

A BROKEN RAIL

SENDS A SLEEPING CAR TO DESTRUCTION AT MENDOTA.

Accident to the Eastern Express from Chicago on the Milwaukee & St. Paul Road—A Frightful Plunge Down a Sixty Foot Embankment—The Passengers Injured, but No One Killed—Condition of the Wounded—The Car Smashed to Pieces.

There is no intelligence fraught with the horrors of uncertainty so much as the first vague news of a frightful railroad calamity. Intelligence is always accompanied by the inevitable elements of doubt, and the slightest gossamer threads of rumor are made to serve as a vehicle for the transmission of information that involves the most dread and painful consequences.

Among the numerous disasters by rail that have been chronicled since the opening of the winter season, the vicinity of St. Paul has experienced a singular and fortunate immunity. Resting in perfectly natural security, born of such a happy condition of things in the past, it was not strange that the news of a frightful shocking accident at her very doors yesterday morning should give rise to the most sickening sensations of horror.

A direct rail, having in its composition a hole not much larger than the eye of a cambric needle, had been penetrated by the frost, and without a moment's warning had snapped like a pipe stem, precipitating the most cruel and frightful calamity.

PAINFUL UNCERTAINTY.
At 9:30 o'clock the news came that an accident had happened to the No. 1 morning express on the river division of the Chicago, Milwaukee & St. Paul railroad at Mendota Junction, about six miles from this city and that the accident involved serious if not fatal consequences. The news of the disaster spread rapidly, and the uncertain character of the report and the absence of details, gave rise to the most intense and feverish excitement.

Highly colored and exaggerated accounts were circulated by the stupidly malicious or knowing ones, and it would be difficult to imagine a more painful condition of things than prevailed pending definite information of the accident. It was known that the river express due here at 6 o'clock yesterday morning had arrived two hours late, having been detained that length of time at Red Wing owing to an accident to a freight train. The train left here at 8:20 o'clock yesterday morning in charge of Conductor Charles Howard, and was composed of the locomotive, an express and baggage car, two passenger coaches and a sleeping car.

FIRST NEWS.
A score of wires were sent clicking and on wings of lightning the additional information came that owing to a broken rail the sleeping coach had been thrown from the track and precipitated down an embankment. No fatalities were reported, and it was stated that the remainder of the train had not shared in the terrible calamity.

With customary enterprise a GLOBE representative was soon speeding for the scene of the disaster.

WRECK OF THE ACCIDENT.
In order to appreciate the appalling nature of the accident the reader must necessarily have some idea of its geographical position of the adjuncts which conspired to cause the calamity. No more consummate arrangement of circumstances can be imagined for the occurrence of such an affair than those presented at the scene of the accident. The contour of the location looks as if it had been formed by nature for just such a calamity.

Directly after passing the Mendota junction going westward from Mendota, the tracks of the Chicago, Milwaukee & St. Paul Railroad company shoot at an abrupt angle (to the left of the Sioux City railroad tracks), the bed rock of the track gradually ascending a bluff, while the latter road runs parallel on another bluff skirting the river and about twenty-two feet below the bed rock of the track under consideration.

St. Paul Junction, fronting the village of Mendota, and 100 feet from the river, the Chicago, Milwaukee & St. Paul railroad passes over the tracks of the Sioux City road by means of a trestle work bridge, which is raised about 25 feet above the latter road. The bridge is about 200 feet long, the sides being partially protected by balustrades of heavy timber, which present at a distance the appearance of ordinary siding.

HOW THE ACCIDENT OCCURRED.
The express train left the junction a few minutes before 9 o'clock, made up as before described, the sleeping coach, of course, being in the rear of the train. A short time before this a freight train had passed the scene of the subsequent accident in perfect safety. Just as the train pulled out from the junction, Conductor Howard boarded the rear end of the sleeping coach "Pembina," passing through the car for the purpose of seeing to the welfare of the passengers. As the occupants of the "Pembina" are the only ones who suffered by the terrible affair, and being inseparably associated with this painful narrative, the personal details of the passengers is herewith given.

