

GREENWOOD-SEELY CASE

The Hearing at Last Held Before the Commission.

The Low-Seaman Case also Argued—Judges of General Election Will Act in the School Election.

The long looked for and much delayed hearing before the Utah Commission in the contest case of Joshua Greenwood vs Orange Seely was brought on yesterday morning, and before night, that case and the one of Lowe vs Seaman were fully argued and submitted to the commission by the judges.

In the Greenwood-Seely hearing, Messrs. Parley L. Williams and A. T. Schroeder represented the former and Messrs. E. W. Tatlock and Arthur Brown the latter. Before the contest was taken up, the attorneys agreed that since November 7th, Orange Seely had resigned the office of probate judge of Emery county and performed the duties of a member thereof.

After filing a telegram from the attorney-general to the commission, dated Nov. 16th, in which Seely's appointment is affirmed and no mention is made of any resignation, and after the other side had filed affidavits, Seely published in the Herald, the argument was opened by A. T. Schroeder on behalf of the contestant. He showed the position that the contestant, which is in substance as follows: That the resignation of Seely made on the 18th day of September, did not take effect until it should be accepted by the president of the United States and a successor qualified.

In this connection he called attention to section 37 of the laws of Utah, page 27, specifically that the term of office of the probate judge was for a period of two years and "until his successor shall be qualified." He read from Meacham on public officers to the effect that in states where there is a statute in the words of the one quoted, that there no resignation can take effect until it is accepted and the successor qualified.

He read from the case of Edmonds vs. the United States, 103 United States 476, where the United States Supreme Court held that although an officer may have done all in his power to resign an office that yet the resignation is not complete until it is accepted and that until that time mandamus will lie to compel the officer to perform his duties. Other cases were cited in the same effect. The next question discussed was as to whether or not Seely could receive the certificate, even though he was still the probate judge, upon the presumption that he had resigned his office of probate judge before the beginning of the term of the legislature. Upon this question the case of Wolff vs. Prosser, 100 United States 421, was cited to the effect that the word eligibility meant eligibility for election as well as eligibility to hold the office and that that the act of resigning in Congress in prescribing the duties of the commission when it says that the certificate shall be issued to the person appearing to be elected "who is eligible for such election" imports the presumption that a man might be ineligible to hold an office and at the same time be eligible for election to the office. Other authorities were cited.

Upon the third point it was argued that where the person who had received the highest number of votes was ineligible for election to the office that then the person who being eligible had the highest number of votes should receive the certificate of election. In support of this proposition the case of Guilek vs. New, 77 Am. Dec. 49, and many other American and English cases were cited in support of this view.

It was urged that in interpreting the language of the statute defining the duties of the commission the intention of Congress was to destroy the political influence of the polygamists and other classes of disqualified persons, and that to put upon the act in question the construction that a minority candidate could not receive the certificate of election would give the majority to the polygamists and thereby preventing an election.

He argued that it was more reasonable to presume that Congress intended to give this right to the majority to issue certificates of election to such monogamists as had received the highest number of votes, notwithstanding the fact that the act in question might have been cast for a polygamist, or other disqualified person.

It was claimed that this presumption was founded upon the fact that our statute nowhere requires a majority vote for election; also that there is no provision made for the filling of a vacancy which may occur by refusal of the commission to issue a certificate of election to the person receiving the highest number of votes among those who are eligible; and also by the fact that our statute makes no provision for the holding over of office on the part of the members of the legislature until their successors are qualified. It is not to be presumed that the legislature believed it better to have any district of this territory unrepresented in the legislative assembly than that they should be represented by a person who had received the highest number of votes among those candidates who were eligible, even though he may have received less than a majority of all the votes cast.

