

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. 476.

EUGENE CITY, OREGON, SATURDAY, DECEMBER 16, 1876.

\$2.50 per year IN ADVANCE.

The Eugene City Guard.

GEORGE J. BUYS, Prop'r.

OUR ONLY

RATES OF ADVERTISING.

Advertisements inserted as follows:

One square three months..... \$5.00

One square six months..... \$8.00

One square one year..... \$12.00

Transient notices in local column, 20 cents per line for each insertion.

Advertising bills will be rendered quarterly.

All job work must be paid for on delivery.

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Mail arrives from the south and leaves going north at 10 a. m. Arrives from the north and leaves going south at 5:15 p. m. For Butte, Franklin and Long Tom, close at 6 a. m. on Wednesdays. For Crawfordsville, Camp Creek and Brownsville at 1 p. m.
Letters will be ready for delivery half an hour after the close of train. Letters should be left at the office one hour before mails depart.
A. S. PATTERSON, P. M.

SOCIETIES.

Brotherhood of L. O. E. and A. F. and A. M. Meets first and third Wednesdays in each month.

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Wimwala Encampment No. 6. Meets on the 21st and 4th Wednesdays in each month.

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Office on 11th street, opposite Star Bakery.

DEALER IN

CLOCKS, WATCHES, CHAINS, JEWELRY, ETC.

Repairing Promptly Executed.

All Work Warranted.

J. S. LUCKEY, POST OFFICE BUILDING, Williams' Block, Eugene City.

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.

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All Work Warranted.

J. S. LUCKEY, POST OFFICE BUILDING, Williams' Block, Eugene City.

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POST OFFICE BUILDING, EUGENE City. I have on hand and am constantly receiving an assortment of the Best School and Miscellaneous Books, Stationery, Blank Books, Portfolios, Cards, Wallets, Blanks, Portfolios, etc., etc.

A. S. PATTERSON.

CALLISON & OSBURN

ARE OFFERING TO THE PUBLIC SUGARS, TEAL, COFFEE,

CANNED GOODS, TOBACCO & 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.

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CHAS. HADLEY,

At Dunn's Old Stand,

KEEPS CONSTANTLY ON HAND A GOOD assortment of

Hack, Buggy & Team Harness, Saddles, Whips,

Spurs, Halters, Collars,

Carry 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. DOBBS, Attorney-at-Law.

FRED MÜLER,

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 375 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 STONES, 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, Physicians and other Professional Men.

These collections illustrate all the principal species and all grand subdivisions in Dana and other works on Mineralogy; Every Crystalline system; all the principal ores and every known element. The collections are labelled with a printed label that can only be removed by soaking. The labels give Dana's species, number, the name, locality, and most cases the composition.

of Iowa plants that received

is placed in my hands for

use alone is worth \$150.

of Rocky Mountain Specimens, Mound

and

and Mineralogy,

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

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of

GROCERIES, HARDWARE,

DRY-GOODS,

FANCY GOODS

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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.

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FOR SIXTY DAYS.

WM. PRESTON,

Manufacturer and Dealer in

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HARNESSES,

Warranted California Leather.

SADDLES OF ALL KINDS,

BRIDLES, HALTERS,

SURCINGLES, HORSE COVERS,

LASH AND BUGGY WHIPS,

COMBS AND BRUSHES,

HARNES 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.

Address, MOSES A. BOW, Boston, Mass.

GEO. J. BUYS,

BOOK AND JOB PRINTER

EUGENE CITY, OREGON.

THE BEST SHOES EVER BROUGHT TO

to this market, at the lowest prices at

T. G. HENDRICKS.

A TRUE STATEMENT.

To the People of Oregon: Inasmuch as grossly false statements, purporting to relate what occurred at the holding of the Electoral College today, are being industriously circulated by members of the Republican party, we, the undersigned, submit the following as a faithful detail of the proceedings in question in said Electoral College, held in Salem, on the 6th day of December, 1876:

At the hour of 12 M. there were present in the room designated as the one in which the Electoral vote shall be cast the following persons: J. C. Cartwright, W. H. Odell, J. W. Watts, Henry Klippel, W. B. Laswell and E. A. Cronin. At said hour the door of the room in which said Electoral vote was to be cast was opened, and the Secretary of State handed to Mr. Cronin an envelope containing certificates in triplicate of the election as Electors of E. A. Cronin, J. C. Cartwright and W. H. Odell. After handing the certificates to Mr. Cronin the Secretary retired from the room. Immediately afterwards Mr. Cartwright opened the door and admitted one Mr. Minto, a police officer in the City of Salem and Deputy United States Marshal. Mr. Minto, upon entering, closed the door, locked it and took the key, whereupon Mr. Cronin requested him to leave