The occupants were eight in all, including Henry A. Platt, the colored porter, the passengers being:
Prof. H. C. Whitney, of Shattuck school, Faribault, occupying section No. 9.
Dr. Darling A. Stewart, of Winona, section No. 13.
Rev. J. H. Crowley, Faribault, section No. 4.
Mrs. C. H. Prior and son, wife and son of Supt. Prior, sections No. 9 and 10.
Mr. and Mrs. E. J. Blood, of the St. James hotel, Red Wing.

The train had gotten well under way and was running at about ten miles an hour at the time of reaching the bridge. The engine passed over the treacherous place and steamed on to the bridge in safety, no shock being experienced by Mr. W. J. Davis, the engineer, except the subsequent irregular motion caused by the other cars, which establishes the fact that the rail was broken by one of the first two cars immediately beyond the engine.

Conductor Howard had just passed through the train and was about entering the baggage-car when he was horrified by a sudden and ominous jumping, simultaneously with which George Armstrong, the baggage-man, jumped for the air brake cord, which he secured too late to prevent the accident, but in time enough, fortunately, to stop the train before it had proceeded 100 feet, and thus prevent more horrible consequences.

The eternity of feeling that was crowded into the infinitesimal portion of time among the panic-struck and helpless inmates of the sleeping coach may be imagined, but not easily described. At the time of the shock the passengers were reading, chatting or in-

specting the picturesque scenery which characterizes the landscape in the vicinity of Mendota.

Dr. Stewart was near the rear end of the car pleasantly chatting with the porter, who was brushing his clothing preparatory to leaving the train. "I heard something bumping over the ties," said the doctor to one of his friends yesterday afternoon, "and that is all I remember of the accident."

In an instant of time the passengers realized that something awful had happened. The car danced and bumped over the ties for a second, and before the victims appreciated the peril of their position the car had shot from the track, dragging its human freight into the forty abyss.

The plunge was fearfully precipitous and awful to contemplate. In making the first descent the car plunged downward about twenty-five feet, turning over in its descent, and striking the tracks of the Sioux City road in a lateral position, with the rear end of the car forward. The rebound from the track was equally terrific, and with increased momentum, the car bounded over the embankment of the Sioux City road, descending a distance of over twenty feet, turning completely over in the fall and striking top downward on the forty abyss.

As before stated, the train had been stopped as soon as possible, which was almost wholly owing to the wooden bulwark or guards of the bridge, which successfully repulsed the forward cars of the train which came in contact with the bulwarks two or three times after leaving the track.

THE RESCUE.
Upon realizing what had taken place Conductor Howard and the passengers on the day coaches set about relieving the victims and ascertaining the extent of the casualty, averting the possibility of fire by squelching the flames which commenced to make their appearance in the vicinity of the heater. The Rev. Mr. Cowdry managed to extricate himself from the wreck, following which Mrs. Prior and son were rescued, together with the remainder of the passengers, all of whom were injured, as heretofore described. Prof. Whitney and Dr. Stewart being the only ones, who, in all probability will sustain permanent injuries.

Shortly after the accident, a special relief car was sent to the scene of the disaster, conveying three or four dozen surgeons, Superintendent Prior, two or three sisters of mercy and several railroad officials.

The scene presented would have enlisted all the humane and kindlier sympathies. The wrecked car reclined fifty feet below the track, and from eighty to ninety feet from the grade of the railroad.

The car was perfectly demoralized, being a chaotic and indistinguishable mass of interwoven upholstery, bedding, baggage and bric-a-brac, all of which were grotesquely tortured out of all semblance to their original formation.

Standing partially on the bridge, over 130 feet from the mishapen mass below, were the engine, express cars and two day coaches, about fifty feet from the rear of which could have been seen the tangled and treacherous rail, to the untimely breakage of which is attributed the accident.

A minute inspection of the rail by a GLOBE reporter demonstrated that it had broken in close proximity to the switch, about 120 feet from the bridge, the breakage having occurred about four feet from the joint, and strange to say the bar seemed to have been broken in two places, each cut being as precise as if severed by a razor.

