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TRUTH AND LIBERTY.

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CALENDAR. 1877.

FEBRUARY.

Sun.	Mon.	Tue.	Wed.	Thu.	Fri.	Sat.
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d18

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NOTICE.

District Court for the First Judicial District, Territory of Utah, Utah County.

In the matter of the Sanpete Coal and Coke Co., bankrupt. } In Bankruptcy.

A warrant in Bankruptcy has been issued by said Court against the estate of the Sanpete Coal and Coke Company of the County of Sanpete of the Territory of Utah, in said district, adjudged a bankrupt upon the petition of its creditors; and the payment of any debts and the delivery of any property by it are forbidden by law. A meeting of the creditors of said bankrupt, to prove their debts and choose one or more assignees of said bankrupt's estate will be held at a Court of Bankruptcy, to be holden at Provo, Utah Co., in said district and Territory, on the 19th day of February, A. D. 1877, at 11 o'clock a. m., at the chamber of Hon. Philip H. Emerson, Judge of said Court.

WILLIAM NELSON,
U. S. Marshal, Messenger.
d52

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Last Night's Dispatches.

EASTERN.

The Hostile Indians Desire to Make Peace on the Best Terms.

CHEYENNE, Wy., 14.—Two Sioux Indians, Charging Horse and Makes-them-stand up, arrived at the Spotted Tail agency on the 9th inst., having left the hostile camp on January 16th. They report that Crazy Horse, with all the hostiles except the Uncapapas, were encamped on Tongue River, near the mouth of Prairie Dog Creek. That Sitting Bull, with his contingent, is on this side of the Yellowstone marching to join them; that all desire to make peace on the best terms attainable, and that they themselves are official couriers to notify General Crook that such are the facts. The hostiles furthermore desire that Spotted Tail may visit them in person, and bring some tobacco in proof of the sincerity of the whites. They express a willingness to come in with Spotted Tail and acknowledge his authority. Spoted Tail himself places confidence in the truth of these statements, and has no doubt that he will be able to bring them all in. Runners report that there are great numbers of buffalo near the hostile camp and that the country thereabouts is covered with deep snow, the crust of which will bear a horse.

General Crook and staff arrived at Fort Laramie last night, where they will remain for the present.

The Black Hills.

YANKTON, D. T., 14.—A bill has passed both houses of the Legislature, and will be approved by the Governor, creating a regular judiciary system for the Black Hills, to go into effect immediately on the ratification by Congress of the agreement with the Sioux Indians ceding that country. Immigration thither is rapidly increasing and the season's work will be heavy.

The Electoral Commission—Debate on the Louisiana Count.

WASHINGTON, 14.—After recess Trumbull proceeded with his argument, saying that they were brought face to face with the question whether the President is to be made through fraud and villainy on the part of officials whose duty was to issue the certificates. There was no other tribunal to which application could be made except this tribunal. He spoke of the tribunal as a tribunal of the two houses of Congress. Could it be that the Constitution had made no provision against the inauguration of a President by forgery and by fraud, and by conspiracy between men who certify to his election? He felt humiliated that as a citizen of this republic he was called upon to argue this question before a national tribunal. He was not before the canvassing board touching the election of a justice of the peace, but a national Congress having power to go to the bottom of everything. There was submitted to this commission not only the question who were electors, but all the matters connected with the double returns. When the act was passed, there was a thrill went through the country, and there was a feeling that whatever the decision was it would declare the true voice of the people. Should it be said that when the law declared they should consider all the questions connected with the double returns, it merely meant they should do so by a simple sum in arithmetic, and add up the returns in one of the certificates? What the country wanted was a decision as to who was lawfully elected, and the country would not be satisfied with anything else.

Trumbull referred to the unanimous report by the Senate committee in 1873, and said, What was the result of that report? The Senate and House of Representatives voted not to count the electoral vote of the State of Louisiana. Congress looked into, and its committee reported that the votes had never been canvassed by anybody having authority to canvass them, and the result was that the vote of Louisiana was rejected.

Justice Bradley—Who made the canvass at that time?

Trumbull—It was required to be made by the returning board, which consisted of the governor, secretary of State, auditor and two other persons, and there was a controversy as to which was the true canvassing board.

Justice Bradley—It was held that the proper board had not made the canvass?

Trumbull—It was not decided in the report of the committee on privileges.

