

THE EUGENE CITY GUARD.

ESTABLISHED FOR THE DISSEMINATION OF DEMOCRATIC PRINCIPLES, AND TO EARN AN HONEST LIVING BY THE SWEAT OF OUR BROW

WHOLE NO. 475.

EUGENE CITY, OREGON, SATURDAY, DECEMBER 9, 1876.

\$2.50 per year IN ADVANCE.

The Eugene City Guard.

GEO. J. BUYS, Pro'p.

OUR ONLY
RATES OF ADVERTISING.
Advertisements inserted as follows:
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Time advertisers will be charged at the following rates:
One square three months..... \$6 00
" " " six months..... 8 00
" " " one year..... 12 00
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Office Hours—From 7 a. m. to 7 p. m. Sundays from 2:30 to 3:30 p. m.
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Letters will be ready for delivery half an hour after a trial of trains. Letters should be left at the office one hour before mail departs.
A. S. PATTERSON, P. M.

SOCIETIES.

EMERSON LODGE No. 11, A. F. and A. M.
Meets first and third Wednesdays in each month.
SPENCER BUTTE LODGE No. 9, I. O. O. F.
Meets every Tuesday evening.
WISCONSIN ENCAMPMENT No. 4, M. W. T.
Meets on the 21st and 23rd Wednesdays in each month.

FRED MILLER,
TAILOR,
Mrs. Renfrew's Brick Building.

All styles of Garments made to order, and
FIT AND WORKMANSHIP
GUARANTEED.
Cutting done to order.

The Naturalists' Agency

HAS BEEN ESTABLISHED at 3725 Lancaster Avenue, Philadelphia, for the purpose of giving collectors of objects of Natural History an opportunity of buying, selling or exchanging their duplicates or collections.
Our MINERALOGICAL CATALOGUE, illustrated by over \$500 worth of Engravings, is now ready for distribution. Free to all customers. To others on receipt of ten cents for postage. I desire especially to call attention to my remarkably fine specimens of AMAZON STONE, of which I have or have had nine-tenths of all the specimens ever found. I have made six trips to the locality, and think I may safely say no more will be found. Good crystals from 15 cents to \$1 each.

Collections of Minerals

For Students, Amateurs, Professors, Physicists and other Professional Men.
These collections illustrate all the principal species and all grand subdivisions in Dana and other works on Mineralogy. Crystalline

The Late State Senate.
BY A MEMBER OF THE THIRD HOUSE.

SENATOR BRADSHAW,
Of Yamhill, is about forty years old, well built and well-preserved, a ripe lawyer and able statesman, an eloquent and graceful speaker; his voice is smooth and musical; his arguments are logical and persuasive, and altogether in debate an irresistible man. To my mind Mr. Bradshaw was the finest looking man in the Senate. His form is perfect and his carriage graceful. With features perfect in their mold he has an open, frank and intelligent countenance. He dresses plainly, but neatly; shows taste in the cut of his hair, which is auburn; wear a moustache on the upper lip, which might, however, be taken for maccoboy if not closely examined. Mr. Bradshaw is an honest man and a true gentleman. Neither Yamhill nor the State can dispense with his services. A true Democrat.

SENATOR BENTLEY,
Of Polk, is about fifty-five years old, tall and manly in his looks; is doubtless a farmer of the better class. In the Senate Mr. Bentley is rather quiet, but occasionally gives his views on a measure, being always brief to the point. He is a plain man of sense and is not without fair general subjects. He was a farmer, and acted as such a good man.

SENATOR RICHARDSON,
Of Marion, is thirty-five years old, rather portly, with black hair and whiskers, and with a gentleman and a fine looking man. The Doctor is a little reserved in his intercourse, but not exclusive; has strong convictions and yields a point only after a struggle; is a fair speaker, but does not abuse the gift; is active and attentive to business. He is a Republican, but sometimes acted for and with the Democrats.