EXTENT OF THE INJURIES.
As early as practicable the sufferers were conveyed to Minneapolis, where they were put under the charge of Dr. Kimball, the company's physician. A careful diagnosis severing the injuries were found to be as follows:
Dr. D. A. Stewart, Winona, painfully bruised in several parts of the body; several gashes on the head; severely sprained across the hips, chest and shoulders.
Prof. H. C. Whitney, left foot terribly mangled, severe bruises in the back and about the limbs, and an ugly gash in the head.

Rev. J. H. Cowdry, bruised about the body and several parts of the head.
E. J. Blood, severely bruised back; injured internally; several bruises on the head and lower limbs. Mrs. E. J. Blood, arm very badly lacerated and right ear torn; vertebrae dislocated.
Mrs. Prior, slight injuries about the head and body.

The young son of Mrs. Prior received a number of scratches on the hand, and a slight contusion on the head.

Henry Platt, the porter, sustained a cut on the back of the head, and several bruises about the body. It is feared that he too sustained internal injuries.

Upon arriving at Minneapolis the train was met by carriages. Dr. Stewart being quartered at the Nicollet house, Prof. Whitney being conveyed to the residence of a friend, Rev. Mr. Cowdry to relatives on Sixth street, and Mr. and Mrs. Blood to the residence of Mr. Moore, corner of Hawthorne avenue and Twelfth street.

Towards evening yesterday Dr. Kimball amputated a portion of Mr. Whitney's foot, severing three toes therefrom, and at a late hour last night he was doing well.

Dr. Stewart is waited upon by Dr. Franklin Staples, of Winona, an old and trusted friend. He was resting comfortably last night, and it is thought that he will rapidly recover.

Henry Platt, the colored porter, was bleeding slightly at the lungs last night, and it is feared that his injuries are more serious than at first supposed. The remainder of the victims are springing well.

The brother of Dr. Stewart and the father of Prof. Whitney have been sent for and will arrive this morning.

INTERVIEW WITH PRIOR.
Superintendent Prior told a GLOBE reporter yesterday afternoon that new steel rails had been laid at the place where the accident took place, last spring, and that the ties are composed of white oak wood. Altogether the escape from a general catastrophe is almost miraculous, and the accident is not attributed to any carelessness on the part of the company.

Trains on this road were suspended between St. Paul and Minneapolis until afternoon, when the track was cleared and schedule time was resumed.

Low Ocean Freight.
New York, Dec. 31.—The rates of ocean freight by steamers have dropped to a point lower than ever before, namely 2d sterling per bushel on grain to Liverpool. This is in consequence of a break in the combination of the steamship companies, who, until now, have refused to accept a lower rate than a minimum of 4d per bushel, agreed upon some eight or nine years ago. The conference rule, as it is called, continued in force all through the variations in the freight market, until the movement of grain for export was so much reduced that Liverpool steamers had the alternative of leaving New York with ballast or making concessions equal to 75 per cent. Even on these there is but a little perceptible movement in grain exports, holders remaining firm.

Meeting of the Kentucky Legislature.
LOUISVILLE, Dec. 31.—The Kentucky legislature met at Frankfort to-day. The house elected J. M. Begger of Paducah speaker.

"HOPE AND FEAR NOT."

END OF THE BURGIER MURDER TRIAL AT FARGO.

Testimony of Gen. Nelson A. Miles as to the Good Character and Valuable Services of Accused—Verdict of Acquittal by the Jury—Congratulations of the Judge—Handsome Presentation—Miscellaneous Crime and Casualty Record.

BRUGIER'S TRIAL.
THE HEARING CONCLUDED.
[Special Telegram to the Globe.]

FARGO, D. T., Dec. 31.—Upon the opening of the court this forenoon John Brugier, the defendant, was cross-examined at considerable length by Judge Campbell, without varying his former statements in any material particular.

Capt. Harmon, of Fort Lincoln, next testified to the excellent general reputation of accused for peace and quietness; also to McGee's quarrelsome disposition when under the influence of drink.

