

opinion that returns not made up in open meeting are not legal returns, and cannot be counted and we have acted upon this belief in making our tabulations. Several protests, accompanied with affidavits to support them, against the counting of returns specified therein have been considered by us. These protests allege that said returns should not be counted, because they were not made up in an 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 condition of things, in several cases has, been proven to our entire satisfaction, and we have rejected the returns thus defective in our tabulations.

In the case of the town of Stoneham an affidavit signed by two selectmen, establishes the fact that they signed the returns in blank, and the town clerk took them home 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 Searsport 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 aforesaid towns been made up as the constitution requires. These are James O. White, of Jay district; Louis Voter, Farmington district; 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 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 representative. We found several returns fatally 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 Lebanon, Vanceboro' and Albany affect the result.

Representative districts in most cases are composed of several towns, in some of the towns the full Christian names of the candidates seem to have been used, in others only initials, and we hesitated as to whether we could count the initial names with full names. On examination of the law we find the Supreme Court has held that the Governor and Council must count them as distinct and separate persons. By adopting this rule laid down by the court, the election of five Representatives seem to be affected. The Revised Statutes require that in the case of a plantation, in addition to the forms required by the towns, 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 seven of the plantations irregular in this particular, and we have specified them in our tabulation. It will there appear that the rejection of these returns affect the return of two Representatives. 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 Governor and Council for many years to reject 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 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 voted for in some of the towns of his county by the name John T. Wallace, Jr., and in others 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 sets of 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 returns to determine the result of the election in that town. We have therefore rejected the returns from that town.

In our tabulations the rejection affects the election of one representative accompanying and attached to the representative return from the town of Scowhegan. There was a statement signed by the selectmen that a certain number of ballots protested as being illegal under the Revised Statutes; and one of the ballots objected to 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 satisfied that that kind of ballot is clearly in violation of the letter and spirit of the foregoing named statute, and we have rejected a number of ballots in making our tabulations.

A protest was filed against the county returns from the town of Cherryfield, on the ground that the officers who attested the returns were not legal officers. Affidavits were presented with the protest establishing the fact that one selectman presided at making out the returns and receiving the votes. One of the selectmen was a foreigner and could not legally hold the office of selectman. The Superior Court has held that a board of town officers consisting of less than three is not a legal board. Acting upon this opinion we have rejected the returns from the town of Cherryfield. This affects the election of one representative.

Several protests and affidavits to support them were referred to us asking the rejection of returns on account of bribery and intimidation of voters, and on account of legal defects in calling the town meeting; also on account of an improper check list. The copy of the record presented us from the town of Scowhegan shows that for the election in that town only one copy of the warrant was posted, and the record does not show that one was posted in the town. Objection to counting the city of Auburn was made because the voters' names were added to the check lists in three of the wards in violation of law while voting was going on on election day. Affidavits filed fully establish that fact.

Other affidavits plainly show the same condition of things in other cities. We consider these facts not as legally cognizable by the Governor and Council as a canvassing board, and we have disregarded them in our tabulation. We recommend the reference of all such papers to the Legislature.

The returns from Portland are defective because they do not comply with the constitutional requirements which provides that the names of all persons receiving votes shall be stated in the returns. A large number of votes returned from said city as "scattering," and there was no possible means afforded by the returns to determine for whom such votes were thrown.

The returns from the cities of Saco, Lewiston, Bath and Rockland are fatally defective because they were not signed by a majority of the aldermen. Under the statutes and by the decisions of the court, such returns cannot be counted, and we have been obliged to reject them. It will devolve on the House of Representatives to determine in the first instance and finally who have been elected to the House from those cities we have no legal evidence before us to determine that question.

DENVER, 26.—Special dispatches to the Denver Tribune from Los Pinos say that Ouray came up yesterday afternoon and the Commission went promptly into session. He had promised his colleagues the last meeting to send them word as soon as Southwick arrived, but the latter came to the Agency and was here several hours before the news of his arrival reached the Commission. Upon the question being asked Ouray where were the prisoners, he affected great surprise and said he had not understood that the Commission wanted the Indians as prisoners of war; had thought they were to be tried, but supposed all were to go to Washington to talk with the Great Father on the sub-

ject of their wrongs. Now inasmuch as the principal difficulty the Commission had been struggling against was to induce the Indians to give themselves up for trial, and as they had finally consented upon the conditions that they should not be tried in Colorado, this affectation of misunderstanding the wishes of the commission was too much for even the patience of Gen. Hatch; and for the second time since the convening of the commission he lost his temper, and for the first time he lost confidence in the final success of his efforts. Last night he expressed himself to the effect that he didn't believe that Ouray had the power to enforce the surrender of the Utes. He has, I think, given up all hope that the Indians will be surrendered and is making preparations to start out. Ouray was not reproached by him for his display of bad faith, or his direct lying, but was told by Gen. Hatch that he would start on the 28th for Alamosa and would remain one day at the station on the Cimarron, 25 miles distant. Should he choose to deliver up the Indians on the 29th they would be received.

