EVENING NEWS. PAILT, SURDATS EXCEPTS

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CHARLES W. PENROSE, EDITOR.

THE UTAH ELECTION DEBATE

THE Congressional Record of Jan. 11th, contains full particulars of the debate on the 10th inst, in the Utah election case. Considerable extraneous talk was indulged in over the lie sent from this city by tele-"Mormonism" and polygamy-with the transparent design of prejudicing the main question; but clear-Theaded members of both parties saw

such barangues, and when the vot- or a crank," and said further: ing came, addressed themselves to

systiting down upon the motion to admit Campbell. The motion of Mr. Haskell to seat Campbell on the prima facis evidence of the certi--ficate was lost, and the amendment of Mr. Reed, of Maine, as follows, wos carried:

That the papers in relation to the right to a scat as a Delegate from the Territory of Utah be referred to the Committee on Riccilous with instructions to report at as early a day as prarticable, as to the prime facts right or the final right of claimants to the rest as the committee shall doom proper.

The speakers in favor of regarding the certificate as prima fucie evidence of the right to the sent were Mesura, Haskell, Van Voorhis and Browne; the speakers against it were Messre, Cox, Reed, Hiscock, Mc-

Cord, Burrows, Belford, and Robeson. The debate covers over sixteen pages of the Record, and, in effect, Is establishes very clearly that in is-

suing the certificate to Campbell, Governor Murray stepped entirely outside of the duties of his office and assumed Judicial functions and the prerogatives of the House of Representatives, as has been maintained from the beginning by this

paper. The opening speech of Mr. Haskell was characterized by a great deal of bitterness and was bolstered up by elipped quotations from Me-Crary on Elections, the object being to show that the House ought to swear in Campbell on the simple fact that he held a certificate, and that the case should then go to the committee on elections. Several cases were cited as precedents, but in each of them a proper cardificate had been presented, showing that

the holder had been duly elected, and not containing the damaging

m. [Laughter]. Here is the fact. Commons The demundration of many fersion, raises simply a question of many of fact. The evert, in deciding it, loos granted that the facts were as stated i granted that the facts were as stated i munializit, when overrolling the demutre munializit, when overrolling the demutre The facts are not sustained on o ical. They wou'd on an we required proof. What lawyer is there en a tyro in the profession, what lawyer s ettifogging, so migroscopic, as i ast a demurrer doss not ascerta ren though forma'ly they' are i e demurrer for the mero flatts raising the points of law.

Mr. Cox then had read the letter of Mr. Arthur Brown, of this city, to Judge Hunter, and his reply, showing that there had been no find. ing of facts on Mr. Cannon's citi-

gages and recommended that the bill be printed and placed on its pas-sage. The report was accepted and fifty copies of the bill were ordered printed. zenship, bec use none had been presented, which effectually disposed of The committee on judiciary re-ported back that bills in accordance graph, that Mr. Cannon had been with the petition of residents of Silver Reef were now before the adjudged an alien. Council. The report was accepted. The bill for Au Act to change the Mr. Oox argued that the Governor

might as well have certified that name of Henry Newsham to Henry Thornley was brought up and passed its second reading, and on motion of C uncilor Murdock, being read the and pointed out the irrelevancy of Campbell was "a soldier, a Buddhist,

This governor, in his fantastie execution This governor, in his fininistic exodution of the office, wanted to raise the Mormon issue. He thought that in the gush of moral senti-ment against tolywamy, there would be tem-protocoust of the sentimeter of the sentimeter was presed up in by Congress when he was in swatching clothes, and that if any power should prohibit a polygamous Delegate, it should be Congress and not him-act.

The gentleman took up the sub ject of the attacks on the "Mor mone," Congressional, military and otherwise, and showed their futility, and, in reference to Mr. Haskell's

an Act making Chapter 2, Title 2, of the Compiled Laws, applicable to Justice's Courts. The bill was read figure, sald: Why, sir, if King Suburns were cleated from Utah, Novada or Bhodu Isband, with al-his wisdom. The gentleman from Kaneas would say that he was remeasuring the "sour-let-robed" women of Utah. [Laughten] Why, sir,do you not remember that when the Pharisees of old went to the Saylor with a woman that was taken in adultery, he said to them, "He that is without sin among you, let