The defense next introduced a number of witnesses as to character, whose testimony was ruled out on the ground that knowledge thereof was denied subsequent to the date of the homicide.

Gen. Miles then testified, as follows, the district attorney interposing no objection: My command went to Fort Peck in November, 1876, when Brugier came to me and said he had been indicted for the murder of McGee, and asked substantially the same story which was given on the witness stand. Accused said he was not guilty, and was anxious to stand trial, if he could have a fair and impartial one. I advised him to enter the service and get money to pay counsel. Accused did go in and rendered invaluable services. He seemed anxious to be acquitted, but he was afraid of trial because of the prejudice against him. He wrote to the commandant at Fort Peck on this subject.

The department of justice and with the governor of the Territory, representing that his services could not be dispensed with. Last spring accused came and said that he had made up his mind to surrender himself and stand his trial. His services have been exceedingly valuable to the government. During three years of constant employment, his character has been that of a quiet, law-abiding man. It was by information gathered by this scout that I was enabled to prevent the junction of the forces of Sitting Bull and Crazy Horse, in the winter campaign of 1876-77.

The unexpected admission of the general's testimony created considerable laugh at the expense of Captains Ewers and Baldwin and Lieut. Wheeler of his staff, who had just been refused permission by the court to testify to the same facts, some one remarking that captains were too small fry to testify when generals were about, although they were right good captains, too.

Judge Campbell then presented the case for the prosecution, and after recess was followed by Messrs. Flannery and Comstock for the defense in able arguments. The senior counsel for the defense next addressed the jury in a speech of one hour and a half. His speech is pronounced the happiest effort of his life by those who know him best, and was listened to with breathless attention by the largest audience that ever assembled in a court house in the Territory. At the conclusion of Erwin's address the court took a recess to 8 o'clock to-night.

EVENING SESSION.
At the evening session District Attorney Campbell made an earnest and impressive speech, in the course of which he was interrupted by the court, who suggested that the striking had no connection with the opening of the door. Argument was continued by counsel, who insisted upon a verdict of manslaughter.

Judge Barnes then charged the jury fully, after which several exceptions were taken by counsel. At 9:30 the jury retired, and after remaining out until 1 o'clock, returned with a verdict

NOT GUILTY,
which was received with cheers, which were promptly suppressed by the court. The court then discharged defendant with the remark, shaking him by the hand, "Go home and serve your country as before."

On going out the jury stood eleven to one on returning to the hotel an elegant copy of Shakespeare was presented to the jury by the staff of which were inscribed the autographs of W. W. Erwin, J. A. Stoyell, F. C. Burgess, J. E. Haggart, A. H. Barnes, Hugh J. Campbell, Nelson A. Miles, U. S. A., with the inscription, "Hope and Fear Not." Fargo, January 1st, 1880.

SHOOTING OF MRS. WARD.
THE MYSTERY INCREASING.

BOSTON, Dec. 31.—The death of Mrs. Helen J. Ward continues to be the subject of universal comment. The daughter, who it is thought, shot her mother, will probably remain in jail till January 7th, when the examination will occur. The medical examiner made an autopsy on the body of Mrs. Ward, to-day, which developed the fact that she had entered the skull at the forehead, the other entering behind the ear and passing into the brain, producing fatal results. The bullet in the brain was extracted, and a dented bullet, which undoubtedly caused the wound on the forehead, was found in the room. This discovery involves the case in a deeper mystery, as the gentleman who loaned the revolver to the ladies for their protection states that he left one chamber unloaded for the hammer to rest in as a precaution against premature explosion, and the revolver, as found, shows but two empty chambers. The friends of the parties testify to the affectionate relations existing between the mother and daughter, and no motive for the deed has yet been discovered.

Gen. Grant in the South.
DISAPPOINTMENT.

COLUMBIA, S. C., Dec. 31.—Gen. Grant was expected to spend a few hours here to-day, and the mayor, city council and others prepared to receive him, but previous arrangements compelled him to proceed to Augusta.

