

EDITORIALS.

CLOSING OF THE LEGISLATIVE SESSION.

THE Legislative Assembly concludes its session to-day. During the forty days devoted to the "exigencies of the public service," the members have worked diligently to promote what they have considered the public good. They have probably labored quite as faithfully and with as much singleness of purpose in that direction as has any legislature in the country, local or national. It is true, their labors may not have resulted to the entire satisfaction of everybody in the Territory, neither are the labors of any legislative body in the world entirely satisfactory to all the respective constituents thereof. Indeed it is difficult for the legislators to fully satisfy themselves, letting alone their numerous constituents. But if they have labored to the best of their ability and judgment, which we believe they have, they should receive corresponding credit, freely and not grudgingly. There was a large amount of business which the Legislature thought should be done, and which they have tried to accomplish. But forty days once in two years is a very brief space in which to legislate for a great and growing people like this, and in a new country too. Brief as this space of time is, however, the country appears to be too poor to pay for it. For, strange as it may sound in these United States, the Legislative Assembly have been sitting the whole session without pay, or expectation of pay, Congress having diverted the appropriation made for them, to put it into the hands of the U. S. Marshal for disbursement in another direction and for another purpose. This can hardly be called a very generous action, and singular though it is, this very U. S. marshal is now in serious difficulty concerning the disbursement of this very money, and the report is current that the affair will cost him his official head. So he will not have made much capital out of the business, whatever the country at large may make.

But to the Legislature again. In these piping times of red hot economy and retrenchment, if political not politic economy and retrenchment, the Legislative Assembly of Utah has proved itself the most self-sacrificing, economical, and patriotic in the whole Union. It is the only Legislature in the Union, we believe, that has sat this winter without pecuniary recompense, or expectation of pecuniary recompense, the only Legislature among all the States and Territories that has "worked for nothing and found itself." In this proud position Utah is without rival in the whole Union. Congress last year largely increased its own pay, and sits this session with the increased pay. But the Utah Legislature sits without any pay, from either the federal or the territorial treasury.

By Telegraph.

CONGRESSIONAL.

SENATE.

WASHINGTON, 21. — Edmunds, from the committee on judiciary, reported favorably on the House bill to extend the time for claimants under section 11 of chapter 459 of the laws of the 43d Congress, to prove their claims before the court of Alabama Claims; passed.

Logan, from the committee on military affairs, reported favorably on the Senate bill to extend the time for filing the claims for additional bounty under the act of July 28th, 1876; placed on the calendar. McMillan presented resolutions of the Legislature of Minnesota asking such legislation as will provide for a treaty with the Indians occupying the country known as the Black Hills, in the Territory of Dakota, so that the same may be opened to settlement; referred to the committee on Indian affairs.

Harvey called up the resolution submitted by him a few days ago, directing the Secretary of War to furnish the Senate with such suggestions as may be deemed expedient for the public service, covering

the period between May 19, 1869, and October 1, 1872, to enable the government to carry out the provisions of an act constituting eight hours a day's work for all laborers, workmen and mechanics employed by or on behalf of the government of the U. S., approved June 25, 1868. Harvey said the object of the resolution was to get before the Senate such information as to enable the Senate to see why that law had not been executed in certain instances.

Pending the discussion, the morning hour expired, and the resolution was laid aside.

The Senate then resumed the consideration of the bill for the sale of timber lands in the States of California and Oregon, and in the Territories of the U. S.

The pending question being on the amendment of Sargent, that any person desiring to avail himself of the provisions of the act in addition to the other requirements mentioned in the bill, shall declare that he has not made any agreement with any person or persons by which the title which he might acquire from the U. S., or any right in said land or to the timber thereon, should inure, in whole or in part, to the benefit of any person except himself; agreed to.

Clayton moved to amend so as to provide that the public land affected by this act shall be offered at public sale, as soon as practicable from time to time, according to the provisions of the existing law, and shall not be subject to private entry till so offered for sale.

Kelly opposed the amendment.

Sargent said that if the amendment should be adopted the lands would be bought up by speculators; the amendment was rejected, yeas 8, nays 38.

