

Local and Other Matters

FROM TUESDAY'S DAILY, FEB. 1.

Re-opened.—The office of the Deseret Telegraph Company at Hampton's Station, on the Utah Northern Railroad, has been re-opened.

Blocked.—Both the Central Pacific and Union Pacific trains were reported to-day, by telegraph, as stuck fast in the snow, with a probability ahead of being able to extricate in time to reach Ogden to-night.

Michievous Boys.—Three boys were arrested last evening for throwing rocks at and damaging the gasometer and other property of the Salt Lake City Gas Company, near the railroad depot. Justice Pyper was to deal with them to-day.

Mortuary.—Sexton's report for January—

Males 28, females 19; of these adults 19, children 28. Causes of death as reported—Scarlet fever 17, old age 2, convulsions 3, cholera 1, chicken pox 1, lung fever 1, injured spine 1, pneumonia 2, diphtheria 2, suicide 1, killed by snow-slide 1, childbed 1, typhoid fever 2, teething 1, general debility 1, dropsy 1, consumption 2, internal injuries 2, apoplexy 1, inflammation of bowels 1, not reported 4; total interments 47.

JOS. E. TAYLOR,

Sexton.

Out on Bail.—Ex-deputy U. S. Marshal "Pony" Duncan is back to the City, having, we understand, been admitted to bail, on a charge of mule stealing in Wyoming Territory. Duncan is the person who was nominated and commissioned Territorial Marshal by ex-Governor Geo. L. Woods, over the joint vote of both branches of the Legislature, whose choice was Marshal McAllister. Duncan's name is prominently mixed up with alleged financial shortcomings in his manipulations as deputy in the Beaver district, while he was acting under ex-U. S. Marshal Patrick.

A Row.—Yesterday a couple of young men, hailing from Rhodes' Valley, were invited to the house of an acquaintance, at Butcherville. At the same house there was a party last night, and the presence of too much whiskey caused a row and general fight, in the process of which one of the persons participating got to feeling after the bumps of one of the Rhodes' Valley men with a stick of wood, making a very marked impression on the scalp, the skull, however, proving too thick to be injured by such manipulation. Some of the parties who took part in this disgraceful performance were arrested, and were to have a hearing before Justice Pyper this afternoon.

A Youthful Thief.—A small boy named Brunner, who has been frequently before the Police Justice on various charges of petty theft, was again arrested last night for robbing the Legislative P. O. box. Of late it had become evident that the mail had been abstracted from the box aforesaid, letters taken from it having recently been picked up from the street. Last evening the messenger of the House of Representatives of the Legislature went to the Post Office and watched for the thief, when he found young Brunner with the box open and in the very act of plundering the mail. The little rascal confessed that himself and another boy, a close companion and confederate, named Wilson, had carried on these thieving operations for some time, taking various sums of money, varying from \$25 down, from letters. The boy had upon him, when captured, a number of keys with which he has been able to open the box alluded to and probably others.

The trial of the case was set for 2 o'clock this afternoon, before Justice Pyper.

Deseret Sunday School Union Concert and Entertainment.—It is designed to give at the earliest practicable date, a Sunday School Union concert and evening entertainment, at the Theatre, Salt Lake City, consisting of songs, comic and sentimental duets, quartettes, songs with choruses, recitations, dialogues, &c., most of them to be performed by those immediately connected with Sabbath Schools. It is therefore very desirable that the superintendents, teachers and members of choirs, from every Ward or school in the city, should be present at our usual monthly

meeting, on Monday next, in the Fireman's Hall, at 7 o'clock p.m. punctually, to take immediate steps in gathering up the talent of our children and training them for that interesting occasion. Should it be deemed wisdom we will intersperse with an occasional song by our most talented vocalists, or any thing else by way of increasing the attraction, and adding interest to the occasion. The fact of the object in view being to expressly benefit the juvenile portion of the community of Latter-day Saints will, we have no doubt, be inducement sufficient to call forth all the gratuitous embellishments to make it the most interesting entertainment of the season.

Trusting that parents and children, and all who are interested in the welfare of the rising generation will do all in their power to make this effort a grand success.