AT AUGUSTA, GA.
AUGUSTA, Ga., Dec. 31.—Gen. Grant and party arrived here this evening, and were received by crowds at the depot, notwithstanding rumors that they would not reach the city to-night. He was escorted to the hotel by the mayor of the town with councilmen. An informal reception continued to a late hour. To-morrow a reception will be tendered to the party, and they will be shown the city. The reception here is cordial and hearty.

Funds for the Chicago January Wheat Deal.
CHICAGO, Dec. 31.—Four million dollars of gold was sent here from New York to-day by James Keene, and smaller sums by other owners of wheat in this market, to conduct their January deal.

Official Court in Louisiana.
NEW ORLEANS, Dec. 31.—The board of canvassers have completed the official count. The new constitution is adopted by 59,148. The old constitution is adopted by 10,487.

A free turkey lunch will be given at the Seneca billiard hall, 78 Robert street, New Year's day.

DOUBLE TRAGEDY.
BURLINGTON, Ia., Dec. 31.—A double tragedy occurred in this city to-day. J. R. Woodward, a son of ex-Mayor Woodward,

shot and instantly killed his brother-in-law, E. M. Price. As soon as he found that Price was killed, he went to the other end of the room, and placing the pistol to his own head fired with fatal result. The affair occurred in a barber shop, in one corner of which Woodward had a railroad ticket broker's office. Quite a number of persons were present, but unable to interfere in time. The tragedy grew out of domestic difficulties.

THE UTES.
More Favorable Advice from Gen. Hatch.

WASHINGTON, Dec. 31.—Secretary Schurz has received two dispatches from Gen. Hatch, written at Clino's ranch on the 29th and 30th. One informs the Secretary for the first time that among the Indians who offered to surrender on the 25th inst., but whose surrender was not received, were Douglass, the hostiles' chief, and several other principals in the Meeker massacre. The last sentence of the other dispatch seems to indicate that after Gen. Hatch refused to receive the surrender of these Indians they were permitted to go to the Indians, and are not likely to be found again for a month. Secretary Schurz entertains considerable doubt as to this being the real meaning of the dispatch as sent, and has telegraphed for explicit information. Clino's ranch is ten miles nearer than Los Pinos to the White River agency and twenty-five miles nearer Lake City. It is inferred that Gen. Hatch and party do not consider themselves in danger, and these dispatches do not express any apprehension of that kind.

REPUBLICAN CONVENTION.
Don Cameron's Call for the Chicago Convention.

WASHINGTON, Dec. 31.—Chairman Cameron, of the National Republican committee, issued to-day the following call:
A national convention of the Republican party will meet at Chicago, Wednesday, the 2d day of June next, for the nomination of a candidate to be supported for President and Vice President at the next election. Republicans and all who co-operate with them in supporting the nominees of the party, are invited to choose a delegate from each Congressional district, from a large from the District of Columbia, to represent them in convention.

[Signed] J. D. CAMERON, Chairman.
B. KNOX, Secretary.

THE EXODUSTERS.
Far From Flattering Reports from a Friendly Source of the Situation in Kansas.

TOPEKA, Ks., Dec. 31.—A staff correspondent of the Chicago Inter-Ocean, who has been making an investigation of the exodus into Kansas during four weeks' travel through the State, writes a letter from here giving his conclusions. He estimates the number of refugees in the State at 15,000. Of these he thinks probably one-fifth able to buy a little land, and are making good progress in farming. Most of the balance have found, through the Freedman's Relief association, places as laborers, and are giving good satisfaction, and in no county did he find them applicants or burdens on corporation charities. But the demand for these laborers has been stretched to its fullest capacity, as the accumulation of refugees at the late census was found, clearly indicates, judging from what he has learned from the refugees themselves and the increasing number, now from 25 to 50 arriving every day. The Inter-Ocean representative predicts that the movement to Kansas will soon assume such proportions again as to astonish the country, and unless the tide can be turned or the charity of the north more readily bestowed, the suffering which the relief committee, although laboring faithfully with the means at their command, has not been entirely able to relieve during the recent cold weather, will soon become general.

