopted by the Senate, there were no rules under which the ayes and noes could be called.

Baker asked if the ruling of the President was that seven votes was all that were necessary to adopt a motion to decide a question, and proceeded to discuss the question of the election of President *pro tem.*

Fisher rose to a point of order, saying the question was on the adoption of the resolution before the house and not on the election of a President *pro tem.*

The President read from Cushing's Manuel rules sustaining his decision, saying such rules shall govern until permanent rules are adopted.

Baker asked that the extract be read again, and, when the President had done so, said seven was not a majority.

The President: I have not so decided.

Baker: That is what you stated on the last vote.

The President—I decided that the President *pro tem.* having received a majority of the votes cast was elected.

Thornton—Why don't you read the constitution, which presumes that a quorum must be present?

Fisher—It has been held that when a quorum is present and members refuse to vote, the vote cast is a majority. The decision of the President is correct.

The President again said he must adhere to his decision, but any member feeling aggrieved had a remedy.

Parberry said that the Senator from Jefferson was wrong; that it had been repeatedly decided, and by no less an authority than Hon. James G. Blaine, when Speaker of the House of Representatives in Congress, that unless there was a quorum voting there was no quorum.

The President again said that he could not change his decision.

Fisher said this was out of order. That question had been passed. The question was on the adoption of the resolution now before the House.

The President decided that the point of order was well taken.

Parberry read from the North American Review for December, 1889, an article by Hon. R. Q. Mills on Parliamentary usages to the effect that in the House of Representatives in Congress the Speaker had decided that, though a member was present, he could not be made to vote, and that when a yea and nay vote showed that there was not a quorum, the House could not proceed to the business before it. And when the Speaker was importuned to take notice that there was a quorum, he said that he could not declare there was a quorum in the face of a yea and nay vote to the contrary.

Fisher, though he believed all this was out of order, claimed the privilege of replying. What has been read by the senator does not apply to this case. The Speaker of the House of Representatives was guided by its rules. We are without rules. The members of the other side refused to adopt rules, so we must proceed without them. He read from Schuyler's History of the United States, showing that in the constitutional convention of Pennsylvania, called to satify the Federal Constitution, two members absented themselves from the convention, that citizens seized them and forced them into the hall of the convention, which with locked doors proceeded to business, ratifying the Federal Constitution for Pennsylvania, notwithstanding these two members refused to vote or act as members of the convention. This is a precedent which cannot be ignored.

Baker said the resolution proposed to adopt a rule that a plurality of votes shall elect in each and every case in the election of officers of the Senate. If this can be done there is no use for but one member here. To say that less than a majority can organize the Senate and elect officers was a most outlandish and revolutionary proceeding. This leaves out all question of right or wrong He understood the gentlemen to say no political advantage would be taken. The selection of the President *pro tem* pleased him. It was a selection that he himself would have made. For the minority to make rules for the Senate was out of the question. He asked for a suspension of this business, for it seemed to him all out of place. He had great respect for the gentlemen of the other side, and he hoped they would not force this upon those on his side. There was no great exigency for this organization to-day. It can be put off until to-morrow. If time were taken to consider, something that would meet the judgment of all could probably be agreed upon. But this movement is unconstitutional and revolutionary.

Fisher said the gentlemen forgot one thing—the Senate has no rules. The constitution does not say we shall elect officers by a majority vote; it only says each house shall choose its officers. In another section, when it speaks of passing a bill, it says the bill must have a majority of the votes of the members of each house, and that by a vote of the ayes and noes. We have no rules, and the gentlemen on the other side have refused to adopt any rules or permit any to be adopted. Just such emergencies arise every year, and if any business is to be done, they must be met in such a way as to prevent factious opposition from stopping business. Is it more revolutionary to stop all public business without cause, to refuse to adopt any rules or do anything, or to use such powers as we have to organize the Senate and go ahead with the public business?

Baker said he had not declined to make rules.

Fisher asked if the gentleman was not one of a committee of three which decided they would not consent to adopt any rules for the Senate at this time?

Baker said he did not remember being on any committee who recommended such a course. He moved to lay the motion on the table. On a division this motion was rejected by a vote of five to seven.

The resolution was then adopted.

The Senate then proceeded to the completion of its organization. Rutherford nominated Frederick Gilbert for Secretary. There being no other nominations, the chair appointed Babcock and Thompson tellers. The vote was by ballot, and the tellers reported that Gilbert had received six votes, and having received a majority of all the votes cast, the President declared that he was elected Secretary of the Senate.

In like manner Pierce Hoops was elected Enrolling Clerk, receiving seven votes; J. F. Kelley was elected Engrossing Clerk, receiving seven votes; Matthew McQuirk was elected Sergeant-at-Arms, receiving seven votes; George K. Berry was elected Chaplain, receiving seven votes; Robert Jackson was elected Watchman, receiving seven votes; Woodman Paynter was elected Messenger and Page, receiving seven votes; and the Secretary was instructed to notify each officer of his election.