Cartwright and Odell inst upon Minto's remaining; upon the request of Cartwright retired leaving the key door. Mr. Odell then locked and took the key; but upon request of Democrats replaced the key in the door. Mr. Cronin then read, in the presence and hearing of all those in the room, one of the certificates showing the election of himself, Odell and Cartwright. After the reading, Cronin inquired of Odell and Cartwright if they were ready to vote with him and proceed with their business as Electors. They answered by demanding the certificates in Cronin's possession, Cartwright acting as principal spokesman. Cronin in reply, proposed to proceed with the vote for President and Vice President, stating, in effect, that the certificates would be produced and attached to the certificates showing the result. Cartwright and Odell refused to proceed, and requested Klippel and Laswell to retire, which they declined to do. Cartwright arose and addressing Cronin said, "If you want a row you might as well have it now as any other time." Cronin said, "Sit down; we are not here to have a row, but to vote for President," and again requested Cartwright and Odell to proceed with the election. Cartwright then moved that Odell act as Chairman, and upon the vote of himself and Odell declared the motion carried. Odell then appointed Mr. Cartwright Secretary. Dr. Watts then read a paper purporting to be his resignation as Elector. Cartwright moved the acceptance of the pretended resignation. It was declared, carried, and immediately thereafter, by vote of the two, Watts was elected to fill the vacancy. These proceedings were interrupted throughout by a dialogue, which had the character of an altercation, between Cronin on one side and Cartwright and Odell on the other, Cronin insisting that the latter should act with him and proceed with the business of the College, and they refusing to do so. After the pretended appointment of Watts, Cronin arose, addressing Cartwright and Odell said, in effect, if not these precise words: "Gentlemen, do you refuse to act with me in proceeding with the business of the Electoral College?" One, or both of them, replied, signifying an unqualified refusal. Cronin then said that this refusal to act created vacancies in the Electoral College, and that he appointed J. N. T. Miller, of Jackson county to fill one of said vacancies. Mr. Miller having been introduced into the room and informed of what had taken place, asked Cartwright and Odell if they had refused to act with Cronin in casting the vote of the State. Cartwright answering, said "he had so refused." Miller then signified his willingness to accept the appointment. The two then appointed John Parker of Linn county to fill the second vacancy. Miller was elected President of the College and Parker Secretary, and votes were taken by ballot for President and Vice President, and the business formally proceeded with to the end. Pending these proceedings, Cartwright, Watts and Odell were engaged in signing papers. (Signed),

E. A. CRONIN,

W. B. LASWELL,

HENRY KLIPPEL,

SALEM, Oregon, Dec. 6, 1876.

Ex-Senator Cattell, Schartz, John D. Henderson and other prominent Republicans of Mississippi have written a letter to the U. S. Senate, recommending that an amendment to the Constitution be passed to designate the U. S. Supreme Court as the proper power to canvass the Presidential vote, thus taking it from political influence.

Gov. Grover's Views in the New York Herald.

NEW YORK, Dec. 8.—The Herald publishes this:

SALEM, Oregon, December 7.

EDITOR OF THE HERALD:—At your request, I give you some of the grounds of my action in granting the certificates to Electors duly elected.

In taking his oath of office, the Governor is sworn to support the Constitution of the United States and of the State. In the election of President and the Members of Congress, the Constitution of the United States is the paramount law. That instrument declares that no person holding an office under the United States shall be appointed as an Elector. J. W. Watts one of the Electors voted for in Oregon, was, on the 7th day of November, holding an office of trust and profit under the United States, to-wit: postmaster at Lafayette, the county seat of Yamhill county; he so held that office for more than three years. Many more than the number of votes constituting his majority had actually passed in and out of his office on official business. His official character was generally known and was mentioned during the political discussions of the canvass. The law was known and the act was known rendering him disqualified as an Elector. A protest was filed in the Executive office by prominent citizens objecting to the issuance of a certificate to Watts, as a person disqualified, accompanied by proof of his disqualification, and demanding the same be issued to an eligible person having the next highest number of votes. A reply was filed, objecting to anything but a count of the votes and a certificate of the count, and making no denial of the disqualifying facts. It was ruled in the case that when an objection to an applicant's right to receive the certificate rests upon the ground that a Constitutional prohibition is interposed, the Governor acting under oath to support the Constitution, is bound to entertain and determine the question; not only that, but he is to determine in such a way as to enforce the Constitutional mandate to the extent of his Executive power. It was also held that the law and the fact being well known that the votes cast for the ineligible candidate cannot be counted to any purpose, and the eligible candidate having the next highest number of votes, was duly elected. This ruling was based upon the authorities of such as Cushing, the decisions of many courts like the Supreme Court and the Court of Appeals of New York, the latter uniform practice in the U. S. House of Representatives, and the great weight of English authorities, both parliamentary and judicial. The law of Oregon providing for filling vacancies in the electoral colleges, recognizes a vacancy only in cases where there has been an incumbent and such incumbent has died, or is otherwise absent. In this case there was no incumbent, unless the next highest candidate should take the position, and there was no vacancy which could be filled by the other members of the electoral college. The next highest candidate eligible under the Constitution of the United States was therefore certified to be duly elected.