SENATOR ENGLE,
Of Marion, is about sixty years of age; tall and rather angular in his build. He is rather quiet, but sometimes enlightens the Senate upon matters that otherwise would not be well understood. Mr. Engle is a farmer, and as a Senator has some peculiarities difficult to describe. He is doubtless an honest man, possessing common sense, and feels it his duty to be a Republican.

SENATOR HALEY,
Of Linn, is probably the oldest man in the Senate, being nearly seventy, though to judge him by his habits of industry you would set him down at fifty. Probably no man in the Senate had so much influence or exercised so much power as Judge Haley. A man of large experience in public business, well acquainted with the wants of the State, as well as those of his own county, honest and conscientious, with a manifest desire to treat every measure fairly, his wishes took something of the form of law to the Senate. He is not what would be called a speech-maker, but often gives his views to the Senate, always in a brief and concise manner, and never without being listened to with marked respect. He is a useful man, and his public services could not be dispensed with but at a loss to the State. The Judge is a gentleman and a Democrat.

SENATOR MUNKERS,
Of Linn, is probably thirty-eight years of age, medium size, with regular features and dark hair, and is a quiet and unassuming man. He is watchful and observant of all that passes about him; he is not a talker, but rather a quiet worker; has correct ideas and abides by them. Mr. Munkers looks to be a well-to-do farmer, which I believe he is, and conveys the impression that he would rather be at home attending to his business than occupying a seat in the Senate chamber. An uncompromising Democrat.

SENATOR GOODMAN,
Of Linn, is comparatively a young man, heavy and square built, with a profusion of dark curly hair. Mr. G. sometimes talks to the Senate and always with great earnestness. Great determination is marked upon his countenance and crops out in all his actions. He is a farmer and well posted in the wants of those of his occupation. His fixedness of purpose is exemplified by his independence, though a consistent Democrat.

SENATOR PALMER,
Of Benton and Polk, is about forty-five; slender in person, heavy brown hair and long beard. Mr. Palmer is probably the most most elegant gentleman in the Senate and at the same time the most affable and agreeable companion. Generous to a fault, he cannot say so to his friends. True and honorable in all his intercourse, his friendship is prized by all. When he has any matter to deliver to the Senate he does it in clear language and brief sentences. Active in the discharge of his duties in the Senate, almost approaching nervousness. Mr. Palmer possesses a quick, clear and comprehensive mind, which, taken with his experience in public business, makes him a useful man in the Senate. A Democrat of unquestioned integrity.

LOUISIANA.
Address of the Democratic Visitors.

NEW ORLEANS, Dec. 1, 1876.—The committee of visiting Democrats have issued the following:

NEW ORLEANS, Dec. 1, 1876.