The Grand Canon Railroad Litigation.
DENVER, Col., Dec. 31.—The circuit court to-day announced its decision, in open court, in the contest between the Denver & Rio Grande Railroad company and the

and Topeka company, over the occupation of the Grand Canon of the Arkansas. This case has absorbed much public attention and created deep public feeling here. The court decides that the lease of contemporaneous papers executed at Boston in October, 1878, have no relation to and do not affect the controversy, and therefore the mandates of the United States supreme court, made last April, adjudging the Denver & Rio Grande company to have prior right to use and build its road in the canon must be enforced. The court declares that the Atchison company must deliver to the Denver & Rio Grande company the entire line, with the railroad on it, from the mouth of the canon to the South Arkansas river, 56 miles, on being paid the actual cost of construction, commissioners to report such cost. Then, if the Atchison company wishes to build, it must build on the other side of the river in narrow places or by parallel line adjacent. Formal decrees are yet to be prepared as to the line from South Arkansas to Leadville. Sixty miles of the present graded line is awarded to the Atchison company. The topography of that country admits of the easy construction of other lines. The Denver company has filed its petition to pay or deposit money to cover the cost at once and have immediate possession given it, so that it may go on and build its line to Leadville.

San Francisco, Dec. 31.—A telegram signed by a number of Democrats was sent to-day to the Governor of Maine, indorsing his action, on behalf of the Democracy of San Francisco. The signatures include the prominent men of the Democratic party.

WASHINGTON NOTES.
TO RECEIVE.
WASHINGTON, Dec. 31.—The President and Mrs. Hayes and the Vice President will hold a reception at the executive mansion New Year's day, according to the usual programme.

IN MEMORIAM.
Senators Morgan, Eaton, Allison and Blair, as a committee on behalf of the Senate, left here to-night for Alabama to attend the funeral of the late Senator Houston, accompanied by a similar committee from the House, consisting of Representatives Herndon, Shelley, Herbert, Culberson and Thomas.

Fusion Rejected.
St. Louis, Mo., Dec. 31.—An attempt to effect a fusion of Republicans and Greenbackers in the Seventh Congressional district, at Sedalia, to-day, fell through. The Republicans nominated ex-Gov. McClung, and the Greenbackers W. C. Aldridge, as candidates for the vacancy caused by the death of Mr. Say.

Chicago, Dec. 31.—Four million dollars of gold was sent here from New York to-day by James Keene, and smaller sums by other owners of wheat in this market, to conduct their January deal.

Official Court in Louisiana.
NEW ORLEANS, Dec. 31.—The board of canvassers have completed the official count. The new constitution is adopted by 59,148. The old constitution is adopted by 10,487.

A free turkey lunch will be given at the Seneca billiard hall, 78 Robert street, New Year's day.

THE MILITARY.
The military officers summoned from Bangor had an interview with the Governor to-day, the interview having reference to the inquiry concerning the calling out of the militia companies, should they be needed. The officers promised to obey the orders of the Governor while he was Governor. The Governor spoke in strong language in opposition to calling out the military companies.

WORDS OF CHEER.
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MAINE'S MUDDLE.

GOV. GARCELON PROPOSES LIGHT ON THE SUBJECT.

Twelve Questions Propounded to the Supreme Court—Covering the Various Points in Issue as to Canvassing Returns—Militia Officers in Conference With the Governor—The Governor Recognized as the Supreme Authority—Words of Cheer From California.

COURT CONUNDRUMS.