Signed,

L. F. GROVER,

Gov. of Oregon.

In the Senate, on the 7th inst., Senator Hipple—

Mitchell submitted the following:

WHEREAS, At the late presidential election in the State of Oregon, the people, by a majority of over 1,100, chose electors who were pledged to vote for R. B. Hayes for President, and Wm. A. Wheeler for Vice President; and

WHEREAS, The Governor of that State, upon the pretext that J. W. Watts, elector thus chosen, was at the time of his election deputy postmaster, certified to one E. A. Cronin, who had been a candidate upon the Democratic electoral ticket, that he, Cronin, was chosen and elected on the face of the notorious and undisputed fact that he had been defeated by the majority before stated; and

WHEREAS, The Governor placed in the hands of E. A. Cronin the certificates of the other two electors chosen to vote for Hayes and Wheeler, instead of putting them into their own hands as the law required, who retained in his possession and refused to exhibit them; and

WHEREAS, This E. A. Cronin assumed to appoint two electors, and pretended to cast the electoral vote of the State, and certified it to the President of the Senate; and

WHEREAS, The action of said Governor in issuing a certificate of election to said Cronin was wholly unauthorized, illegal and fraudulent, and a gross violation of the rights of the people of Oregon; and the action of said Cronin, in presuming to act as an elector and appoint two others, was really fraudulent and wicked,

Resolved, That the committee on

privileges and elections are hereby instructed to investigate the facts attending the appointment of said electors and pretended electors and the action of the Governor and Secretary of State in respect to them, and report the same to the Senate; and for this purpose may employ a stenographer, send for persons and papers, administer oaths and examine witnesses.

Morton said there was no precedent for electing a minority candidate because of the ineligibility of the person receiving a majority of the votes cast. In fact the case had been decided exactly the reverse in the Senate and House. He cited the cases of John Young Brown and Abbott vs. Vance. He quoted at length from English and American authorities.

Thurman argued the reverse side of the question. There was certainly a disqualifying clause, but whether the minority candidate should be declared elected he could not say now.

Edmunds did not wonder that returns held up a little before going into this, as he understood Gov. Grover had undertaken to thwart the will of the people of Oregon. He quoted various legal authorities, showing the practice both here and in England was opposed to the doctrine of Grover.

Ordered printed and lie on the table.

Howe introduced the following bill to restrain unauthorized persons from assuming to act as Presidential electors:

Be it enacted, &c., That every person who shall in any State cast or ballot for President and Vice President of the United States, or make or certify to any list of persons voted for on behalf of such State for President and Vice President, or shall direct or transmit any such certified list to the president of the Senate, either by mail or messenger, or who shall deposit any such certified list with the judge of any district court within the United States, or who shall in any other way assume to act as an elector for President and Vice President, without having been duly appointed to and in accordance with the law of such State, shall be deemed guilty of felony, and on conviction thereof fined not less than \$10,000 or imprisoned not less than ten years.

Section 2. Every person who shall bear any such certified list of persons who voted for President and Vice President of the United States to the seat of government, or shall deliver the same to the President of the Senate, knowing such list to be certified by persons not duly appointed to act, shall be adjudged guilty of felony, and on conviction be fined not less than \$10,000 or imprisoned not less than five years. Referred.

Democratic Side of the Louisiana Case.