Ingalls said he had no doubt that this bill would throw all valuable timber lands into the hands of the railroad companies and mining companies of the Pacific coast, and he moved to amend the bill so that it should apply to all public lands in the United States alike, and that the number of acres to be taken under it should not exceed 160; rejected. The bill was then read the third time and passed.

Conkling called up the Senate bill conferring exclusive jurisdiction over Indian reservations upon the U. S. courts, and for the punishment of crimes committed by and against the Indians. The amendments proposed by the committee on the judiciary, providing that any person found upon an Indian reservation contrary to law, and who shall refuse or neglect to remove therefrom upon the request of the agent or superintendent, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding \$500 or imprisoned not exceeding one year, or both, &c., were agreed to. Allison submitted an amendment providing that the second section should not be construed to prevent the cutting of timber or grass from any reservation or the use of the stone thereon for army or agencies located on such reservation.

Pending the discussion, at the request of Kelly, the bill was laid aside, with the understanding that it should come up as unfinished business on Wednesday.

After an executive session the Senate adjourned till Wednesday.

HOUSE.

WASHINGTON, 21. — The House then proceeded to vote on the bill to reorganize the judiciary, and it was passed, yeas 143, nays 132.

Kelly offered a resolution, calling for the correspondence between the Treasury Department and the Bank of England prior to the 31st of December, 1873, in relation to the transfer of the proceeds of U. S. bonds sold or to be sold in London; also for the correspondence between the State Department and the British government in relation to the mode of transferring, to this country, the amount of the Geneva award; adopted.

Townsend, of Pa., offered a resolution instructing the committee on Pacific railroads to inquire whether any commission or arrangement has been formed by the Central Pacific and the Union Pacific railroad, or by any of their officers, with English capitalists or corporations, to transfer the commerce of the Pacific ocean, now carried in American built ships, to English built ships, sailing under the British flag; adopted.

Faulkner offered a resolution instructing the committee on foreign affairs to inquire into the facts and

circumstances of the conviction, in Great Britain, of Edward O'Meara, a citizen of the U. S., and whether the case is a proper one for the interposition of the government, either in the form of a demand for his release or of an appeal to British clemency; adopted.

Banks introduced a bill for the transfer of the Pension Bureau from the Interior Department to the War Department; referred.

Springer made a personal explanation in reference to the amendment moved by him to the centennial appropriation bill when it was before the House, and which was engrafted on the bill, and he replied to the strictures upon him in the New York Herald and the Philadelphia Times, in relation thereto, as to whether the appropriation was to be a first or second lien. He declared, in conclusion, that if it were the purpose of the centennial board at the close of the exhibition to convert the assets of the corporation into cash, and then return to the stockholders all the money they had subscribed, before paying into the Treasury the amount appropriated by Congress, the people had a right to know the fact at once, they would then brand the whole celebration as a huge scheme of private speculation and fraud. Could it be possible, he asked, that the first century's completion was to be celebrated under false pretenses, and that the second century was to be ushered in by a legislative job, by a corporate speculation and public plunder? He desired to introduce a resolution directing the Secretary of the Treasury to withhold the appropriation, and he wished the resolution referred to the judiciary committee.

Kelly denied Springer's allegations, expressly and distinctly, and he insinuated that Springer, through his ignorance of law, had given to the centennial board more than it asked from Congress. If it was a "job," as charged by Springer, it was a job of which he (Springer) was the workman (Laughter).

After some confusion arising from an effort of Holman to be recognized, and to submit the motion, the House adjourned till Wednesday.

AMERICAN.

CATSKILL, 22. — There is a great excitement here from a dispute between a Catholic clergyman and a portion of his congregation about the interment in the Catholic cemetery of the body of Jos. Woltz, hanged nearly two years ago for the murder of Harmon Holcher, of Albany, a scissors grinder. The body was originally buried on Woltz farm, now the clergyman has given permission to inter it in the cemetery, and the people resist. The bishop has been consulted.

ST. LOUIS, 22. — Judge Porter opened his remarks this morning in closing the argument for Babcock with complimentary references to the attention the jury had given to the case for two weeks, he said—

"In the discharge of your duties and the kindness and marked attention with which you have listened to the evidence, you make us feel that we are before a jury which is not prejudiced in the case. We believe, had the evidence been such that you must have found a verdict of guilty, which would have blasted this young man's future, you would have done so with sorrow, but now that the testimony enables you to pronounce him innocent you cannot but rejoice at such a conclusion."