Senator Morton—Have you the whole report there?

Trumbull—I have. One of the points stated is that the persons who, in fact, made the examination and count, had no legal authority to do so.

Senator Edmunds—Do I understand you to say that the judgment of the Senate four years ago was on the question of fact as to what the real vote of the people of Louisiana was?

Trumbull—It is difficult to tell or what consideration the Senators voted. The certificate of the governor of Louisiana in that case was in proper form, and for some reason both houses concurred in rejecting the vote of Louisiana, so that if this amounts to anything it is a decision that the duly authorized certificate of the governor is not conclusive in the two houses of Congress.

Senator Edmunds—The resolution adopted there was that all the objections presented having been considered, no electoral vote purporting to be that of Louisiana should be counted. That was adopted by a vote of thirty-three to sixteen. Among the objections was one by Carpenter, of Wisconsin, on the ground that there was no proper return of the votes cast by the electors in Louisiana, and because there was no state government republican in form, and because no canvass or count of the vote had been made prior to the meeting of the electors. Another objection of similar import was made by Trumbull, of Illinois.

Presiding Justice (interposing)—You are entitled to the floor, Mr. Trumbull, and, unless you yield, proceed.

Senator Edmunds (with some asperity)—Do you mean to say that a member of the commission cannot make an inquiry?

Presiding Justice (authoritatively)—I say that Mr. Trumbull is entitled to the floor.

Justice Bradley (to Trumbull)—I understand the decision of the Senate in that case went to the form and not to the point whether the certificate of the Governor was conclusive.

Trumbull read Governor Warmouth's certificate in that case, and said this one thing was certainly settled by Congress there, and that was the Governor's certificate, the same as known as No. 1 in the case, might be overruled by the concurrent action of the two houses. The report of the committee was that the vote had not been properly canvassed. Now, we propose to show that the vote of Louisiana has never been canvassed; that the pretended canvass is a fraud; that the papers are forged returns altered and falsified, and I would like to know whether a count, under such circumstances, is any better than a count made by persons who had not any right to count. If the action of Congress is good for anything in that case, it must be binding on this commission.

Justice Miller — Allow me to make a point which came up in the Florida case, and to which I attach a good deal of importance. If the only thing that the republican returning board can do is to determine whether certain polls are to be counted or rejected, your argument is a perfectly good one; but is it not also true that the jurisdiction of the board is commensurate with the duties and functions which it has to perform, and is it not true that the one main fact it has to perform is to ascertain who are the electors, and to declare that fact, and can it be said that if that board mistakes the law on some points while discharging that function, that the mistake is so jurisdictional as to vitiate its return?

Trumbull—No sir; I do not contend for that.

Justice Miller—Then my suggestion is that the jurisdiction of that board is to ascertain and declare who were elected, and that all below that is the exercise of the means and mode of procedure.

Trumbull—To that I can not quite assent. I assent entirely to the proposition that in any matter over which this board has jurisdictional discretion to act, its judgment is not to be disturbed. The point which I make is whether, if it is the duty to canvass and compile the vote, it is also its sworn duty not to take jurisdiction of the question of rejecting the votes unless the foundation is laid for it.

Trumbull next argued against the legality of the returning board, and insisted that it was not competent for four persons to act.

Senator Edmunds—Your point is that no steps could be taken by the returning board until the board was full.

Trumbull—No step could be taken until the board was full, they having authority to fill it. Possibly a different rule might apply if they had not the power to fill vacancies, but the power being there, and the constitutional element of this returning board being required to consist of persons of different political parties, I insist that the board could not go on without filling up the vacancy.

The presiding justice notified Trumbull that his time had expired, but in consideration of the various interruptions to which he had been subjected, some further time was accorded him, which he used in presenting objections to the electoral votes of Brewster and Levissee, who held federal offices at the time of the election.

Justice Bradley—Do you intend to prove that they were federal office-holders when elected?

Trumbull—Yes.

Justice Bradley—And office-holders when they cast their votes?

Trumbull—No. I understand the proof will show that Brewster tendered his resignation on the 4th of November, and that it was accepted on the 16th, and that, very singularly, it was accepted to take effect on the 4th, some twelve days before it was received at the Interior Department.

Senator Thurman—Does not the law of Louisiana provide that if the elector who has been chosen does not appear by a certain hour, the remaining electors may proceed to fill the vacancy?