E. W. Tatlock followed for the contestant. After reading a telegram from the attorney-general, dated the 20th, acknowledging the receipt and filing of the resignation of Seely, he began the argument by insisting that the resignation of Seely was in force from the time he mailed it to the president. On this he cited many authorities and made an able exposition of his side of the case. As to the time of filing the resignation, he held that Seely had a right to withhold the document until the time came for him to qualify as a member of the legislature and as the time for assembling is yet many weeks distant, there is still time for the contestant to file his resignation. The question of the eligibility, he insisted, may not come up at the time of the election, but only when the attempt is made to assume the duties of the office. He held it to be an established principle that the people may vote for whom they please, but when the time came to take the oath of office, then an ineligible person should be barred out. On the question of whether or not a man may resign an office, the attorney held that the right is not open to dispute, and that the resignation takes effect from the time of its delivery.

The attorney further argued that under no circumstances could a minority candidate receive the certificate, because such constitution would be untrue and subversive of the republican form of government, which decreed that only the one receiving a majority or at least a plurality of votes could be given the office. If it were otherwise the will of the great majority of the people could be subverted and a very small minority be placed in control.

The views he stated he supported by a great many American authorities. Arthur Brown also argued for the contestant, but only enlarged on the statements already made. He stated that he descended to political barabran-

ING and brought in matter irrelevant to the issue from Magna Charta down.

Parley L. Williams closed for the contestant in a very able argument which traversed the ground gone over by the other attorneys. He showed by logical reasoning that the numerous decisions cited by the opposition had no relevancy in this case. He showed a minority candidate is held to be entitled to an office when his ineligible opponent held such an office that the voters were presumed to have notice of his ineligibility. Closing he made a strong argument on the power of the commission and the ineligibility of Seely.

In the arguments in the Lowe-Seaman case the Republican attorneys endeavored to draw an analogy between Mr. Seely as the probate judge and Mr. Seaman as a county registrar, saying they both held commissions under the United States, but Mr. Richards, for the contestant, showed there is a great difference in the fact that Mr. Seely was appointed by the president and Mr. Greenwood by the commission. He said that should be that any one who is appointed by an officer holding a federal commission shall be barred, said Mr. Richards, then the registrar will apply to commissioners who are appointed by the supreme court and notaries public, who are appointed by the governor. If it does so apply, was the contestant's statement I want to file eight protests against Republicans who are commissioners and notaries. After Mr. Richards was through, the Republicans closed their side.

A decision may be expected in a few days.

The commission passed the following resolution:

"Ordered, that the judges of election to conduct the general election on Nov. 7, 1893, the several precincts of the cities of Logan, Ogden, Provo, and the judges of poll No. 1 in the several precincts of Salt Lake city are hereby authorized and directed to conduct the school election in their several precincts as may be provided by the board of education of said cities respectively, to canvass the votes cast and make returns to the commission. Mr. Richards, secretary of the commission, who is hereby appointed to canvass the returns of said school elections and issue certificates thereon, and those persons who, being eligible for such election, shall appear to have been lawfully elected."

RECESSION OF THE GUMS.

A New Disease From Which People Are Beginning to Lose Their Teeth.

"People are losing their teeth from a new cause nowadays," said a dental surgeon. "It is a complaint which seems to have become common only within the last fifteen years or so. 'Recession of the gums,' it is called. Tartar is deposited at the base of the teeth and this carbonate of lime secreted from the saliva pushes the gums back from the teeth. If nothing is done to prevent, the trouble gets as far as the sockets, which become inflamed. Finally the teeth fall out. A well-known statesman came to me fourteen years ago with a bad case of the disease. Every tooth in his head was loose, and one of them was so far gone that I took it between my thumb and finger and quickly lifted it out. Within three months I had fixed him up so that all the rest of his dental equipment was perfectly solid in his jaws. It was accomplished simply by removing the tartar and preventing it from accumulating again; also with the aid of a little medicine applied to the gums. The distinguished patient of whom I speak comes to me every two or three months and undergoes a little treatment. In that way I have been able to keep his teeth for him twenty years."

Electric Bitters.

This remedy is becoming so well known and so popular as to need no special mention. All who have used Electric Bitters send the same song of praise. A purer medicine does not exist, and it is guaranteed to do all that is claimed. It is the best family remedy for diseases of the liver and kidneys, will remove pimples, boils, salt rheum and other affections caused by impure blood; drive miasms from the system and prevent as well as cure all malarial fevers. For cure of headache, constipation and indigestion try Electric Bitters. Entire satisfaction guaranteed or money refunded. Price 50c and \$1 per bottle, at A. C. Smith & Co's drug store.