him first cast a stone at her.⁴⁶ Mr. Haskell.—That is why I cast a stone. Mr. Cox, of New York.—And it is said you cannot find a bowlder now in that neighbor-hood. [Laughter.] Every Pharises picked up all the stones within reach, and finite them it that the stones within reach, and finite them

up all the stones within reach, and flutty them at that r.or miserable scarlet-robed woman of Judeal If the gentleman from Kanash had been there, he would have reached for a big bowder of the gincial period and hurled it at her and masked the poor woman under its ponderosity. [Much laughten] But, Mr. (Sgeaker, this question does not turn on polygemy. It does not turn on the color of a woman's robe. It turns on the votes of a Territ orgi and where you can ar-certain that from the record you are bound, as men upholding the republican system. to let the man come in—if not now, becautor-who represents the popular voice of the Ter-ritory. It is not a question of how many wives, but how many votes. [Laughler.] act in his abscen

Mr. Reed's speech in favor of his amendment to refer way close and to the point. He took up the certificate and clearly showed its inva lidity. Several speakers against the certificate strongly assailed polyga my, but showed that this did not affect the subject at issue.

The bast argument offered on the On motion, the report was acside of the certificate, was made by cepted. Mr. Lee, chairman of the commit-Mr. Browne of Indiana, who contended that the certificate showed tes on rules, reported that the com-mittee wished to report the amendthat Campbell was duly elected, and that the words "being a citizen of the United States over the age of adoption. of the United States over the age of tweny-one years," which were ob-jected to, were but surplusage, and therefore could be stricken from the certificate or disregarded by the House. He referred to McCrary in support of his position, and to show that "the Governor may not certify except to those facts that he is rule 34. authorized by law to certify," and contended that in so far as the Governor had certified to other facts, his statements were to on the Clerk. be regarded as not being in the.certificate at all, unless other facts showed on the face of the certificate that what he certified as a conclusion was untrue. The claim that those facts existed he did not admit

To the centingent fund of the city natermaster, to be drawn upon his cil of Salt Lake City, acknowledging

Councilor Murdock presented a petition from the County Court of Beaves County, asking fr an appro-priation of \$358.60 to defray the charges incurred by bringing parties charged with crime to Beaver city, the expenses of which had been paid by this county. Iron County had refused to pay any proportion of these expenses. Attached to the petition was a copy of the record showing amounts paid in 1880 and 1881. The petition was read and on motion of Councilor Thurber re-ferred to the committee on judiclary. The committee on judiclary re-ported back the bill on chattel mort-gages and recommended that the The instrument of writing, pre-scribing the conditions of agree-ment between the city and Francis Armstrong, concerning the water power for his mill on North Tem-ple street, which the Mayor was authorized ito have prepared and presented to the Council for approv-

al, was read and its several provi-tions discussed. The document was finally approved as originally pre-sented, and the Mayor was author-ized to sign the same on behalf of the city.

Adjourned for one week.

Correspondence.

FRANKLIN, County, Ky., Simpson County, Ky., January 8th, 1882.

Editor Deservet Neura:

Editor Deseret News: Having been called to go to the State of Kentucky, I bade the Saints in the State of Georgia an affection-ate farewell and took train on route for this place, where I arrived safely several days since, being kindly re-ceived and made welcome by au aged lady and gentleman named Tabitha and John T. Hendricks, who have arrived at the ripe age of 78 and 88 years respectively. Ever since the years 1835 they have made their home a welcome abode to the Elders. Brothers James Emmet and Father Dustin were the first

and Father Dustin were the first Elders that preached the go-pel in this immediate vicioity, at which time Sister Hendricks obeyed the

gospel. The work is moving on in th The work is moving on in the State of Georgia in a satisfactory manney, and the honest in heart are investigating the truth, and while the opposition that has always char-acterized the spread of the truth is brought to bear against the Elders and Baints it is pleasing to witness the undaunted energy displayed on the part of the Saints in attend-ing their meetings, and setting an example so worthy that it recom-mends itself to the imitation of all, which leads others to glorify out

which leads others to glorify our heavenly Father; "for by their fruits ye shall know them." Elders M. F. Cowley and Wm. J. Jan. 18, 2 p. m. The chief clerk announced that he had received a message from Srask-er Lyman, stating that by a tele-

graphic message informing him of sickness in his family, he had been called away so hastily that he had been unable to appoint a Speaker to Packer have been my traveling companions. The former I was with seven and the latter six months, with whom I have had the privilege of officiating in extending the ordi-nances of baptism and laying on of hands to some 18 persons, blessing their children, bearing testimony to thousands of the restoration of the On moti n, Mr. Farr was elected Speaker pro tem. Roll called. Quorum present. Prayer by the Chaplain. The minutes of Tuesday's pro-ceedings were read, amended and

gospel, etc. The people of Georgia have treated us generally with kindness, and their genial hospitality has ever been noticeable with gratitude by us, and "they will in nowise loose their re-ward."