Trumbull—There is such a provision in the act of 1868.

Senator Edmunds—But you said that law is not in force.

Senator Thurman—If that law was in force and Brewster did not appear at the time, then was there a vacancy under that law?

Trumbull—No. I do not think there was. The statutes of the United States make two provisions: one is for filling any vacancy that may occur in the college when the electors meet to give the electoral vote, and the other when the election has been held and no choice has been made on the day prescribed by law. In that case an elector may be chosen on a subsequent day. Here there was no choice. It was just as if two persons had received the same vote, or as if there had been no election on the 7th of November.

Senator Thurman—Is not the real question whether there was any power in the electors to fill the vacancy? Suppose these persons had been qualified but had not appeared?

Trumbull—Then if this statute of 1863 was in force, the other electors could have filled the vacancies.

Senator Thurman—But suppose that the law was not in force.

Trumbull—Then there is no law to fill the vacancy.

Representative Hunton—Except by election.

Trumbull—That brings up these complicated statutes. The statute of 1872 provides for the filling of vacancies by a popular election. If that statute was in force, these vacancies would have been filled by a popular election. If the law of 1868 was in force, then the absence of these two electors would give the others authority to fill the vacancies, provided anybody had been elected. If the votes of Levissee and Brewster are counted, and if a man is to be made President of the United States by counting their votes, and the votes of Louisiana, then it is done by mere form of law, contrary to the principles of the constitution of the United States, and in violation of the rights of the people.

Thurman—Is there any statute of Louisiana that requires a certificate of the governor?

Trumbull—There is a statute which requires the governor to commission all officers, except certain persons therein named, and which do not include the presidential electors.

Thurman—That is the law of 1872; but is there any statute requiring him to issue certificates to presidential electors?

Trumbull—No, sir; no specific law.

Stoughton followed with an argument on the republican side. He expressed surprise at the objection that the certificate of Kellogg was inoperative. It would be remembered when the vote of Connecticut was counted, her Governor, Ingersoll, was presidential elector-at-large, and his certificate had been received without objection. Such objections were hardly suitable to the dignity of the occasion. It had also been objected to, and the objection had been urged with a good deal of zeal, that Kellogg was not Governor of Louisiana, and Louisiana was governed by military despotism. He supposed that meant the military force which had been, on application of Gov. Kellogg, to the President, ordered to Louisiana to suppress insurrection. The learned counsel (Carpenter) was right, he supposed, in saying that without such aid the government of which Kellogg was the head would have been overturned; but counsel should have reflected that the very fact that Gov. Kellogg had made such an application, and that it had been granted, was decisive evidence that he was Governor of Louisiana. The returning board was a legal body, and had power to apportion the vote and finally certify to it. The decision of the commission in the Florida case determined the entire question here raised as to the right of the commission to go behind the action of the returning board. He could not perceive that any question, much less the main question, was now open for argument. He quoted again Trumbull's argument, to-day, from the report made by Senator Trumbull, that neither the Senate nor the House, nor both houses jointly, have power under the constitution to canvass the returns of any election, and that the mode and manner of choosing electors was left exclusively to the States. He also quoted on the same point a letter recently published from ex-judge Church, of New York, whom he characterized as a great lawyer and a pure politician. The State corrects the frauds of its own officers, and does not apply to Congress for the purpose. Congress would best perform its duty by discharging it within its authority, leaving these occasional frauds, that are sometimes assumed and sometimes offered to be proved, to be taken care of by the tribunals having jurisdiction of them. Congress might have the power, but it did not have the right to disregard the highest legal authority of a State. As to the objection made to the returning board of Louisiana for not having filled the vacancy in the board, he said the law on the subject was merely directory, and a failure to obey the law did not interfere in any manner with the capacity or jurisdiction of the board. If two or five of the members had been democrats, and had afterwards changed their politics, would the board, he asked, cease to exist on that account? He said: Talk to me about outrage, frauds and disfranchisement of the voters. There are two sides to the question, and if you sit here to go back and canvass the votes, you sit here to administer the laws of the land, and you must administer them by learning who have been disfranchised and what was the lawful vote of that State in harmony with her laws and not in harmony with the law of a party.