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IN RAILWAY CIRCLES.

The Union Pacific Makes Important Changes in Time.

The New Schedule Will Go Into Effect on Monday Next—Utah and Nevada.

A change in time of trains via Union Pacific will occur Sunday next, November 26, on and after which date trains will arrive and depart at Salt Lake as follows:

There will be no change in time of arrival of limited fast mail which now reaches Salt Lake at 8:30 a. m. The fast mail for the east, however, will leave Salt Lake at 7:30 a. m., instead of 7:50 a. m. This change is made for the purpose of reaching Chicago early enough to make connection with all of the fast trains from Chicago for points east, eastern lines having recently changed time of their trains and will enable the Union Pacific to reach New York about eight hours earlier than heretofore.

The local train for Ogden and intermediate points will leave Salt Lake at 8:30 a. m., arriving Ogden 10:40 a. m. The train now leaving Salt Lake for Ogden at 8:30 p. m., will hereafter leave at 2:45 p. m., and will make connection with S. P. train for San Francisco. This will leave through train for all points in Cache Valley leaving Ogden at 4:00 p. m., arriving Logan 6:40 p. m. The Atlantic express now leaves Salt Lake at 8:30 p. m., arriving Ogden at 7:00 p. m., carrying with it the Butte and Portland sleeper. Connection will also be made with this train at Cache Junction with the Cache Valley, arriving Logan 12:10 a. m.

The Butte express now arriving Salt Lake at 10:00 a. m., will arrive at 10:10 a. m., connection will be made at Cache Junction with this train by a local train from Cache Valley points, and in addition thereto a special passenger train from Cache Valley points will leave Logan 8:15 a. m., arriving Ogden 8:50 a. m., Salt Lake 10:10 a. m. The Pacific express now arriving Salt Lake at 11:50 a. m., will hereafter arrive at 12:10 p. m. The time of this train is necessitated through the change of time of Southern Pacific train out of Ogden which now leaves Ogden at 10:30 a. m., instead of 11 p. m. A local passenger train will be run from Ogden to Salt Lake leaving Ogden at 6:15 p. m., arriving Salt Lake 7:25 p. m.

It will be seen from the above that on and after Sunday next there will be two trains each way between Salt Lake and Cache Valley points; the former leaving Salt Lake for Cache Valley at 10:10 a. m., and returning leaving Salt Lake at 2:45 p. m. Through coaches between above points will be run on and after Sunday next, but arrangements have been made for daily train service, Sunday excepted, between Salt Lake and Terminus on the Utah Nevada district.

A Child Enjoys

The pleasant flavor, gentle action and soothing effects of this medicine, when in need of a laxative, and if the father or mother be constive or bilious, the most gratifying results follow its use; it is the best family remedy known, and every family should have a bottle on hand.

Electric Bitters.

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Scratching Boy

on fire with eczema will find instant relief and speedy cure by using Cuticura Remedies

When the best physicians, hospitals and all other remedies fail. To those who have suffered long and hopelessly from torturing, disgusting, humiliating humors, and who have lost faith in doctors, medicines and all things human, the CUTICURA REMEDIES appeal with startling force. Their success has excited the wonder of physicians familiar with the marvellous cures daily effected by them. They have friends in every quarter of the civilized world. People in every walk of life believe in them, use them and recommend them. They are in truth the greatest skin cures, blood purifiers and humor remedies of modern times.

Sold throughout the world. Putnam Bros. And. Cures. Const. sole proprietors, Boston. "All About the Blood, Skin, Scalp and Hair," mailed free.

Putnam Nail Co., Neponset, Boston, Mass.

When thirsty, When exhausted, When feeling cold, Try a cup of Hot Beef Tea, and make it from the old, reliable, world known Liebig COMPANY'S Extract of Beef, which makes the finest, clearest, most palatable beef tea, with a real meat flavor and is unapproached by any other brand.