To the people of the United States: On our arrival here, in casting about for approaches to the officers who control the elections in this State, we discovered that they were all of one political party; that the Governor had appointed none but Republican supervisors of election, and that the returning officers constituting the State board were of the same political school. Influenced by these inauspicious surroundings, our thoughts and hopes were turned toward the eminent gentlemen who had been selected by the President to be present and see that the board of canvassers made a fair count of the votes actually cast, and on the 14th of November we invited these gentlemen to meet and confer with us. This co-operation was declined; but nevertheless we have reason to believe that to this correspondence may be attributed the invitation to us, on the 18th ult., by the returning board, to attend and be present at its meetings as spectators and witnesses of its proceedings. Through this courtesy and the services of a competent stenographer we became possessed of all the essential facts delivered on the face of the official papers. We have been furnished with a certified copy of the duplicate statements of votes made by the commissioners of election at each place of voting in the State. From these statements it appears that the Tilden electors received the following votes, viz: McEnery, 83,712; Wickliffe, 83,880; St. Martin, 83,676; Poche, 83,529; DelBlanc, 83,667; Zeary, 83,842; Cobb, 83,579; Cross, 93,652; and the Hayes electors received the following votes, viz: Kellogg, 77,152; Bureh, 77,144; Joseph, 74,887; Sheldon, 74,844; Marks, 75,221; Levisze, 75,370; Brewster, 75,457; Jefferson, 75,956. The result of the vote for Presidential electors disclosed on the face of the returns opened by the returning board: For the Tilden electors, McEnery, 82,223; St. Martin, 82,129; Wickliffe, 82,346; Poche, 82,936; Zeary, 82,242; Cross, 82,109. For the Hayes electors, Kellogg, 77,023; Joseph, 74,642; Marks, 75,087; Brewster, 72,270; Bureh, 76,983; Sheldon, 74,678; Levisze, 75,157; Jefferson, 77,530. In most cases the returns opened by the returning board corresponded precisely with the certified copies or statements by the commissioners of elections furnished us. The most material difference arose from the failure of the supervisors of East Baton Rouge, Tangipahoa and of Orleans to forward the statements of votes from all voting places in these respective parishes. In 35 out of the 38 States in the Union these figures would be conclusive. None would claim that Tilden and Hendricks were not entitled to the electoral vote of the State; but in Louisiana, a tribunal has been set up which on former occasions has overturned the will of the people as expressed at the polls, for which the power is not claimed in its discretion to change the result of the popular vote at the recent election. In view, however of the returns and the law and the facts, which should control the returning board, with which we have made ourselves familiar, we have no hesitation in saying that the result shown by the votes actually cast, can not be changed without palpable abuse of the letter and spirit of the law governing the returning board, and manifest perversion of the facts before it. Irregularities have been committed in some instances of conducting the election and in making returns, but they are about as much on one side as the other. As to intimidation, violence or other illegal acts preventing a fair and free election, there is evidence on both sides, but not of such character as to affect the general result. In most instances the acts of violence proceeded from mere lawlessness, as in the case of Henry and Eliza Pinkston, and had no connection with politics. It is a significant fact that in parishes where it is alleged that voters were kept from the polls by intimidation, the total vote of such parishes was as large as at any time heretofore, and in the whole State is 1,500 above any vote heretofore cast; and an honest and fair canvass of the returns, even under the Louisiana law, cannot materially reduce Tilden's majority, as shown on the face of returns. Signed,

JOHN M. PALMER,
LYMAN TRUMBULL,
WM. BIGLER,
GEO. B. SMITH,
GEO. W. JULIAN,
H. WATTERSON.

THE TWELFTH AMENDMENT TO THE CONSTITUTION

Provides that the Electors "meet in their respective States, and vote by ballot for President and Vice President one of whom shall not be an inhabitant of the same State with themselves. * * * And they shall make distinct lists of all persons voted for as President, and of all the persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be President, if such number be a majority of the whole number of Electors appointed," etc.

By acts of 1792 and 1804, as adopted

IN THE REVISED STATUTES

Of the United States, the following regulations are made:

Sec. 135. The Electors for each State shall meet and give their votes upon the first Wednesday in December in the year in which they are appointed, at such place, in each State, as the Legislature of such State shall direct.

Sec. 136. It shall be the duty of the executive of each State to cause three lists of the names of the Electors of each State to be made and certified, and to be delivered to the Electors on or before the day on which they are required, by the preceding section, to meet.

Sec. 137. The Electors shall vote for President and Vice President, respectively in the manner directed by the constitution.

Sec. 138. The Electors shall make and sign three certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President, and the other of the votes for Vice President, and shall annex to each of the certificates one of the lists of the Electors which shall have been furnished to them by direction of the executive of the State.

Sec. 139. The Electors shall seal up the certificates so made by them, and certify upon each that the lists of all the votes of such State are given for President and are contained therein.

Sec. 140. The Electors shall dispose of the certificates thus made by them in the following manner:

One. They shall, by writing under their hands, or under the hands of a majority of them, appoint a person to take charge of and deliver to the President of the Senate, at the seat of Government, before the first Wednesday in January then next ensuing, one of the certificates.

Two. They shall forthwith forward by the postoffice to the President of the Senate, at the seat of Government, one other of the certificates.

Three. They shall forthwith cause the other of the certificates to be delivered to the judge of that district in which the Electors shall assemble.