GEORGE GODDARD,

Ass't Supt. Sunday School Union.

THE LEGISLATIVE ASSEMBLY.

COUNCIL.

Council convened yesterday, Jan. 31st, at 2 p. m.

The Council resumed the second reading of (C. F. No. 1.) "The Penal Code of Utah," and made some amendments thereto.

At the close of the reading of Title 10, the Council adjourned.

HOUSE.

The House met yesterday at 2 p. m.

Mr. Pack presented a petition from Willet S. Harder and 72 others of Summit County, praying for a change of County lines; referred to Committee on Counties.

Mr. Roundy presented a petition from H. W. Miller and 44 others of Washington and Kane Counties, praying for an appropriation of \$1,000 to be expended in repairing and improving the road between the "Black Ridge" and St. George, and completing the graveling of land at the Grape Vine Springs; referred to Committee on Roads, Bridges, Ferries and Canyons.

(H. F. No. 14.) "A Bill relating to the Estates of Deceased Persons" was called for, amended and read a second time by sections, and pending the reading of the 74th section, the House adjourned.

COUNCIL.

Council convened yesterday, Feb. 1st, at 2 p. m.

Councilor Woodruff presented a report from Hon. A. P. Rockwood, superintendent of piscicultural interests of Utah, which showed what had been done in the matter of replenishing the streams of the Territory from supplies obtained from various sources abroad. It also offers some valuable practical ideas on the subject, and suggests the making, by the Legislature, of a small appropriation to aid that branch and increase its facilities.

The report was ordered spread on the minutes, and the subject referred to the Committee on Claims and Appropriations.

Councilor Caine presented memorial of C. W. Tappan and 25 others, which was read, asking for the insertion of an article in the school law now under consideration by the Legislative Assembly, providing for the election of a number of delegates to represent each school district, etc.; referred to the Committee on Elections.

The Council then resumed the second reading of (C. F. 1) "The Penal Code," and made some amendments thereto.

At the close of the reading of Chapter 5 of Title 13, the Council adjourned.

HOUSE.

House met yesterday at 2 p. m.

A communication from the Recorder of Marks and Brands, asking for an appropriation of \$200 to defray the expenses of printing book of brands received since publishing the last list; referred to Committee on Trade and Agriculture.

Mr. Rockwood, chairman of Committee on Elections, reported the following decision on the contested election case for the seat of Tooele County:

Report of the Committee on Elections of the House of Representatives on the Contested Election Case for the seat of Representative for Tooele County.

To the Hon. Speaker, and House of Representatives of the Legislative Assembly of the Territory of Utah:

Gentlemen:—Your Committee on Elections, to whom was referred the contest for the seat of Representative from Tooele County, in which George Atkin is contestant and E. S. Foote is respondent, beg leave to report as follows:

After a careful and thorough investigation of this case, receiving the affidavits and sworn oral testimony of witnesses on either side, examining and comparing the poll lists and ballots, listening to the statements and arguments of the contestant and respondent and their respective attorneys, and summing up the facts and figures presented, we find that at the general election held August 3rd, 1874, the votes cast for representative from Tooele County were as follows:

Total number of votes polled 2,218. Of these 1,017 were cast for George Atkin and 1,201 for E. S. Foote. But for each of said parties there were votes received from persons not possessing the qualifications of voters prescribed by law. Said votes we have rejected as illegal as follows:

	For Atkin.	For Foote.
Persons voting on First papers.	147	2
Persons voting whose names are not on the tax list.	59	929
Non-residents of Precinct where the votes were cast.	3	8
Minors.	2	0
Aliens.	26	5
Repeaters.	0	1
Total	237	945

Deducting the number of illegal votes from the total of votes cast for Atkin (1,017—237=780) there is a remainder of 780.

Deducting the number of illegal votes from the total of votes cast for Foote (1,201—945=256) there is a remainder of 256, leaving a difference in favor of Atkin of (780—256=524) 524.