Ask for Liebig Company's and see that you get it. You will know it by this signature.

For sale in Salt Lake City by Zion's Co-operative Mercantile Institution; The Golden Rule Drug Co.; Roberts & Nelson; Johnson-Fratt Drug Co.; A. C. Smith & Co.

THE WALKER, The Only First-Class American and European Hotel. Rates: European Plan, 50c. to \$3.50 per day. American Plan, \$2.00 to \$4.00 per day. SALT LAKE CITY, UTAH.

BECHTOL & SANDS, PROPRIETORS. The Manitou. NEW MANAGEMENT, REDUCED RATES. Electric Lights, Steam Heat in every room. Cuisine of peculiar excellence. Rates \$2.00 to \$4.00 per day. ARMAND H. PAGE, Prop.

PALACE HOTEL, LOGAN, UTAH. The only first class commercial house in the city. Electric lights, heated by steam throughout. Bath and closets at each floor. Fine bar and billiard rooms, sample rooms. Everything pertaining to a first-class establishment. Special rates to theatrical and commercial men. ROBERT MURDOCK, Owner and Manager.

HOTEL : KNUTSFORD. 250 ROOMS. The Most Elegantly Equipped Hotel Between Chicago and the Pacific Coast. G. S. HOLMES, Prop.

THE CULLEN HOTEL. —NOW CONDUCTED ON THE— AMERICAN PLAN. Rates, \$2.00 to \$2.50 a Day. Also European Plan. GEORGE CULLINS, Assignee.

THE WHITE HOUSE, Reopened under new management. Steam heat. Rates \$1.50 to \$2.00 per day. E. MURDOCK, Prop.

SUNOL!

ROBERT BONNER Superintending the shoeing of Sunol with the Putnam Nail.

PROBERT HILL, STOKES FARM, MILLER & SIBLEY, FRANKLIN VENANGO CO., PA., Feb. 15, 1893. PUTNAM NAIL CO., Westport, Mass. (SIBLEY'S)—Replying to your favor of the 11th I will state that I have used the Putnam Nail and others, but I have come to the point with me now where I will not allow any nail to be used that is not the Putnam Nail. If I can prevent it, while there may be others as good, I know that these are, and cannot afford to use experiments.

Look in your smith's shoeing box, if the nails have smooth edges for the whole length they are the PUTNAM, for they are Hammer-Pointed and are not sheared.

Putnam Nail Co., Neponset, Boston, Mass.

When thirsty, When exhausted, When feeling cold, Try a cup of Hot Beef Tea, and make it from the old, reliable, world known Liebig COMPANY'S Extract of Beef, which makes the finest, clearest, most palatable beef tea, with a real meat flavor and is unapproached by any other brand.

Ask for Liebig Company's and see that you get it. You will know it by this signature.

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THE WHITE HOUSE, Reopened under new management. Steam heat. Rates \$1.50 to \$2.00 per day. E. MURDOCK, Prop.

RAILROAD ANNOUNCEMENTS.

World's Fair Free! Any person sending their address to either of the undersigned agents of THE CHICAGO MILWAUKEE & ST. PAUL RAILWAY

Will be sent FREE OF CHARGE a picture 14x20 inches in size, of the World's Fair buildings, a map of the United States, map of Chicago and other valuable information.

JOHN H. KEENE, Commercial Agent. JOHN H. ALLEN, Traveling, Freight and Passenger Agt. Room 22 Marlan Block, 15 West Second South Street, Salt Lake City, Utah. Mention This Paper.

Rio Grande Western. Standard Gauge. CURRENT TIME TABLE. IN EFFECT NOV. 19, 1893.

LEAVE SALT LAKE. No. 2—For Bingham, Provo, Grand Junction and all points east. 8:35 a.m. No. 4—For Provo, Grand Junction and all points east. 9:25 p.m. No. 6—For Eureka and Sanpete. 4:35 p.m. No. 8—For Ogden and the west. 11:30 p.m. No. 1—For Ogden and the west. 11:35 p.m.