CHICAGO, Dec. 11.—Papers this morning publish an address of Palmer, Trumbull and others, Democratic visiting committee to New Orleans. It is addressed to Hon. A. S. Hewitt, Chairman of the National Democratic Committee. They say the facts connected with the election and returns show that the action of the returning board in proclaiming the election of the Hayes electors, is arbitrary, unfair and without warrant of law, and adopt as applicable to this canvass the language of the report made to the U. S. House of Representatives in 75 by George F. Hoar, W. A. Wheeler and Wm. P. Frye, in regard to the canvass of '72 in which they say:

"The so-called canvass made by the returning board in the interest of Kellogg seems to us to have no validity and is entitled to no respect whatever." We also adopt the language of the report upon the condition of Louisiana in 1875: "In the State of Louisiana there is a Governor in office who owes his seat to the interference of the national power, which has recognized his title to his office, not by reason of any ascertainment of the facts by legal process, but has based its action solely on the illegal order of a judge. In the same State there is a legislature, one branch of which derives its authority partly from the same order, the other being organized by a majority who have been established in power by another interference of the national government, and which majority derives its title not from any legal ascertainment of the facts, but from the certificates of a returning board which has misconceived and exceeded its legal authority." In November, 1876, before the returning board commenced the canvass of the electoral vote, the candidates for electors on the Democratic ticket presented a protest against its jurisdiction over the subject, or in canvass of the vote relative to the same. The protest was summarily overruled by the board without affording an opportunity for argument. No legal proposition in our opinion is clearer than that the board was mistaken as to its powers, and that it had nothing to do with the electoral vote. The election law of 1872, and the amendment under

which the returning board is created and acts, make no provision as to the manner of appointing electors of President and Vice President, whether by the legislature or by a vote of the people, nor whether by the State at large or by Congressional districts nor does it contain any provisions as to the qualifications of electors, the place where they are to meet, nor for filling vacancies.

After quoting the State law governing the returning board, they say it is immaterial so far as affects the jurisdiction of the returning board whether the act of 1870 relating to the appointment of Presidential electors is in force. If not repealed, then the canvass of returns for such electors must be made by the Governor in presence of the Secretary of State, Attorney General, a judge of the district in which the seat of government may be established, or any two of them, as required by the act of 1870, and in making such canvass they would be confined to an ascertainment of the persons elected according to the returns. In no event can the returning board have jurisdiction over the returns of electors of President and vice President, and their canvass of the same is therefore a nullity and entitled to respect from no one.

The murders and outrages which have been brought to our notice are frequently committed by persons of the same race upon each other, and in a large majority of cases have no political significance. The assumption of the Republicans that all the colored people in the State are necessarily Republicans is by no means true. It is certain that thousands of colored persons voted squarely and actively supported the Democratic ticket. With the law and such facts before us as have been disclosed by the action of the returning board, we do not hesitate to declare that its proceedings as witnessed by us were partial and unfair, and that the result it has announced is arbitrary, illegal and entitled to no respect whatever.

Fifteen years ago when Fort Sumter was fired upon by men who sought a disruption of the Union a million patriots, without regard to party affiliation, sprang to its defense. Will the same patriotic citizens now sit by idly and see representative government overthrown by usurpation and fraud? Shall the will of 40,000,000 of people, constitutionally expressed, be thwarted by the corrupt, arbitrary and illegal action of an illegally constituted returning board in Louisiana, whose wrongful action heretofore in all respects similar to its present action, has been condemned by all parties? It is an admitted fact that Mr. Tilden received a majority of a quarter of a million of the votes at the recent election. This majority is ready and willing to submit to the minority when constitutionally entitled to demand such submission; but is it willing that, by an arbitrary and false declaration of the voters in Louisiana, the minority shall usurp the power? These are dark days for the American people, when such questions are forced upon their consideration. If it were true, as some insist, that neither the white nor the colored voters have in all instances been afforded an opportunity to give free expression to their will at the ballot box, shall we, by sustaining a fraudulent and illegal declaration of the votes cast, stifle the voices of millions of voters who have freely expressed their choice, and thus seek to correct a great wrong by committing another immeasurably greater wrong? Can we sanction such action of the Louisiana returning board and thereby form a precedent under the authority of which a party now in power may forever perpetuate its rule and end constitutional liberty? Shall such be the fate of this republic at the beginning of the second century of its existence? Are the momentous questions now presented for the determination of the American people, (Signed) Jno. M. Palmer, Lyman Trumbull, William Bigler, Geo. B. Smith, George W. Julian, P. H. Waterson.

News from Mexico to December 1st brings information of another revolution. Diaz and Inglesias by their combined efforts have overthrown President Tejada, who has fled from the capital, leaving the government in the hands of the Diaz party. Inglesias, finding himself ignored by his confederate, has revolted against him, and they are now contending with each other for the mastery.

"The existing government of Louisiana consists of Kellogg and a Returning Board," is the truthful way in which the Chicago Times puts it, and further declares: "Not having a Republican government Louisiana has no constitutional status as a commonwealth, no right of representation in Congress, and no right of a participation in the appointment of the executive. And all this is in the constitutional authority of the Congress to determine."