But included in this number there were 121 votes cast for George Atkin by persons whose naturalization papers were obtained in the Probate Courts. The validity of these papers is disputed by the respondent. Without deciding on this question of law, by deducting the said 121 votes, there is still a remainder in favor of George Atkin of (524—121=403) 403 votes.

The only matter then left on dispute between the contestant and the respondent is in relation to the votes cast by persons whose names do not appear on the tax list.

By "An Act prescribing certain qualifications necessary to enable a person to be eligible to hold office, or vote, or serve as a juror," approved Jan. 21, 1859, it is provided that—

"Sec. 6.—No person shall be deemed a resident within the meaning of this Act, unless he is a taxpayer in this Territory."

And in section 3 of the same act it is provided that no person shall vote at any election unless, among other qualifications, he "has been a constant resident in this Territory during the six months next preceding said election." (Statutes of Utah, p. 68.)

Respondent objected to the legality of votes cast by women voters whose names do not appear on the tax list. But the act "conferring upon women the elective franchise," approved Feb. 12, 1870, makes no provision that women voters shall be taxpayers. And the act above referred to, defining the qualifications of male voters makes no reference whatever to women voters.

We have therefore accepted the votes cast for either party by women possessing the qualifications prescribed by law, and we reject all votes cast for either party in this case by male persons whose names do not appear on the tax list.

We unanimously agree that at the general election, held August 3, 1874, George Atkin received 403 votes, which cannot be legally disputed, in excess of the number cast for E. S. Foote; and therefore recommend that the said George Atkin be admitted to his seat as the legal Representative from Tooele County.

The respondent requests the privilege of appearing by attorney before the House to present a verbal argument in his favor. The contestant desires the same privilege if the House shall grant the request of the respondent.

Your committee herewith submit all papers and documents pertaining to this case, with the exception of the poll lists and ballots, obtained from the Third District Court, and ask to be discharged from further consideration of this matter. Respectfully,

A. P. ROCKWOOD,
CHAS. W. PENROSE,
W. G. SMITH,
A. K. THURBER,
J. R. MURDOCK.

Read, and, on motion of Mr. Preston, leave granted to the contestant and respondent for their attorneys to address the House each, for the space of 30 minutes.

Declined by Respondent's attorney, for the reason that it was not sufficient time for such purpose.

On motion of Mr. Thurber the report of the Committee on Elections on the contested case was accepted and committee discharged from further action on the subject, and report ordered to be spread on the minutes.

Mr. Thurber moved that Mr. Atkin be sworn in and allowed to take his seat.

Mr. Hatch moved an amendment that action in the premises be deferred till 2 p. m. to-morrow, Wednesday.

Amendment was put and lost.

Mr. Thurber's motion put and carried.

The Speaker administered the oath to Mr. George Atkin.

Mr. Farr, Chairman on Judiciary, reported a bill (H. F. No. 17) to regulate the manner of appeals from the District Courts to the Supreme Court in criminal actions, and for other purposes; read the first time and ordered to be read a second time, and 60 copies of the bill be printed.

Mr. Murdock presented a petition from the County Court of Beaver County, praying for leave to issue bonds for the purpose of building a Court-house; referred to Committee on Counties.

(H. F. No. 14) taken from the table, and reading taken up at the 47th section and the bill recommitted to Judiciary Committee, and Mr. Penrose added to Committee during the consideration of the bill.

(H. F. No. 15) "A bill to extend the jurisdiction of Justices of the Peace in criminal cases, and to regulate the mode of procedure therein," taken from the table and read by sections, sundry amendments made; and, pending reading of section 8, further reading of the bill postponed till to-morrow.

Mr. Penrose presented a petition from Jesse Murphy-Jean and four others to be allowed to change their names; referred to Committee on Petitions and Memorials.

Mr. Bringham presented a remonstrance from Milan Packard and 142 others, of Springville, against amending Springville City charter; referred to Committee on Municipal Incorporations.

Adjourned.

BY TELEGRAPH.

AMERICAN.