Ouray then began to entertain the commissioner with stories about men who had been frozen and lost in the effort to get out at this season; a childish plan to deter Gen. Hatch from leaving. He evidently fears the consequences to his tribe should Gen. Hatch leave without the prisoners, and he evidently cannot persuade or force the Utes to deliver themselves up. The last five days given to Ouray make the total of 21 days' time given to the Utes. I make no predictions as to the result this time, seeing that Hatch is determined. The Utes may possibly decide to give themselves up, but whether they do or not, Hatch will leave Sunday, and if he leaves without the prisoners there will be war.

A full list of the Utes who are to be tried at Fort Leavenworth it has been impossible to obtain from the Commissioners heretofore, and it has been equally impossible to ascertain when these 12 are to be tried, for the testimony of the Meekers, as given to the press, convicts only a few of them of crime. This list is frequently referred to by the Commissioners, and attaches in connection with certain Indians and always as the Star list. What this list is I cannot say positively, but from hints dropped by members of the Commission and stray remarks made by them when they imagined the reporters were not alert, I am confident the Star list contains the names of those Indians who committed a crime worse than murder, and a crime which is spoken of only with bated breath, and which has not as yet been even hinted at by the newspapers. It is well known that the story of the women as given to the public, and their testimony under oath, differ widely, and the crimes of which they accuse the Indians in their sworn testimony would suffice to hang any man of whatever color, without the formality of a trial, in the twinkling of an eye. That this list contains the names of those Indians who are accused of this nameless crime toward the defenseless women is not a sudden conclusion, but one which has been arrived at after careful consideration, and which will be fully supported when the trial of the miscreants takes place. Douglass and Person are known to be two of the names contained in the list, but the other names can only be obtained at the time of the trial.

LOS PINOS AGENCY, Col., 26.—Ouray and chiefs selected to go to Washington, came to the agency yesterday, bringing with them only a part of the prisoners. Gen. Hatch refused to go unless all the prisoners demanded by the commissioners were surrendered. Ouray asked for further time and five days more were granted to deliver them at Cline's ranch, 30 miles from here on the road to Alamosa, at which place Gen. Hatch will await their coming. Ouray is either playing a double game or is unable to accomplish what he attempted. The snow is from five to fifteen feet deep on the range, and the General is compelled to build a sleigh in order to make the trip. The success of the Commission is somewhat doubtful and the army may yet be called upon to settle the Ute question.

ST. LOUIS, 26.—A passenger train on the Chicago and Alton road, which left here last night for Kansas City, ran off the track between Kane and Berden stations some

time last night. Two passengers were killed and several badly injured. Two coaches were burned and the train wrecked. The accident was caused by a broken rail.

BOSTON, 27.—The following was received from Banger, Me., at 8 o'clock this morning: Although the feeling was very intense, ordinary quiet prevailed on Friday and all business proceeded as usual. The best citizens express great indignation at moving the arms through the streets Christmas day, but not the slightest tendency to disorder of any kind was manifested. The news of the clandestine removal of the rifles of the Old Town Company from the armory by the fusionists, last night, caused much comment and comparison with the lack of any disposition by any republicans here to disturb the munitions at the arsenal or armory. Lieut. Col. Daniel White, of this city, who succeeds to the command of the State militia by the resignation of Col. Matlocks, has issued a circular to the different companies, expressing the hope that all present troubles will be peacefully settled, and asking reports of membership, arms, etc. At a meeting of the citizens executive committee, last evening, the following was adopted:

To the public: In view of the spontaneous uprising of other citizens at the sight of arms and ammunition transported through our streets on Christmas day, stealthily and without the written authority for the purpose on behalf of the Governor of the State, on the consummation by force of the threatened crime against the decision of the majority as expressed at the polls, the undersigned executive committee of citizens at a meeting held this evening were unanimously of the opinion that while this uprising was but the natural expression of the indignation of our citizens yet if our government shall see fit to persist in this remarkable and alarming purpose of gathering munitions of war for use against the people, the responsibility therefor may well be left upon him and the law abiding citizens of Bangor will do nothing by which they would incur any degree of responsibility for the deplorable consequences which may ensue from turning the capital of the State into an armed camp. We therefore feel assured that there is no disposition on the part of the people to resist the execution of any order lawfully given by the governor for the removal from our city of any property belonging to the State.

