

POLAND'S UTAH BILL.

DISCUSSION IN THE U. S. HOUSE OF REPRESENTATIVES, MAY 5.

The House resumed the consideration of the bill (H. R. No. 3097) reported by Mr. Poland, from the committee on the judiciary, entitled "A bill in relation to courts and judicial officers in the Territory of Utah."

Mr. Crounse. Is this bill presented for action at the present time?

The Speaker. The chair is not advised.

Mr. Poland. It is reported for action.

The Speaker. The House gave the Judiciary Committee authority to report on this subject at any time.

Mr. Crounse. I understand, then, that it is the purpose of the gentleman from Vermont (Mr. Poland) to press the bill for action at this time. If so, I wish to raise a point of order upon it which may obviate the necessity of reading the bill at length. The bill provides for the creation of new offices and for the appropriation of money, which fact I understand would necessarily require the bill to go to the Committee of the Whole.

The Speaker. It is the impression of the Chair that the committee had the right to report the bill for consideration in the House.

Mr. Crounse. I do not so understand; I would like to have the record on that point referred to.

Mr. Poland. The gentleman is entirely mistaken in his assumption of facts.

The Speaker. The bill will be read.

Mr. Crounse. One word before the bill is read.

The Speaker. It must be read in any event before the Chair can rule.

The bill was then read.

Mr. Crounse. I now renew my point of order upon this bill.

Mr. Kelly. I move that the House resolve itself into the Committee of the Whole for the consideration of the centennial bill, which was made a special order for to-day.

Mr. Poland. I do not yield. I am aware of the ruling the Speaker made on a bill in some respects like this. The parliamentary law the Speaker laid down I quite agree is correct. It was not the fault of the Speaker, but what was said by gentlemen in reference to that bill was unfounded in point of fact. It is unfounded in point of fact so far as this bill is concerned. It is not open to any such objection as was made to the other bill and as is made to this bill. The first section provides the marshal of the Territory may appoint some deputies, who shall receive the same fees for serving process the marshal would receive if he served it. The second section provides the district attorney may appoint some assistants, and if they perform any service they shall have the same fees the attorney himself would have. It merely authorizes these two officers to have servants to do a part of their official duty; it adds not a cent to the expense put on the government. They are paid, if I may so speak, by the piece. They have fees for certain specific services. The law now gives them all to one man. This bill merely authorizes him to employ some servants to perform a part of that service; so that it is not open at all to the objection which was made. And the Speaker was misled in relation to what was said about its creating new offices, which would be a new tax and an additional expense to the Treasury. I certainly do not desire to embarrass the Speaker at all in reference to the ruling he made.

Mr. Crounse. Mr. Speaker, this point of order was pretty thoroughly considered at the time this bill, or a similar one, came from the committee on the Territories. Several objections were then raised, among which was this one, that the bill provides for the appointment of deputy marshals and deputy district attorneys, and it was urged by the gentleman from Massachusetts (Mr. G. F. Hoar) that these appointments carried with them the fact that these officers must be paid and provision made by appropriation for their salaries. It does not necessarily follow because they are appointed to discharge certain duties in that Territory their fees must be the same which obtain in any other State or Territory.

The Speaker, too, very justly remarked that an amendment would be germane, whether the bill was silent on the subject or not, as to

the rate of fees which were to be fixed: that whether the fees were fixed in the bill or not, an amendment would be germane changing the manner of fixing the fees or changing the amount of the fees to be charged. If so, then there can be no doubt it would provide for taking money out of the Treasury of the United States, which would of itself make the bill liable to the point of order.

But, in addition to this, there is a change in this bill which may have escaped the attention of the House. It is this. It transfers into the hands of the United States district attorney and of the United States marshal not only the business which pertains to those officers now, not only that which pertains under any law of the United States, but that under every law on the statute-book of the Territory of Utah, or under any law which may be enacted there. Let it be assault or battery, let it be selling of liquor against the license law of the Territory of Utah, no matter indeed what the offense may be, it provides that in the trial of all such cases the United States attorney shall appear there and prosecute under the laws of the Territory of Utah. It also provides that the marshal shall act as sheriff; that he and his deputies shall swarm through the entire Territory to discharge the duty of sheriff. This people in Utah are not to be allowed the privilege of saying who shall serve their processes or what officers shall prosecute these several cases under their own laws. You will therefore see it necessarily entails upon the United States the payment of a large bill of fees, the same fees which are provided for in disposing of cases where they violate the laws of the United States solely. The same fees are to obtain in every case, whether it be a simple assault and battery case, where the fine is five dollars or not. There the United States marshal will be entitled to the exorbitant fees which are provided for, and the United States district attorney will have the exorbitant fees now provided for, or as much greater fees as this House may choose to fix. In this very item it involves the expenditure, I venture to say, of hundreds of thousands of dollars. This bill has been pressed forward by the United States attorney out there, who has been away from his business for long months working in and around this House.