QUESTIONS PROPOUNDED BY GOV. GARCELON.
AUGUSTA, Dec. 31.—The following are the questions propounded by the Governor to the supreme court, and sent to the chief justice to-night:
First—When the Governor and council decides that there is no return from a city on which representatives can be summoned to attend and take their seats in the legislature, is it their duty to order a new election, or is it competent for the House of Representatives, if it shall appear that there was an election of such representatives, to admit them to seats, though no return thereof was made and delivered into the office of the secretary of state?
Second—Is it competent for the governor and council to allow the substitution of other evidence in place of the returned copies of such lists as are provided for in article 4, part of section 5 of the constitution, to enable them to determine what persons appear to be elected Representatives to the legislature by plurality of votes returned?
Third—Is a return signed by a majority of the selectmen of a town, or aldermen of a city voted, within the requirements of the same section?
Fourth—Is a return by the aldermen of a city which does not give the number of votes cast for each person voted for as a member of the legislature, and does not show what persons were voted for as such members in any one of the several wards of such city, a valid return within the requirements of the same section?
Fifth—Are returns from towns or cities, which are not attested by the town or city clerk, voted within the same section?
Sixth—Have the governor and council a right to reject returns of election of members of the legislature, required by the same section, from officers of towns which were not made, signed or sealed up in open town meeting?
Seventh—Is the returns of two persons purporting to be the selectmen of a town, valid and sufficient evidence of the vote of the town, when it appears that there were, at the time of the meeting at which the election was had, but two selectmen of that town?
Eighth—Can a person who is not a citizen of the United States at the time, be legally elected or constitute a selectman of a town?
Ninth—If a ballot has a distinguishing mark, in the judgment of the governor and council such as would make it illegal within the requirements of the same section, is it their duty to disregard it in their ascertainment of what persons appear to be elected, where it appears by the official returns of the officers of the town that such vote was received by the selectmen subject to objection, and its legality referred to the governor and council for decision?
Tenth—If the names of persons appear on the return without any number of votes being stated or carried out against them either in words or figures, is it the duty of the governor and council to treat those persons as having the same number of votes as in their ascertainment of what persons appear to be elected, where the name is placed first in the return, if they find dots under the figures or words set against such other person's name?
Eleventh—Have the governor and council the legal right to decide what kind of evidence they will receive and what the mode of proceeding before them shall be to enable them to determine the genuineness of returns required by the article and section of the constitution above mentioned?
Twelfth—If the governor and council receive returns from the same town differing materially from each other in the number of votes returned as cast for the same person, but identical in all other respects, both having been duly received at the secretary's office, and they have no evidence to enable them to determine which is the true and genuine return, are they required to treat either of them as valid, and if so, which?

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WASHINGTON, Dec. 31.—The President and Mrs. Hayes and the Vice President will hold a reception at the executive mansion New Year's day, according to the usual programme.

IN MEMORIAM.
Senators Morgan, Eaton, Allison and Blair, as a committee on behalf of the Senate, left here to-night for Alabama to attend the funeral of the late Senator Houston, accompanied by a similar committee from the House, consisting of Representatives Herndon, Shelley, Herbert, Culberson and Thomas.

Fusion Rejected.
St. Louis, Mo., Dec. 31.—An attempt to effect a fusion of Republicans and Greenbackers in the Seventh Congressional district, at Sedalia, to-day, fell through. The Republicans nominated ex-Gov. McClung, and the Greenbackers W. C. Aldridge, as candidates for the vacancy caused by the death of Mr. Say.

Chicago, Dec. 31.—Four million dollars of gold was sent here from New York to-day by James Keene, and smaller sums by other owners of wheat in this market, to conduct their January deal.

Official Court in Louisiana.
NEW ORLEANS, Dec. 31.—The board of canvassers have completed the official count. The new constitution is adopted by 59,148. The old constitution is adopted by 10,487.

A free turkey lunch will be given at the Seneca billiard hall, 78 Robert street, New Year's day.

THE MILITARY.
The military officers summoned from Bangor had an interview with the Governor to-day, the interview having reference to the inquiry concerning the calling out of the militia companies, should they be needed. The officers promised to obey the orders of the Governor while he was Governor. The Governor spoke in strong language in opposition to calling out the military companies.

WORDS OF CHEER.
SAN FRANCISCO, Dec. 31.—A telegram signed by a number of Democrats was sent to-day to the Governor of Maine, indorsing his action, on behalf of the Democracy of San Francisco. The signatures include the prominent men of the Democratic party.

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