

The Democrat.

THE MONTANA FRAUD.

The dispatches in the *Oregonian* from Montana, (we say "dispatches" for there is nothing in their manner of composition to show whether they are "associated" or "special,") continue to run on a purely partisan basis, prepared to support and defend anything done by the republicans of that state in their effort to steal a legislature and two United States Senators. That paper says its dispatches are its own "specials," but it matters not which they may be, they are utterly unreliable. The whole muddle is briefly stated. At the late election in that state, on the face of the returns the Senate was a tie, and the democrats had a majority of six or seven in the lower house. The canvassing board of Silver Bow county, a majority of whom were republicans, saw that throwing out precinct 34 (one that cast a very large majority for the democrats,) would give the republicans a majority in the lower house and thus enable them to elect two United States Senators. This the republican members of the board proceeded to do without any authority of law, whatever. The courts of every state in the Union have decided, time and again, that canvassing boards act ministerially and not judicially. A county canvassing board can not set itself up as having power to determine whether one or more votes cast at any precinct was, or was not, a legal vote. Their duty is to count the vote as returned to them by the precinct polling officers. The judges of election, in the first instance, determine who are, and who are not, legal voters. If, after election, it be alleged that illegal votes have been cast, the candidates for the legislature defeated by such illegal votes, may file a contest before the legislature which body alone is the exclusive judge of the election, qualification, and returns of its own members. But this Silver Bow county returning board followed in the footsteps of the infamous returning boards of Louisiana and Florida of 1876 and assumed to determine judicially that all the votes cast in one precinct were illegal, and this they did without taking any evidence in the matter at all. The county clerk, by an order of the circuit court, was restrained from issuing certificates to these republican candidates thus fraudulently returned as elected, until the court could judicially determine whether poll 34 should be counted or not. The court, after judicial investigation, held that the vote of poll 34 should be canvassed and counted which the county canvassing board proceeded to do, whereupon the county clerk issued certificates of election to the democratic candidates. The state canvassing board met at this juncture and issued certificates of election to the republican candidates. But this proceeding was without authority of law as will fully appear by stating the facts of the creation of this board. Under the territorial law county clerks were alone, authorized to issue certificates of election to members of the legislature. The new state constitution creates a state returning board to issue certificates to members of the legislature elected under the authority of that instrument. But it must be borne in mind that the late election in Montana was held under territorial authority and hence only county clerks could issue legal certificates of election to members of the legislature.

The state returning board had no legal existence at the time these members of the legislature were elected. Hence their certificates were invalid upon their very face. Some criticism has been made against Governor Toole because he refused to recognize these certificates as valid when the legislature was to meet. But those who thus criticize him are not in an attitude to object to the exercise of an extraordinary power, if such it be, for by their approval of the illegal course of the Silver Bow county returning board, they are wholly estopped from objecting to the Governor's course which, to say the least, is the exercise of extraordinary power to prevent the consummation of an infamous crime against the people of his own state. It is meet that the first governor of Montana should set the wholesome example of seeing that the laws are faithfully executed, and this he could not do without crushing out the conspiracy formed by Sanders and other republican leaders of evil odor in that territory. Republican leaders now begin to feel that their game is blocked. It now looks like the legislature would never be able to organize but that the session would expire by limitation of law, in which case the governor would appoint two United States senators.

UNITY DRAWING.—The drawing for the Pure China Tea set given as a premium, with our brand of Unity Tea will take place on Dec. 18th, all those entitled to any guesses at the jar of beans, must call before that date or forfeit their chances. Those wishing a good cup of tea should try our Unity brand and get a guess at the beautiful Tea set.

WILLAMETTE PACIFIC CO

NOTICE.—Parties indebted to Mr. E. L. Power, will confer a favor by calling on Mr. H. F. Merrill, with whom his accounts have been left, and settling the same at once.

AN OMINOUS RESOLUTION.

That was an ominous resolution adopted at the convention of the National Farmer's Alliance the other day and we commend it to the careful consideration of the farmers of Oregon as showing the rapidly growing sentiment among their brethren in the east. Read it: "Resolved, That we favor such revision and reduction of the tariff that taxes may rest as lightly as possible upon productive labor, and that its burden be imposed upon the luxuries and removed from the necessities of life, and in a manner which will prevent continued accumulation of the United States treasury surplus."

Brother Blaine should take his celebrated "American policy" out of the bandbox in which he has it hid. When a foreign government interferes in the affairs of an American city, as has recently been done at Key West, it is time for Brother Blaine to walk down to the footlights and fire off a horse pistol.

Crawford & Faxon

Leading Photographers Albany Oregon.

We have bought all the negatives made by L. W. Clark and W. H. Greenwood up to Nov. 15th, 1888. Duplicates can be had from them only of us at reduced rates. We have also about 15,000 negatives made by ourselves, from which duplicates can be had at like rates. We carry the only full line of views of this state and do enlarged work at lowest rates for first class work. We shall be pleased to see you at our Studio in Froman's block, next door to Masonic Temple.

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Instruction given, and work executed in Landscape, Portrait and Decorative Painting, Lettering, Designing and Mechanical Drawing.

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SEVERAL SMALL TRACTS of land near town for sale on easy terms. Inquire of H. Bryant.

DR. JAMES KEYDEN,

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Has located in Albany. From his thorough knowledge of his profession and his experience of 10 years as an officer in a Cavalry Regiment, he hopes to merit the patronage of those interested in horses, cattle, sheep, etc. He would also recommend his solution or liniment for sore shoulders, sore backs, broken knees, wounds, sprains. Price, one dollar per bottle. Office at John Schmoer's livery stable.

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Real Estate Agents,

Farms and Ranches for sale. Also city property in Albany and Corvallis.

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CORNER FIRST AND ELLSWORTH STS.

The undersigned having purchased the old Herman Restaurant stand has opened under the above name a first-class restaurant. We are prepared to furnish meals for parties or dances on short notice. Oysters served in every style, eastern or west; all kinds of fish known in the market. Employ only first-class help, and waiting will be prompt and courteous. Regular meals 25 cts. Office of first-class quality and a cup of coffee and cake at from 5 to 10 cts. I am well known in this city and request the citizens to give me a call.

SAM GOETS, Proprietor.

Stockholder's Meeting.

Notice is hereby given that there will be a meeting of the Stockholders of the Linn County Agricultural Association held at the Court House in Albany, Oregon, on Thursday, the 2nd day of January, 1889, for the purpose of hearing reports of officers and also for the purpose of electing seven directors to serve for said association the ensuing year and for the transaction of any other business that may come before said meeting. Dated this 30th day of Nov., 1888. C. F. BURKHART, Stockholder.



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