Sec. 142. Congress shall be in session on the second Wednesday in February succeeding every meeting of the Electors, and the certificates, or so many of them as have been received, shall then be opened, the votes counted, and the persons to fill the offices of President and Vice President ascertained and declared agreeable to the constitution.

On several occasions prior to 1869, objections had been made to receiving the votes of certain States on account of

turns received yesterday left the result of the Presidential election has made the counting of the electoral vote in February next likely to be an event of very great interest and importance. On more than one occasion the defects of the machinery for determining which of two or more candidates has been legally elected to the Presidency, have been strikingly shown, and attempts have been made to remedy them; but while none of these efforts have met with success, it has also been fortunate that on no occasion which has ever arisen has the actual result been affected by the vote of any State which forwarded its vote and the validity of whose returns has been questioned. Now it seems possible that

SUCH A CONTINGENCY MAY ARISE.

No provision has ever been made for settling a dispute of this kind. Section 1, Article II, of the constitution directs that "each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator nor Representative or person holding an office of trust or profit under the United States, shall be appointed an Elector."

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ALLEGED IRREGULARITIES,

But no such vote was ever formally rejected. In 1864 a resolution was adopted by Congress excluding the electoral votes of States then in rebellion, but as no votes were received from any of them none were rejected. A precedent was, however, set for the rejection of the vote of a State by a joint resolution concurred in by both Houses of Congress.

When the questions arose during the first half of the century touching the acceptance or rejection of the votes of States the returns from which were irregular, long debates sometimes arose which seriously interfered with the prompt announcement of the result. To cut off such debate, the Twenty-second joint rule of the two House was adopted in 1865, and readopted by each succeeding Congress except the present. The following is the text of the rule:

If upon the reading of any such certificate by the tellers any question shall arise in regard to the counting of the votes therein certified, the same being stated by the presiding officer, the Senate shall thereupon withdraw, and said question shall be submitted to that body for its decision; and the speaker of the House shall in like manner submit the said question to the House for its decision, and no question shall be decided affirmatively, and no votes objected to shall be counted except by the concurrent votes of the two Houses, which being obtained the two Houses shall reassemble, and the presiding officer shall then announce the decision of the question submitted; and upon such question there shall be no debate in either House, and any other question to this object for which the two Houses are assembled may be submitted and determined in like manner.

IN 1873 ELECTORAL VOTES WERE REJECTED

From several States under this rule, but its operation was found to be so unsatisfactory that the sentiment at that time was almost unanimous not only for its repeal but also for an entire change in the mode of electing President. It was repealed at the last session of Congress by a failure of the Senate to adopt it.

From this hasty view it appears (1) that the President of the Senate has never assumed to determine any question as to the validity of the vote received from any State, but that, when such questions have arisen, they have invariably been referred to the two Houses of Congress for their decision.

(2) That neither House of Congress by itself has ever claimed the right to reject the vote of any State, or to determine, in case two sets of returns from a single State appear, which of them shall be counted, except by authority of the Twenty-second Joint Rule, which no longer exists.

(3) That while neither the Constitution nor the laws of the United States expressly provide the means of determining controversies that may arise in regard to the counting of the electoral vote of any State, that power has been exercised by the concurrent action of the two Houses of Congress.

BEN. BUTLER'S VIEW.

From an Interview in the Herald.

Reporter—Do you think, then, that the two Houses must agree on the votes before they are counted?

Gen. Butler—If any instrument says that A and B are to do a thing—for example, to make an award or enter a judgment—can A do it without B, or can B do it without A? If both Houses are to count by the Constitution, can one count without the other? If so, which? If our Republican friends in Louisiana, in their letter, had claimed the right in the President of the Senate to adjudicate as to the propriety or rightfulness of the electoral vote when they made the claim that he was to count them I should have thought it very significant; but as they have insisted that he is merely a machine or clerk to register what is sent him, I don't think the Democratic party will be likely to be much moved by their manifesto which certainly leaves the President of the Senate about as harmless a piece of clockwork as could well be imagined, it being his only duty to tick out whatever is placed in the wheels. I believe that whoever has the counting of the vote in the last resort to determine an election, has a right to scrutinize that vote, ascertain its legality, its fairness and truthfulness, and whether it represents in the case of a vote by proxy, as the electors are, the will of the people who are their constituents. All that, of course, cannot be done by the President of the Senate, and therefore must be done by the two Houses. If it can be done by the President of the Senate then the most alarming stride against the rights of the people is made when the claim is made that the President of the Senate is to count the votes.