The President called the attention of the Senate to Section 4 of Article 5 of the constitution, providing for the division of the Senate into two classes.

Fisher offered the following resolution:

Resolved, That the Senate do now proceed to determine by lot in conformity with article 7, section 4, of our constitution, which provides "that the members of the Senate shall be divided into two classes, those elected from odd numbers shall constitute one class, and those elected from even numbered districts shall constitute the other class," and that the form of allotment shall be as follows, to-wit: That sixteen pieces of paper shall be provided of the same size and texture by the secretary of this body and numbers placed thereon from one to sixteen respectively; each paper shall be folded the same size as near as may be and put into a hat under the supervision of two members of the Senate to be appointed by the president, and the sergeant-at-arms shall draw therefrom one of these papers and hand it to the president who shall unfold it and read aloud and if it proves to be an odd number the Senators from the odd numbered districts shall serve for the term of one year, but if an even number should be drawn first then in that case, the Senators representing even numbered districts shall serve for one year and the odd numbers three years. The secretary shall notify the Governor and the House of Representatives of the action of the Senate and the result.

Hedges moved that the resolution be adopted.

Parberry called for the ayes and noes.

The president decided that in the absence of rules he must decide that there were no rules under which the ayes and noes could be called.

Hedges said that the resolution complied with the Constitution, and was not only eminently proper but necessary to be passed, and he could see no reason why any one should not give it his full and complete approbation and acceptance.

The resolution was then passed.

The chair appointed Fisher and Parberry tellers, under the resolution, to superintend the drawing. Parberry declining, Hoffman was appointed; he declining, Redd was appointed; he declining, Hedges was appointed.

The result of the drawing was that the number 12 was drawn, and it was then decided that in accordance with the resolution the members from the even-numbered districts should serve one year and those from the odd-numbered districts should serve three years.

Senators serving one year are: Madison, Loren B. Olds (Rep.); Jefferson, Robert Fisher (Rep.); Missoula, M E Rutherford (Rep.); Choteau, J. A. Baker (Dem.); Silver Bow, D. J. Hennessy (Dem.); Yellowstone, Albert L Babcock (Rep.); Fergus, C. J. McNamara (Dem.); Cascade, J. F. Armington (Rep.).

Senators serving three years are: Beaverhead, L. A. Brown (Rep.); Gallatin, C. W. Hoffman (Dem.); Deer Lodge, W. M. Thornton (Dem.); Lewis and Clarke, Cornelius Hedges (Rep.); Meagher, William Parberry (Dem.); Custer, R. G. Redd (Dem.); Dawson, W. S. Becker (Dem.); Park, James S Thompson (Rep.).

Babcock offered the following resolution which was adopted:

Resolved, That a committee of three be appointed by the president of the Senate to wait upon the House of Representatives and inform them that the Senate is now fully organized and is ready for the transaction of legislative business

On motion of Fisher a committee of three was appointed to meet a like committee on the part of the House, who jointly would proceed to notify the Governor that the legislative assembly was organized and ready to receive any communication he might choose to make.

On motion of Hedges, a special committee of five Senators was appointed on rules.

On motion of Thompson, a committee of three was appointed on credentials.

The president appointed the several committees as follows:

On rules, Hedges, Hoffman, Fisher, Parberry and Brown.

To inform the House of the organization of the Senate, Babcock, Thompson and Rutherford.

On joint committee to wait on the Governor and inform him of the organization of the Legislative Assembly, Hedges, Redd and Baker.

On credentials, Thompson, Rutherford and Thornton.

On motion of Hedges, the Senate then adjourned until 10 o'clock to-day.

A Sealed Verdict.

Says yesterday's *Inter Mountain*: The end of the long drawn out Ward inquest came last evening. The jury met at 4 o'clock and rendered a sealed verdict, the contents of which all took an oath not to reveal. Final adjournment was then taken. All information about the verdict was refused. The cause of this is doubtless that Gallagher and others are implicated in the death of Ward, and it was deemed best not to publish the verdict until they were in custody.

The parties now under arrest for witnessing the fight are: Henry Albertson, John Hyland, Jacob Oliver, Abe Golden, Joe McEvoy, Al Layton, George Althoff, Tom Bulger, James Tickel, W. D. Thornton, A. Bushyaeger, Ed. Miller, and W. R. Pennybecker. John Helehan is also wanted, but cannot be found, and his partner, Nichols, thinks he will not return. Bart Flowers is also under arrest, but it is now pretty certainly known that he did not attend the fight.

Uncle Sam's War Vessels.

LISBON, December 21.—The American Squadron of Evolution has arrived here.