ARRIVE SALT LAKE. No. 1—From Eureka, Provo, Grand Junction and the east. 12:30 p.m. No. 2—From Provo, Grand Junction and the east. 11:45 a.m. No. 3—From Provo, Bingham and Sanpete. 6:10 a.m. No. 4—From Ogden and the west. 7:55 a.m. No. 5—From Ogden and the west. 9:15 p.m.

Only line running through Pullman Palace sleeping cars Salt Lake to San Francisco, Salt Lake to Denver via Grand Junction, and Salt Lake to Kansas City and Chicago via Colorado points.

TICKET OFFICE, 15 W. SECOND SOUTH ST. D. C. DODGE, A. E. WELBY, J. H. BENNETT, Gen. Mgr., Gen. Supt., Gen. P. & T. A.

Union Pacific SYSTEM. THE THROUGH CAR LINE. TRAINS ARRIVE AND DEPART AT SALT LAKE CITY DAILY AS FOLLOWS: (Effective November 7, 1893.)

ARRIVE. From all points east. 8:00 a.m. From Butte, Portland, San Francisco, Cache Valley and Ogden. 9:50 a.m. From all points east Park City and Ogden. 11:50 a.m. From San Francisco, Grand Junction, intermediate points. 7:30 p.m. 1 From Milford, Juab, Provo, Sanpete, Wasatch and Eureka. 6:10 p.m. 2 From terminus and Tooele. 4:30 p.m.

DEPART. For Ogden, intermediate points, San Francisco, Park City and all points east. 7:30 a.m. For Ogden, and intermediate points. 4:50 p.m. For Ogden, Butte, Helena, Portland, Cache Valley and San Francisco. 8:00 p.m. 1 For Eureka, Provo, Sanpete Valley, Nephi, Juab, and Tooele. 8:30 a.m. 2 For Tooele and Terminus. 7:30 a.m. 2 Run only on Monday, Wednesday and Friday. 1 train south of Juab run daily, except Sunday.

CITY TICKET OFFICE, 201 MAIN ST. D. E. BURLEY, Gen'l Agt. Pass'g Dept. S. O. H. CLARK, Receiver. O. L. W. MINK, Receiver. E. DICKINSON, G. P. & T. Agt. E. L. LOMAX, G. P. & T. Agt.

BURLINGTON ROUTE. A Souvenir of Utah, designed and Copyrighted BY THE J. H. LEYSON COMPANY. 120 MAIN ST., SALT LAKE CITY. PRICE, 3c. WITH GILT BOWL, \$2.00.

BEST LINE —BETWEEN— DENVER —AND— OMAHA, KANSAS CITY, ST. LOUIS, —AND— CHICAGO. Two Trains Daily. Secure your tickets and sleeping car accommodations at Rio Grande Western Railway office, 15 West Second South street.

Have them sent to your address. You cannot afford to be ignorant of the situation.

THE HERALD'S POCKET MAPS. Are Appreciated by All who are Fortunate Enough to Obtain Them. See in it.

W. F. McMillan, Gen'l Agt. Room 506, Dooly Building.

Just At This Particular Time

WHEN EXCITEMENT

Is at fever heat regarding the silver question and consequent flurry incidental to its unparalleled "Slump," the main thing for every WESTERNER is to keep cool, clear-headed and maintain that confidence in this section and ultimate victory, as characterizes every man of nerve, determination and courage.

IN THE MEANTIME.

The news coming from all sections of this country and from Europe is of the most interesting nature and should be carefully read by everyone. The question at issue is of such sweeping importance and magnitude as to affect every industry alike, and every state and territory alike. Such news, embraced in telegraphic and cable intelligence from abroad, and locally concerning the action of home affairs, will appear each morning in the

THE DAILY HERALD, and twice a week in the SEMI-WEEKLY.

Have them sent to your address. You cannot afford to be ignorant of the situation.

THE HERALD'S POCKET MAPS. Are Appreciated by All who are Fortunate Enough to Obtain Them. See in it.

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