Petitions, signed by several leading citizens, including a number of the most prominent democrats of the city, will be forwarded to the governor, arguing the propriety of complying with the proposition of Morrill, for a reference of the questions involved in the counting of the returns to the Supreme Court.

NEW YORK, 27.—Val Broeklin, who leaves to-day with a party for Tehuantepec, says: "We expect to find, on our arrival, a force already at work near the mouth of the Great Zacoalcos River. McAlpine and myself will, first of all, make a complete reconnaissance of the entire line of road between the terminus. The road has been thoroughly surveyed, and this reconnaissance is to determine the exact route the line of rail will take. An Atlantic terminus will be in about 18 degrees north latitude, and the distance from ocean to ocean about 150 miles. Of this, the first hundred miles on the Atlantic side is through undulating country, well watered, and wooded, perfectly healthy, and at its highest point about 150 feet above the sea level. The drainage is good, and we shall encounter no engineering difficulties whatever. About twenty-five miles of the road on the Pacific Slope will, however, present some complicated engineering problems. There will be no tunneling. The country is so heathen that we shall have little difficulty on that score. There is no "Chagres fever" to trouble or deter laborers from going there. We expect to utilize some of the native labor, but on the Atlantic side we expect to ship colored laborers from Jamaica and from New Orleans as it has been found that colored men have been better able to stand the heat of the climate than whites. In this first year we expect to employ from 300 to 500 laborers. We are compelled by the terms of the contract to complete the first 40 miles of road by October next, and I suppose it will take about three years to complete the line. The work will be slow, of

course, on the Pacific side, owing to the engineering difficulties, but we expect to be able to employ large numbers of Chinese on that side. The air is more bracing on the Pacific end of the line, as through the pass over the Cordillera Range which we expect to use, a narrow gorge and high mountains on each side make a sort of chimney and furnish a draft for the southeast tradewind. When the entire engineer force is at work they will be at these locations, and for the purpose of making these locations, this second force is going out. Of course we shall be, in a measure, guided by local and other circumstances in making our actual route, but we intend to make the Atlantic terminus as near the mouth of the Quatzcoals River as possible.

CHICAGO, 27.—The Times' Washington special gives a brief history of the secret understanding between the friends of Tilden and Hendricks when the latter accepted the nomination for the Vice Presidency. This understanding was to the effect that Hendricks should have a clear field in 1880, provided he would accept the nomination in '76. Governor Hendricks accepted only with that understanding and Tilden was then pledged by his friends to support Hendricks in '80. After the decision of the electoral commission, it was learned that Tilden did not consider himself bound by the agreement, while Hendricks' friends insisted on its fulfillment. Dorsheimer, who was then Tilden's friend, but now his bitter enemy, and Tammany, always enemies of Tilden, intend to stick to their word and support Hendricks.

The Tribune's Washington special says: Senator Bayard will endeavor, after the recess to have his financial resolution reported back to the Senate from the finance committee, he will then speak upon it at length. He is now making a careful preparation for this speech and will frame his arguments with a view to the meeting of the Democratic National Convention. Bayard's friends say that he will be thoroughly prepared to reply to the different senators who are said to have agreed to make a combined attack upon him.

The Tribune's Washington special says: Prominent republicans here are in communication with party leaders in Maine, and counsel them to prevent violence at all hazard, to exhaust all lawful methods in securing redress against the great fraud their political opponents are attempting to perpetrate upon the people of the State, but under no circumstances to resort to physical force. Despite the alarming reports received here to day regarding the excited condition of the public mind all over Maine, the opinion in official circles is that the existing troubles will find a solution without bloodshed. If the exigency should arise and the lawful State authorities should invoke the assistance of the federal power to preserve the peace, the request will doubtless be promptly complied with.

A curious incident in connection with the Maine business was that Gov. Garcelon and Representative Frye are brothers in law, and the Governor's daughter, an estimable young lady, is at present spending the season with her uncle, Mr. Frye, and his family.

Rodman Price, ex-Governor of N. J., and a California pioneer, writes Garcelon, of Maine, commending his action and says: Having in view the principles of the democratic party, I most sincerely hope the constitutional grounds taken by your excellency will not only meet the full approval of your people, but also the approbation of the patriotic, honest and best thinking men in our country, and we of New Jersey hope that the substantial thinkers of your State will adhere to the principles guaranteed by their forefathers and that they will not be intimidated by threats of any partisan power that has heretofore governed the States.

COMING.—Dr. J. D. M. Crockwell will spend the holidays in the city, and will be pleased to see his numerous friends. ds&wt

THE Millennial Star will be mailed to any address, on receipt, by the publishers, of \$1.60. Three copies will be forwarded for \$3.70, the reduction being on account of the difference in postage. Address William Budge, 42 Islington, Liverpool, England. ds&wt