Mr. Peery, from the committee on ways and means, reported on H. F. No. 9, a bill to amend the session laws of 1890, that the committee re-Elders Walter Scott, John Hous-ton and Wm. J. Packer, in common with the Saints in the State of Georcommended an amendment to the bills title was to read, a bill to amend sec. 5, chap. 20, of the laws of 1880.

gla, were in good health when I left them, and a few families of the Baints are making preparations to move to the land of Zion in the spring, for they say to each other: "Come ye, and let us go up to the mountain of the Lord to the



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features of Campbell's certificate. The quotations from McCrary, too, all referred to "the person holding the ordinary oredentials." while Campbell's were extraordinary, showing on their face that the Governor was compelled in order to give him a certificate at all, to insert words proving that the Governor had exceeded his authority. Throughout the whole speech spscial pleading is painfully manifest and anyone reading it carefully can see its inherent weakness. He concluded with the following peroration, the closing sentence being a plagiarism from one of Talmages diatribes against the "Mormons:"

Now I stand here to repeat the argument and to declare again the position of the Dem-coratio side and to repeat the argument and declars again the position eccupied by the Republican aide of the House, that this man should be seated prime facis on the Carifloate of the governor, and the merits of the case iscall go to the committee. How will the country look at the action of the House that has always constrained there certificate liber-ally, always assumed when a governor said her whisted to give a man a certificate he had done so; what will the country say, when, for sidered. wasted to give a man a certificate as had no so; what will the country say, whea, for s first time in the history of an American bagress, this House turns a microscopio, return, returninging ore upon this certifi-te in behalf of that schriet-robed harlot at sits enthround amid the hills of Utah?

Mr. Cor, of New York, in reply, made a very able speech, and in anawer to the accusation of "rattifogery" said:

The submit to this House the questions What would be thought of a gentlemain who comes here with a proposition to sent a person hav-ing 1,357 votes in opposition to a person which the record abows received 18,454 votes? That is neither ropublican nor democratics nor representative in any sense. I will not characterize it in unparliamentary language. I will not say that it is potlifogging; but I will say that to give to a man who has about thirteen fourteenths only of the entire votes of the Territory which he chaims to represent a seat here is very much in the instare of potlifogging if not worse. legal question," he proceeded:

He took up Mr. Haskell's quotations from McCrary, gave the portions which that gentleman had omitted, and used his own citations gainst him. On the course taken by Gov. Murray, Mr. Cox said:

"Who gave this oresture of the organic naw, this oresture of Congress, the right to take from Congress the power to decide on the qualifications of members?" Does not the gastion an see the little quick or quibble in this statement of the certificate; that Campbell is "a citized," the immendo are as all the papers will show, that Can-was not a citizen in the governor's opin and therefore 18,000 votes are to go fo and therefore 15,000 Strike the word ing as against 1,300? Strike the word nea" out of the certificate, and what recertificate—but he makes such a certificate is to raise a question which he himself de-cides as to the qualifications of the delegate. This is a question, sir, that belongs exclu-sively to the Bonne of the recentative. By the at it. Mr. Speaker,

a was a polygamist, or a sold years of age, or was a Democratic and the solic has or was a "Half-Bro of that kind w tion in any way have affected to the detriment of the person hirg at vote? Not much. But you; and is it not eatit eatitied to go to the ministee on Elections? The governor of a Territory undersident to decide. He would be Territory undersident to decide. He would control the poople. He would decide on continention," and not the House. Way, sir, if Mr. Cannon be an alien, it is a ther for us to decide; the governor of the retury has no right to set him aside be-use of some a under on that he

A arguing the q cation whether or not Mr. I am innov is an align. I have, powers Mr.

