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BEDFORD, Pa., FRIDAY, JANUARY 5, 1866.

VOLUME 39: NO. 1.

shall have been given at the election.
"To usurp the power of throwing out, at their discretion, any votes so given, is to commit a wilful and grievous offence, for which, mit a wilful and grievous offence, for which, if found guilty by a jury, they can be adequately punished. Inconvenience from their illegal course can also be avoided, as the House of Representatives has full jurisdiction over the election and returns, and may apply a summary remedy if the alleged state of facts should be properly substantiated."

Now centlemen this is the first proposition. We present you a paper, purforting

tion. We present you a paper, purporting to contain, and actually containing a fair and full return of all the votes cast in every county in the district, and containing nothing more, as a prima facie case. I will offer you in support of it the very authority

which the gentleman himself produces.

Mr. Feller.—We present it as authority so far as the facts are concerned, we do not offer it as law.

Mr Cessuu, neither do I. In some par-

ticulars I think it is good law, and you pre-sent it as law, I imagine, as I do, just so far as it suits you.

If you are then gentlemen to receive the

If you are then gentlemen to receive the definition of prima facic which my opponent definition of prima facic which my opponent definition of prima facic which my opponent desires you to adopt, we present you a paper entitling in his line not on hand.

28, 1865—23.

If you are then gentlemen to receive the definition of prima facic which my opponent desires you to adopt, we present you a paper entitling in his line not on hand.

28, 1865—23.

On this point I desire to refer the Committee to some authorities. U. S. Digests, Vol. 3, p. 72.:

Where one acts under a colorable title to an office, his title can only be examined before the Supreme Court, and that immediately.—McKim vs Somers, I Penn 297.

"A mere uninisterial officer has no right to decide on the acts of an officer de facto, who comes into office by color of title, cradjudge them to be nult? —People vs. Collins, 7 Johnson, 549.

the acts of an officer de facto, who uses incoeffice by color of title, are valid, it concerns the public and third persons. have an interest in his acts. -ib. I do not know what view you may take in regard to the point and I comes I do not care very much. Of course I would be

of Penn-ylvania. You have their action in the premises and their reasons for so doing.

What are they? "One return of 70 odd to the fine premises and their reasons for so doing. What are they? "One return of 70 odd to the fine premises and their reasons for so doing. What are they? "One return of 70 odd to the fine premises and their reasons for so doing. What are they? "One return of 70 odd to the signed premises and their reasons for so doing. What are they? "One return of 70 odd to the signed premises and their reasons for so doing. What are they? "One return of 70 odd to the signed premises and their reasons for so doing. What are they? "One return of 70 odd to the signed premises and their reasons for so doing. What are they? "One return of 70 odd to the signed premises and their reasons for so doing. What are they? "One return of 70 odd to the signed premises and their reasons for so doing. What are they? "One return of 70 odd to the signed been rejected by the other judges. The Court decided that the two papers made but officers to conduct the election" of a certain company. "having been first duly sworn according to law, proceeded to hold said election." These gentlemen in the premises and their reasons for so doing. What are they? "One return of 70 odd to the says, "we, the undersigned having been didate the two papers made but officers to conduct the election" of a certain company. "having been first duly sworn according to law, proceeded to hold said election." These gentlemen in the premises and their reasons for so doing.

The Cuarrent Eving Ewing, the Democratic candidate, admitting 3000 soldier's votes which had been rejected by the other judges. The Court decided that the two papers made but officers to conduct the election." The segentlemen in the premises and their reasons for so doing. ected this entire vote because it did not appear upon the face of the return by whom the the officers were sworn. Carrying out these same instructions eight returns were rejected in the county of Adams, two in the ascertain for whom a majority of votes were county of Fulton and two in the county of Bedford, making twelve in all, and embrac
Mr. Upson asked, if portions of the judging 372 votes—of persons as much entitled to be heard at the polls as any of the point as any of the point as any of the remaining at home. In the the county of Franklin, where the return judge were nearly evenly balanced in their political opinions, they inadvertently elected at man of the wrong politics to carry this return, but after it became necessary for Adams Bedford, and Falton to throw out returns of soldiers votes. Franklin performed its part by turning out the man they had elected to carry the return to the district board, and elected to the district board and elected t district board, and electing this Mr. Lacker ow Mr. Meredith declares in his opinion hat at any time when these return judge had been assembled lawfully; they migh choose a return judge, and it therefore becomes optional with them when he shall be elected if they are assembled in lawful meeting—Mr. Meredith holes that the subsequent election of Mr. Lacker was valid.

all the judges had signed the paper thus

ited.

Mr. Cessua, -no sir, but the courts of nna, have always looked at all papers to

es acted separately upon different papers, how putting them together would make the action of the board a unit."

Mr. Cessna.-It did not; but I care not

on which the judges divided as illegal, null be determined was who was to be sworn and whose securities were to be approved on the presentation of the case, prima facie.

The Court was composed of two Republicans and one Democrat. I read from the Philadelphia reports, vol 4, p. 370 "Each of the candidates chaining to have been elected Sheriff at the late election."

In which the judges divided as illegal, null and void, as furnishing no evidence of a return; and it the Committee take that view, the papers are before them which will enable them to go back and arrive at a satisfactory concurrent without difficulty as to who is prima facility entitled to the seat.

Mr. Schofield asked how contested elected Sheriff at the late election. I differ from him, and desire to give my authorities. I refere the Committee to 7th Barr, p. 151 sequent election of air. Lacker was valid.