Shellabarger next addressed the commission on the same side. He argued that the act of 1872 did govern in 1876 during the presidential election, and that the revising of the act of 1870, which provided for the canvass of the returns by the board and governor, was repealed and was not in force in 1870; that the provision which made the governor convasser for the purposes of the election was inconsistent with the fifty-fourth section of the session act of 1870, which expressly provides a different tribunal for all elections, including the electoral college. It was also repealed by the repealing clause of the session act of 1870. The election law of 1872 applies to all elections, and furnishes the machinery or the means of conducting all the elections in the State, including the electoral college. But it may be asked, How can you preserve and keep in force that provision of the act of 1870 revising that of 1868, which provides for filling the electoral college, consistently with that which you have just been stating? I answer, first, that it is an exceedingly benign canon of interpretation that the law is repealed by the act unless either expressly so done, or else their repugnance be such that it would be impossible for the two acts to stand together, and in using this language I am but repeating the words of the Supreme Court of the United States, as announced on many occasions. Another rule of interpretation is this that in cases of doubt, whenever an interpretation would lead to consequences that are either absurd or hurtful to the public welfare, the interpretation will never be tolerated unless escape is impossible.

Gentlemen of the electoral commission, remember there is on trial here, to-night, the question whether these laws were made in Louisiana in pursuance of that 103rd article of her constitution enjoining on the legislature to make laws for the protection of the right of freedom to vote. If you fail to execute these laws, you will have stabbed your country in that place where, we are taught from childhood, the life of the country is to be found and to reside, to wit, in the freedom and security of the ballot-box.

Arrest of Counterfeiters.

DUBUQUE, Ia., 14.—Five counterfeiters, with dies, plates, &c., were captured here this morning, and four of their accomplices are under arrest in Clinton.

PONCA INDIANS.—A delegation of ten Indians from the Ponca Agency recently passed through Sioux City, on their way to Indian territory on a tour of inspection, to view and report upon the country to which it is proposed to remove them. These chiefs are represented by their agent to be good working Indians, who follow farming and are industrious and disposed to be peaceable and law-abiding. About the only consideration that induces them to exchange their old haunts on the Missouri for a new home in the Indian territory is that of securing to themselves peace. Nearly every season the warring bands of Upper Missouri Indians make the Poncas trouble by their thieving raids and demonstrations of hostilities, and the latter, who desire to be docile and to improve their farms and live like white people, are kept in a constant state of anxiety and fear.—Ex.

SHEEKS & RAWLINGS,

Attorneys-at-Law.

OFFICE in Lawrence's new building, west of Jennings' Corner, Salt Lake City Utah. d59

A. MINER,

Attorney and Counselor.

Office in Wasatch Hotel, S. L. City, EAST TEMPLE STREET d261tf

DR. A. W. CALDER,

DENTIST.

Fellow of the American Academy of Dental Surgery.

OFFICE—Main Street, opposite Wasatch Hotel. d214

TOWNSEND HOUSE

SALT LAKE CITY.

James Townsend, Proprietor!
d181

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RAG CARPETS for sale, and weaving done. Sewed carpet rags bought. Produce taken.

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WEAVING DONE GOOD AND CHEAP.

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(Successors to J. H. HAGUE,)

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GUNS, PISTOLS, AMMUNITION AND FISHING TACKLE.

Practical Gunsmiths.

All work in our line done NEATLY PROMPTLY, and Satisfaction Guaranteed
d201

NOTICE!

TO

THE ANNUAL MEETING OF THE Stockholders of the Utah Southern Railroad Company, for the election of Directors for the ensuing year, will be held at President B. Young's office, Salt Lake City, U. T., February 17th, 1877, at 11 o'clock a. m.

H. S. YOUNG,
d54 Secretary.

PUNCTUALITY, FASHION, ECONOMY.

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MERCHANTS:

TAYLOR & CUTLER

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NOTICE!

Territory of Utah, } In the Probate Court
County of Salt Lake } for said County.

In the matter of the estate of Archibald Livingston, deceased.

All persons having claims against the estate of Archibald Livingston, deceased, are hereby notified and required to present the same to the undersigned Administratrix of said Estate, with the necessary vouchers at her place of residence, Tenth Ward, Salt Lake City, within ten months from this date, as required by law.

Dated January 23d, A. D. 1877.