Mr. Poland. I should like to ask whether the general merits of the bill are open to discussion under a point of order?

Mr. Crounse. I will pass from that.

Mr. Schumaker, of New York. Does the gentleman from Nebraska say that the mileage of the marshal will be more than that of a constable or sheriff, or any other officer who is to perform these duties?

Mr. Mills. I will answer the gentleman that it will be.

Mr. Schumaker, of New York. I say respectfully to the gentleman that he is mistaken.

Mr. Mills. I will tell you why it is.

Mr. Schumaker, of N. Y. It is the same mileage precisely.

Mr. Crounse. Let me be understood. In ordinary cases these are now to be paid by parties in counties of Utah, but under this bill the fees of whatever character are to be paid by the United States.

Mr. Schumaker, of N. Y. Yes; but it is relatively the same; the same per mile, and the same percentage. If a county were three hundred miles long it would be the same there as three hundred miles in a Territory.

Mr. Mills. The same per mile.

Mr. Schumaker, of New York. There are counties in the State of New York one hundred miles long.

Mr. Crounse. The bill provides that "The United States attorney shall be entitled to the same fees for services rendered by said assistants as he would be entitled to for the same services if rendered by himself." To that provision of the bill it would be germane for any member to move that the United States attorney should be entitled to double the amount of these fees, or to half the amount.

Mr. Poland. I withdraw the bill for the present.—*Congressional Record.*

THE GERMANIA WORKS.

On the occasion of our first visit to Salt Lake, when Brigham Young

gave us an excursion on the "Utah Southern," although we were prevented by the rain from a full enjoyment of the entertainment, the scientific portion of our party were highly delighted with the inspection of the Germania Smelting and Refining Works, eight miles from the city, where the train stopped for an hour. We had time to go through the buildings, which are quite extensive, and to examine the curious processes by which the mineral is refined from its dross and becomes pure silver. The irrepressible Gail Hamilton, who always wants to see everything, and always sees everything to a good purpose, was especially interested, as it was quite in her line. No one can eliminate such pure shining thought from dull matters of fact as this gifted lady. "Now just tell us all about it, every bit about it," she said to the handsome young German who superintended the establishment. I thought the other ladies were more interested in the narrator than in the processes he described.

He said that Flach, one of his countrymen, was the inventor, modestly disclaiming any merit for himself, although the company owes much to the ingenuity of his brain. It would obviously be impossible to remember all the description given by Mr. Billing, but from some notes which he kindly gave me afterwards I will endeavor to condense as much as may be of interest, without tiring the patience of general readers.

We were shown five large pots, each one capable of holding over twenty tons of base bullion. This is thrown into one of them as it is received from the various smelting works where it has been extracted from the ore. An intense heat is kept up by the furnaces until the temperature is reached at which zinc will melt.

Zinc is used for the separation of gold, silver, and copper from lead, because it has a greater affinity for these and other metals than it has for lead. When base bullion contains from one hundred and fifty to two hundred ounces of silver per ton, two or three per cent. of zinc is sufficient to separate it completely. After there is sufficient heat the zinc is gradually stirred in, and when the mass has somewhat cooled off it is found that the zinc being thoroughly mixed with the lead takes up the gold and copper with much of the silver, and rises to the surface. After a while this scum is taken off and put into another pot, when the process is renewed, and afterwards into another, renewing it again until the separation is complete; and by means of tapping the pot the lead runs out and the pure metal remains. The whole time consumed in the operation is about twenty-four hours.

The capacity of the works is about forty tons per day. The fuel used is coal and coke. The latter is now very expensive, as it is brought from Pittsburgh, Pa., at a cost of \$30 per ton. When the mines of coal in Southern Utah are developed these prices will be materially reduced. The fluxes used are hematite iron ore costing \$15 per ton, and lead slag which costs very little, as it is to be had on the spot. What is called the "test," by which, at the termination of all these processes, the pure silver is brought out, was by far the most interesting to us. As soon as the "cupellation" had terminated, there was what may be really styled a beautiful phenomenon of "frightening." As soon as the last trace of lead cleared itself from the silver, an instantaneous vivid flash covered the little silver sea and threw out a wonderfully pure and peculiar light. The ladies were in ecstasies over this and begged for a repetition of it, but as another twenty-four hours must have elapsed before they could be gratified, they were forced to be content with this one beautiful exhibition. Each of them was presented with a bit of the silver, from which they proposed to have made some little ornament, in token of their appreciation of the interesting practical lecture we had received from the courteous young manager.—*The Mormon Country, by John Codman.*

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