bublic accounts relative to the peti-tion of J. M. Coombs for relief, to the amount of \$168, recommending that the amount be appropriated. Mr. Penrose explained the relief asked for was for court services in the district court, which expense should be paid from the Territorial Decemption. or deny, but as they dhi not appear on the face of the certificate he argued that they could not be con-Mr. Robeson, who at first thought with Mr. Browne, after further Treasury. consideration concluded that the

Mr. Duiton said in regard to sher-iff's expenses, that the Poland bill provides that the marshals shall attend the sessions of the district argument was baseless because the words quoted as "surplusage" were attend the sessions of the district courts in criminal cases, and at present such labor is performed by the sheriffs, which matter was wor-thy of legislation. Mr. Penrose stated that the law provides for the compensation of sheriffs in criminal business, which law passed after the passage of the Poland Bill. clearly not so in fact, but were an ssential part of the Governor's certificate. After eliminating the religious and anti-"Mormon" ele-

ments from the discussion of what he considered a "dry matter of fact On motion of Mr. Sharp the re-port of the committee was accepted and the bill referred to the commit-

CITY COUNCIL.

I did say as my friend from Kaneas quoted me in saying the other day, that the gover-nor's ceri floate was the prima facts evidence; but I qualified ithat by saying so long as that certificate certifics only to what the law authorizes the governor to certify to. Now, all the power which the governor of Utah has in this matter will be found in five lines of the statute:

"The person having the greatest nu He is the man to declare it; there is no

"duly elected, and the certificate shall be

given accordingly." That is his power; that is its limit, and to the extent that that certificate goes to that your only it dannot be questioned as a prima-facis certificate. If it contains other state-ments which do no not affect the conclusion nor quality the result, then they are surplus-age. But if there are other statements of facts which the governor decides when he has no right to decide them and makes that decision the foundation of the final lawful certificate, then they do not prove anything and the certificate litely hows egacily that he has founded his conclusion not on what the law requires, but upon the decidion of Proceedings at the City Council fuesday evening, January 17, 1882, Alderman Raleigh, presiding: A communication was read from the Legislative Council extending the freedom of their chamber dur-ing the present session of the Leg-islature to the Mayor and City Council. The invitation was ac-cepted and the Recorder requested res, but upon the decision on rs which he has no right to deide. Now if this certificate does that, th bor of votes and is duly ele to make acknowledgment of the courtesy and notify the Council of oil was the

titinate. But when he says Allen 6. Called the council of the presents are the age of twenty-one provided stating the president number of votes and was therefore founding the president number of votes and was therefore for the age of twenty-one for the second the state of the second the state of the second the state of votes and the state of the second the state of votes and the second form the second

nt to rule amendment, and recommended ite of the God of Jacob, and he will teach us of his ways and we will

having received a testimony through the spirit of truth that this is the dispensation of the fulness of times, when the Lord would gather His Mr. Farr desired to know the sense of the House with regard to the manner of notification that should be given to privileged persons under

On motion, the Clerk was in-structed to notify them in writing. Mr. Attwood 'considered the last esolution imposed too much labor

The Speaker suggested that of the 200 copies of the rule, a copy thereof be sent to each person so privi-

Mr. Penrose presented a report from the committee on claims and public accounts relative to the peti-

thir i time passed. The bill for An Act to amend sec-tion 1444 of the Compiled Laws of Utah passed its third reading by its

The bill for An Act to amend sec-tion 2338 of the Compiled Laws of Utah passed its third reading by its

The committee on enrolling and engrossing, reported that C. F. 1, an Act to amend the Charter of Salt

Lake City, had been correctly en-grossed and forwarded to the Gover-

and referred to the Committee on

Council adjourned to 3.30 p. m. on

HOUSE,

Judiciary. Benediction.

Chursday.

title

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its in both ears, right horn br ich, if not olaimed and taken a n ten days from many, will be so on to the highest bidder at the y Pound, Woshington Square, at 2 educeday 25th day of January, 1560

day 25th day of Januar JAS. SHELMERDIN

Salt Lako City, Jan. 16, 1982. JUST ISSUED

By J. H. HEMAN, SALT LAKE OFTY. UTAR



toe for hearing of a petition of (

and place all perso a interested m and oppose the probate of said will. Dated Sait Lake City, January

oument herewith filed, be admitted

COMMENCING

THE



(LIMITED)