WASHINGTON, 31.—In the U. S. Supreme Court to-day the following decisions were rendered:—

Potts et al. vs. Chumaser, error to supreme court of Territory of Montana. This was a contest as to the validity of certain proceedings having for their object the removal of the seat of government of the Territory from Helena to Virginia, and the court decided that as it is not a case involving money or rights of person under *habeas corpus*, it is without jurisdiction. The writ of error was dismissed.

Romie et al. vs. Casonova, error to supreme court of California. This was a controversy respecting certain lands, and the question to be decided was which of the parties had actually obtained the grant from the city of San Jose, both claiming under it. In the view of the court such a case presents no federal question, and the writ is dismissed for want of jurisdiction.

Marie Romie et al., plaintiffs in error, vs. Teresa Cassanova, in error to the supreme court of the State of California. Dismissed with costs.

Alex. T. Stewart et al., plaintiffs in error, vs. Meyer Sonneborn. The court granted motion to reinstate this cause upon payment of costs.

The Senate committee on railroads this morning heard A. K. Owen, civil engineer, in advocacy

of a bill providing for the government survey to extend from Austin, Texas, to the harbor of Topolovampo, on the Gulf of California, with a view to determining the advantages of this route for an inter-oceanic railroad. Last year the engineer of the department reported favorably on the proposition to appropriate \$25,000 for this purpose, and Mr. Owen to-day informed the committee that after the adjournment of Congress President Grant directed the Secretary of State to communicate with the Mexican government to ascertain whether it would object to the proposed survey being extended over its territory, and that in reply the Mexican authorities have given assurances that they would not only permit but welcome and assist such survey.

Jno. G. Thompson, of Ohio, sergeant-at-arms of the House of Representatives, has been appointed vice chairman of the National Democratic Executive Committee, in place of Randall, who declined the office.

An official dispatch has been received in this city, stating that the report that the Cuban insurgents had entered Cienfuegos is entirely untrue, no insurgent force having come even near that point.

The House committee on the District of Columbia have called upon the district commissioners to answer in writing numerous inquiries concerning their official acts, affecting salaries, payments of all kind, work given out in the absence of advertisement, etc.

It having been brought to the attention of the Secretary of War that there are in existence in different sections of the country many records, such as battle reports, correspondence, etc., relating to the late civil strife, he authorizes the statement that if any one who has original official documents pertaining to the war, either on the Union or Confederate side, will send them to the Secretary, they will be copied for use in connection with the publication of the records of the war and returned to the owner if accompanied with such request. The originals must be sent, as copies, for obvious reasons, cannot be accepted.

Piper's bill proposes to relinquish to the city and county of San Francisco the United States title to the old Marine Hospital property, on conditions that it be used as a sailor's home. If used for other than public purposes, the title shall revert to the United States.

Luttrell introduced a bill authorizing the Secretary of the Treasury to lease the Marine Hospital building and premises to the City of San Francisco for twenty years to be used as a sailor's home, on such conditions as he and the city may agree upon.

The bill was reported favorably from the Senate military committee to relinquish to the city the United States title to certain lands in Sargent's bill concerning the wedge shaped portion of the Presidios reservation and the extension of License Street.

Page's bill limits the town site entries to 2,560 acres and provides that there must be actual settlement on all the property.

Lane's bill concerning the Portland and Salt Lake Railroad provides for government guarantee of interest on ten thousand five percent bonds per mile for 20 years, and in return the company must transport U. S. mails and Indian and military supplies free of any charges for ever. The bill also provides that the road shall be of standard instead of narrow gauge.

Wigginton's bill proposes to confirm all locations in California, made with Chippewa half-breed scrip, unless they conflict with prior settlement. He stated that he introduced this bill by request and was not yet committed to it, although it appeared equitable.

BOSTON, 13.—The eight-oared race between Harvard and Yale will be rowed at Springfield, June 30th.

The Snow Blockade East and West.

OGDEN, Utah, Jan. 31, 5 p.m.

The Union Pacific train due here this evening is said to be stuck at Carter station. No trains east or west to-day.

GREEN RIVER, Wyo.

Jan. 31, 6:20 p.m.

The passenger train and pay car that left here, going west, this morning, both stuck at Bridger station. The passenger train bound