I differ from him, and desire to give my authorities. I refere the Committee to 7th Barry, p. 151—

The Barry, p. 151—

An election once made is irrevocable.

To the same elect is it Johnson, 241. From these it appears that a party having a right to cleek as to time, and having once made his election, cannot subsequently revoke such election, and choose a different time.

"An office when once filled, cannot be considered wasnit, fill the term of service experience themselves before the board of return judges," "We have also be also because their votes have not established by the board of return judges," "We have also be also because the proper tribunal, have voted, their votes and election, and choose a different time.

"An office when once filled, cannot be considered wasnit, fill the death, removal, or resignation of the person appointed." Johnson ve.

"An office when once filled, cannot be considered wasnit, fill the death, removal, or resignation of the person appointed." Johnson ve.

Wilson, S. N. Baum, 202.

Now, Gentlemen, I hope I have shown to the law of Ponsylvania been decided to this paper were legally continued judges, beyond dispate. I be your attention to a few words and appointed and opposite results. It is not that the early in the case of the proper state in the souther is final. That is a tributed to the ball to the board of return judges, "We have a state of the first of the

remarks.
(The opinion of Judge Biack was here

read) It argues that the District return and the returns from Bedford and Adams counties were absolutely null and void and that the House must now do what the coun-y and District judges should have done, to wit: collect and add up the District returns or a prima facie case.

Mr. Upson asked if it was claimed that

he original returns made by the inspectors of each precinct were before the Committee Mr. Cossac.—From every disputed preinct they are. You have them in this way In Adams county they met and certified to the return of the home vote for the whole county. That is here. In the same county they made two returns of the soldier's votes one, signed by a majority of the judges in Mr. Cessut.—It did not; but I care not how you regard it. If you put both these papers presented to the committee together. Bedford, you have before you these returns papers presented to the committee together as one, my client has a prima facie right to the seat for they show that he had a majority of votes at the ballot-box.

In this case of Robert Ewing, before the District Court of Philadelphia, the question was this: Two gentlemen claimed to have been elected Sheriff, and the point to

tions were settled in the Pennsylvania Leg-

Mr. Cessna.—By a committee chosen by lot, and the report is final. That is a tributed fixed by law, and the House does not

within the scope of their legitimate authors. And here let me remark, that although this certificate was given to Mr. Ewing by reason of the soldiers vote notwithstanding fifteen judges ont of twenty-four had signed to the subsequent contest of Thompson cannot Ewing, a large portion of these with them and were carried over to the country of Thompson who was finally awarded to the country. The Chairman asked how the two papers let be put together and made intelligible.

\*\*Cessno.—You have all the facts in hard to the control of the country have been are informalized.\*\*

\*\*An in the subsequent contest of Thompson cannot to Bedford. There are fifty-four men upon that roll, not one of whom it has been pretended was not a legally qualified voter of that District and yet this man set in the subsequent contest of Thompson who was finally awarded to the country. The contest was decided in the country. The Chairman asked how the two papers let be put together and made intelligible. \*\*Cessno.—You have all the facts in the latter of the returns show the contest in the contest in the contest of the contest in the contest of the contest was decided in the contest of the contest was decided in the contest of the contest was decided in the contest of the contest was decided in the contest was decided in the contest of the contest was decided in the contest of the contest was decided in the contest was decided in the contest of the contest of the contest was decided in the contest of the contest was decided in the contest of the

3. p. 71 sec. 5.
"It is malfeasance if an officer under color of his office does what the law prohibits. A ministerial officer can only do such acts as he is expressly or by necessary implica-tion authorized to do.'' Vose vs Dean, 7 Mass. 230.

The gentleman in his argument says, add the voice of Somerset County and he will be content. We do not concede that if his board had obtained the vote of Somerset in which it mingles, is corrupted by its content.

ern? Every decision that I have read upon the question holds most decidedly that it is the business of every tribunal before whom these questions arise to find if possible where the will of the majority lies. When the ma-jority of votes for any office has been depos-ited in the ballot-box that gives the candidate for whom they were cast a title to the ought to lean strongly in favor of obeying the will of that majority. You could estab lish no more dangerous precedent than you would do by getting a lantern and going a leading him into his library, explained to round in search of some invisible technical him the many demands made upon a person quibble by which the will of the majority of the people in this Congressional district shall be set aside even prima facie. These peo-ple have presented themselves before the

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judges and other officers, upon the people of the District. Whenever a fraud appears it should defeat all who attempt to take an advantage of it or seek to shelter themselves behind it. On this point the Supreme Court of our State declare in 5 Barr 217 as follows: "But in the eye of the law, fraud spoils every thing it touches. The broad seal of the

board had obtained the vote of Somerset county, had counted it, that would have made a return. But if he will just take the vote of Somerset, and add the soldiers vote of Somerset, and add the soldiers vote of Bedford, Adams, and Fulton counties to the bone vote we will be content. the home vote we will be content.

A few words now upon some of the equities of this case and I will close. What is the great object of elections after all? Is it that the will of the majority should gov-

VALUE OF "APPEARANCES" ABROAD. A gentleman who had been long attached to Cardinal Mazarin, and was much esteemed by that great minister, but little assisted in his finances by court favor, one day told office, and I say that Courts, Committees, Mazarin of his many promises and his dila-and tribunals of all kinds, if they lean at all tory performance. The cardinal, who had Mazarin of his many promises and his dilaa great regard for the man, and was unwilling to lose his friendship, took his hand, and leading him into his literary, explained to in his station as a minister, and which it would be politic to satisfy previous to other requests, as they were founded on services