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NOTICE

Pursuant to an order of said Court in said matter, notice is hereby given, that Saturday the 21th day of December, A. D. 1879, at ten o'clock in the foreacon of said day, at the County Court House in Sait Lake City, has been appointed by said Court, the time and place for the hearing of a petition of C. W. and M. P. Rockwood and Alex. C. Pyper, flied therein, praying that a certain document, purporting to be the last Will

admitted to probate, and that letters rectamentary be issued to patitioners, at which time and place all persons interested may appear and contest the probate of said Will.

Salt Lake City, December 15th, 1879.

D. BOCKHOLT,

Ouzk of the Probate Court,

Salt Lake County,

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addition to the foregoing specific three of the wards in violation of and mandatory provision of the Constitution, the return shall state election day. Affidavits filed fully the whole number of ballots cast at the election. The same section of the Constitution requires that the Governor and council shall open cities. We consider these facts not constitution to the council shall open cities. and compare the returns thus transmitted, and from them determine who appears to be elected.

Of course the first requirement is

tors may be present and see that the returns are made in accordance ments which provides that the with the facts, and we are of the names of all persons receiving votes opinion that returns not made up shall be stated in the returns. A in open meeting are not legal re-turne, and cannot be counted and from said city as 'scattering," and turne, and cannot be counted and we have acted upon this belief in making our tabulations. Several protests, accompanied with affi davits to support them, against the counting of returns specified theretain to be counted, be turns should not be counted, be of the adermen. Under the stational them are they were not signed by a mijority of the adermen. Under the stational they were not signed by a mijority of the adermen. Under the stational they were not signed by a mijority of the adermen. Under the stational transfer in the station cause they were not made up in an utes and by, the

In the case of the town of Stoneham an affidevit signed by two selectmen, establishes the fact that
they signed the returns in blank,
and the fown clerk took them

sested had the returns from the aforesald towns been made up as the constitution requires. These are James O. White, of Jay district; Louis Voter, Farmington district; N. Rradbury. Stonebam district: N. Rradbury. Stonebam disseated had the returns from the trict; N. Bradbury, Stoneham district, and Leonard H. Beale, of Derham district.

The Supreme Court have held that municipal officers shall sign returns with their own hands or upon those who forced us to the make their marks, otherwise the returns cannot be counted. We have found several returns fatally defective in this particular, and have accordingly rejected them. By this rule laid down by the court the new Sharon returns have been by us rejected. This rejection offsets the election of one representa-

the same time we request that by us rejected. This rejection off sets the election of one representative. We found several returns faitally defective because they were not attested by the town clerk. The Supreme Court has held that such are not legal returns, and we have rejected them. They are quite numerous. Those of the towns of the Legislature, and should they not be able to do this, then we request them to join in organizing the Legislature at some of the towns the full Chain in ames of the candidates reem to have been used, in others only initials, and we hastlated as to have been used, in others only initials, and we hastlated as to have been used, in others only initials, and we hastlated as to have been used. In others only initials, and we hastlated as to be counted we find the Supreme Court has held that the Governor and Council must count them as distinct and separate persons. By atopting this rule laid down by the court, the election of five Representatives seem to be affected. The Revised Stautes require that in the case of a plantation, in addition to the farms required by the sown, a list of voters of the plantation be sent to the Secretary of State, otherwise the returns from such plantation shall not be counted. We have found the returns from such plantation shall not be counted. We have found the returns from such plantation shall not be counted. We have found the returns the state of the returns the state of the secretary of State, otherwise the screen in their power to obtain their seam to the returns the state of the seam of the terms from such plantation shall not be counted. We have found the returns the state of the seam of the seam of the legislature, and where a majority of both plantation of the seam of the terms of the seam of the terms of the seam of the terms of the seam of the seam of the legislature of the returns of the seam of the seam of the seam of the legislature of t atives. The State requirement of setting forth in the returns the whole number of votes, in many cases was not complied with. We find that it has been the practice of the Governer and Council

such returns, and we have not deemed it safe to deviate from this long established interpretation of the law so fully recognized by our predecessors; and in making our tabulations we have omitted all our tabulations we have omitted all such returns. It will be perceived that these rejections affect the election of several representatives in the county of Washington. One candidate for the Senate seems to have been veted for in some of the towns of his county by the name of John T. Wallace, Jr., and in othern by the name of John T. Wallace; but we have tabulated the votes as thrown for two different men, as we have no legal knowledge that the same person is meant.

Two at not returns were sent on to the Secretary of State from the town of Fairfield, each of which contradicts the other, and it was impossible from the contradictory character of the seturns to determine the result of the election in

mine the result of the election in that town. We have therefore re-jected the returns from that town.

In our tabulations the rejection of affects the election of one repre-sentative accompanying and attached to the representative return from the town of Scowhegan. There was a statement signed by the relectment that a certain number of ballots protected as being illegal under the Revised Statutes; and one of the ballots objected to

was attached to the returns. The was attached to the returns. The selectmen in their certificate allege how many of the ballots were thrown, and in this certificate they inform the Governor and council that they make no return to the legality or illegality of that kind of ballot. The ballot was in the form of an ordinary sheet of paper folded to make two leaves. On one of the pages half the candidates names were printed, and on the next page the balance of the names of the candidates appear. We are fully

candidates appear. We are fully satisfied that that kind of ballot is clearly in violation of the letter and spirit of the foregoing named

Bosron, 26.—A special to the Herold from Angusts says: The following is an election sturns made in the council: Your committee on the main election sturns made in the council: Your committee in submitting this report, deem it necessary to state specifically certain facts connected with the returns from the many towns, cities and plantations which materially affected the result of canvassing the votes returned. There are many returns which, owing to fatal effects, cannot be counted, but we shall specify only these which have affected the result. The constitution regulates the manner of electing State centators and representatives and provides that in case a plantation of municipal officers, shall in open town and plantation meeting, at the close of the election day, sort, count and declare the votes cast, and form a list of all persons voted for, and after the source of the person thus voted for hall write the number of votes received by him. This list shall be signed by the selection of one representative.

Several protests and affidavits to support them were referred to us asking the rejection of or returns on election of one representative.

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Several protests and affidavits to support them were referred to us asking the rejection of the warrant was posted, and the record does not show that for the election in that town. Objection to counting the city of Auburn wa

that the returns shall be made and sealed up in an open town or plan-tation meeting. We understand The returns from Portland are de-this is required in order that elecfective because they do not comply with the constitutional require-

open town meeting, but were made after the meeting had closed, in some private office or store, when but one portion of the municipal officers were present, and in some cases only the clerk. This condi-

tion of things, in several cases has, been proven to our entire satisfaction, and we have rejected the returns thus defective in our tabula-Stirring Words at an Indignation?

ent. Every town in the county home and filled them out, and the being represented, some coming heme and filled them out, and the selectmen have no knowledge of what the returns contain. For germane reasons we have rejected in our tabulations, the representative returns from the towns of Jay, Stoneham, Lisbon, Webster and Farmington. The returns from the town of Bearsport has also been rejected because it was not sealed up in open town meeting. By means of these rejections a few persons will receive seating in the legislature who would not have been thus seated had the returns from the upon those who forced us to the dread reality.

The following resolutions were adopted: Resolved, That while we earnes' ly desire a peaceful adjustment of this unfortunate state of things, at the same time we request that Senator elect Smith and Represen-tative elect Hall use every means

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