Residence on Eighth street, opposite Presbyterian Church.

Chas. M. Horn,
PRACTICAL GUNSMITH.

DEALER IN GUNS, RIFLES,
and materials. Repairing done in the neatest style and Warranted.
Sewing Machines, Safes, Locks, etc., repaired.

Guns loaned and ammunition furnished.
Shop on Ninth street, opposite Star Bakery.

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SAN FRANCISCO, CAL.

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DEALER IN

Clocks, Watches, Chains, Jewelry, etc.
Repairing Promptly Executed.
All Work Warranted.
J. S. LUCKEY,
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I have on hand and am constantly receiving an assortment of the Best School and Miscellaneous Books, Stationery, Blank Books, Portfolios, Cards, Wallets, Blanks, Portmonnaies, etc., etc.
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ARE OFFERING TO THE PUBLIC
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CIGARS, GLASS AND QUEENS-
WARE, WOOD AND WILLOW WARE,
BREAD CAKES AND PIES,
And in fact everything usually kept in a first-class Grocery Store or Bakery, at BED-ROCK PRICES for cash or ready pay. Satisfaction guaranteed.
Goods delivered to any part of the city free of charge.

NEW HARNESS SHOP.

CHAS. HADLEY,
At Dunn's Old Stand,

KEEPS CONSTANTLY ON HAND A GOOD assortment of
Hack, Buggy & Team Harness,
Saddles, Whips,
Spurs, Halters,
Collars,
Curry Combs and Brushes
And everything usually kept in a first class Harness Shop.

University Subscriptions.

All subscriptions to the State University are now over due. The property has been accepted by and turned over to the State, and I am instructed by the proper authorities to proceed and collect all sums at once.
GEO. B. DORRIS,
Attorney-at-Law.

WE REG to inform our friends and the public that we have just received direct from San Francisco and the Eastern markets

AN IMMENSE STOCK
OF
GROCERIES, HARDWARE,

DRY-GOODS,
FANCY GOODS

NOTIONS, CLOTHING,
FURNISHING GOODS,

HATS AND CAPS,
BOOTS AND SHOES,

Clocks, Paints, Oils, Etc.,

Selected by our Mr. S. ROSENBLATT, which we offer at

REDUCED PRICES.

Parties will find it to their advantage to call, and examine our stock and prices before purchasing elsewhere.
Highest price paid for all kinds of Produce

S. ROSENBLATT & CO.
SELLING AT COST!
FOR SIXTY DAYS.

WM. PRESTON,
Manufacturer and Dealer in
Lead, Hack and Wheel
HARNESS,

Warranted California Leather.
SADDLES OF ALL KINDS,
BRIDLES, HALTERS,
SURCINGLES, HORSE COVERS,
LASH AND BUGGY WHIPS,
COMBS AND BRUSHES,
HARNESS DRESSING,
ETC., ETC.

Thankful for past favors I would respectfully solicit a continuance of the same.

Important!
Persons knowing themselves indebted to me either by note or account, are requested to make settlement by Jan. 1, 1877, or payment must be enforced.
WM. PRESTON.

CHEAP READING.

The "WAVERLY MAGAZINE" is the handsomest and largest literary in the United States. The articles are all complete in each number. It also contains a page of music for the Piano, and double the reading of any other paper. Sixteen different numbers will be sent to any part of the country, post-paid, for one dollar. No one will regret taking a dollar's worth as it will give good reading for three months.
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