ELIZABETH LIVINGSTON,
Administratrix of the Estate of Archibald Livingston, deceased.
d4 w4t

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Having made special arrangements with some of the best tailors in the city, I am prepared to furnish Suits to order, in any style, costing from $20 to $35.

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d18

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Pioneer Line of Utah.

On and After June 20th, 1875.

Name of Station.	No. 1 Passenger.	No. 3 Passenger.	First.
Trains leave			
Salt Lake	7 00	3 40	
*Wood's Cross	7 28	4 08	60
Centreville	7 38	4 16	75
Farmington	7 50	4 33	1 00
Kaysville	8 12	4 53	1 35
Arrive at			
Ogden	9 00	5 40	2 0

Name of Station.	No. 2 Passenger.	No. 4 Passenger.	Fare.
Trains leave			
Ogden	9 40	6 20	
Kaysville	10 23	7 10	1 00
Farmington	10 53	7 31	1 35
Centerville	11 04	7 44	1 60
*Wood's Cross	11 13	7 53	1 75
Arrive at			
Salt Lake	11 40	8 20	2 00

*Passing places.

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JOHN SHARP,
Superintendent.

UTAH SOUTHERN RAILROAD

On and after Dec. 13th, 1876.

Going South.

Name of Station.	No. 1 Passenger.	No. 3 Freight.	No. 5 Freight.	Fare.
Trains leave	A. M.	A. M.	P. M.	
Salt Lake	7 40	6 10	12 00	
Little Cottonwood	7 28	6 45	12 25	50
Junction	7 48	7 15	12 55	75
Arrive at				
Sandy	7 53	7 25	1 15	1 00
Leave	mixed.			
Sandy	8 09			
Draper	8 18			1 25
Lehi	9 08			1 75
American Fork	9 20			1 90
Pleasant Grove	9 32			2 00
Provo	10 15			2 56
Springville	10 25			2 75
Spanish Fork	10 51			3 00
Payson	11 23			3 50
Santaquin	11 45			4 00
Arrive at	M.			
Terminus	12 00			4 0

Going North.

	No. 2 Passenger.	No. 4 Freight.	No. 6 Freight.	Fare.
Trains leave	P. M.	A. M.	P. M.	
Terminus	12 20			
Santaquin	12 57			25
Payson	1 13			50
Spanish Fork	1 49			1 00
Springville	2 06			1 25
Provo	2 25			1 50
Pleasant Grove	3 08			2 00
American Fork	3 20			2 10
Lehi	3 32			2 25
Draper	4 22			2 75
Arrive at				
Sandy	4 37			
Leave				
Sandy	4 47	9 15	5 00	3 00
Junction	4 51	9 25	5 10	3 25
Little Cottonwood	5 11	9 55	5 40	3 50
Arrive at				
Salt Lake	5 40	10 20	6 35	4 00

Nos. 1 and 2 will be run daily.
Nos. 3, 4, 5 and 6 will be run daily, Sundays excepted.

For all information concerning Freight or Passage, apply to

JOHN SHARP,
General Superintendent.

JOHN SHARP, Jr.,
General Freight and Ticket Agent.

UTAH NORTHERN RAILROAD.

ON AND AFTER

JANUARY 1st, 1876,

Trains will run Daily as follows:

NORTHWARD.

	No. 1.
Leave Ogden	9:20 a. m.
" Brigham	10:50 "
" Logan	2:00 p. m.
Arrive at Franklin	2:30 "

SOUTHWARD.

	No. 2.
Leave Franklin	9:00 a. m.
" Logan	10:35 "
" Brigham	2:25 p. m.
Arrive at Ogden	4:00 "

Gilmer & Salisbury's Stage Line to and from Montana connects with trains at Franklin.

GEO. W. THATCHER, Supt.
CHAS. NIBLEY,
Gen. Freight and Ticket Agent.

DAVIS, HOWE & CO.,

FOUNDRY & MACHINE SHOP,

SUCCESSORS TO

NATHAN DAVIS & SONS.

All kinds of Milling and Mining Machinery, Wrought and Cast Ironwork, manufactured to order.

Water Jackets, Tuyeres, Sing Pots and Cocks, Bellies Moulds, Furnace Plates, Hoisting Machinery, Car Wheels and Axles, etc., etc.

Also Brass Work of all descriptions.

First West Street,

NEAR NORTH TEMPLE ST., S. L. CITY
d 101