Porter referred to his personal relations with General Babcock, saying he had known him long and intimately, and appeared as his friend rather than as his lawyer. He reminded the jury that the defendant was the son of an American yeoman and had earned not sought the positions he had occupied. The government counsel were complimented for ability, but said the speaker, "they have tried this case with bitterness towards the defendant, which I never saw equalled in a state prosecution." Porter then in strong language condemned the course pursued by the press toward General Babcock. He has had, he said, "the misfortune of a prejudgment of his case by the press. It has been charged in the papers boldly that for years he was in weekly receipt of this blood money from the St. Louis ring, that he received it by packages through the express, by registered letter and checks, and that he acknowledged the receipt in letters and tele-

grams. The country has been told that on this money he grew suddenly rich, lived in luxury and moved about in political style; that with this money he built whole blocks of buildings in Washington and has others in process of construction. Every enemy of General Grant, within and without the republican party, accepted these stories as true and General Babcock has been condemned unheard."

Passing to what he termed the dangers of accepting a verdict from the newspapers, Judge Porter said—"The meanest vagabond in the neighborhood of one of you has only to invent or find floating the vilest scandal about you and send it to a newspaper, and it will not only be published, but will be copied far and wide by all scandal-loving sheets in the country, and wherever you may go this calumny will rise up to meet you. You may send your denial to the paper and it will be published, but with it the statement that since the first publication further information of a more reliable character has been received, which seems to confirm the truth of the slander." To illustrate his point Judge Porter referred to the trial of Andrew Johnson, who he said was tried and condemned by the whole press of the country almost without an exception, and he became President without a party, he was not elected by the democratic organization, and when right or wrong he cut loose from his old affiliations he was denounced as a traitor and surrounded by enemies who threatened his life and his character. Articles of impeachment were prepared against him by the House of Representatives, and he was tried before the highest tribunal of the land. The senators were presided over by Chief Justice Chase. They were, many of them, his enemies, but dropping their characters as senators they became sworn jurors, and Andrew Johnson was acquitted, and the newspaper judgment was reversed. The lesson to be drawn is, let no man be convicted of crime without legal evidence of guilt.

Judge Porter next called attention to the difference between the case as the newspapers made it out and as District Attorney Dyer laid it down in his opening. "These statements, drafted from newspaper to newspaper, dwindled down into two or three telegrams. In five years the district attorney alleged no act and no word to connect Babcock with conspiracy. He admitted that no money had ever been paid to the defendant directly, but he promised to prove that money had been remitted to him by mail. The papers were astounded at the weakness of the case as the district attorney represented it, but they consoled themselves with the statements of a fabricating interviewer of a New York paper that this master piece of strategy on the part of Col. Dyer, intended to conceal the real strength of his case, but afterwards, when the evidence was in the papers, were puzzled, they could not understand how the district attorney had proved his case, and they are now waiting to see how he will do it in his argument.

Judge Porter then said he would not go into the evidence in detail, as that had been done sufficiently by his colleague, Mr. Storrs, but he would notice some of the general features. He said it was an undisputed fact that there was a nefarious conspiracy in St. Louis in 1871 and 1872, but it was admitted by the government when question was put to them by the Court, that Babcock had no connection with that conspiracy.

In 1873 a new conspiracy was formed, which continued until the order changing supervisors in the winter of 1875. On the argument of supervisor Tilton this plan of changing the Supervisors was given up by the President, after due deliberation for another plan which Tilton recommended, and the Secretary and President accepted. It was the carrying out of this latter plan which led to all the exposure. This plan is approved by you, by us, by the whole country, except Col. Broadhead, who argues that the President had no right to change his plan."

The next step in the argument was with reference to this knowledge at Washington respecting the ring here. In the Spring of 1875 Joyce and McDonald, for reasons given by them, resigned. "Think you that their resignations would have been accepted had their connection with the conspiracy been known in Washington?" When the

distillers and rectifiers told their story before the grand jurors last summer the District Attorney learned how deeply Joyce and McDonald were concerned, and they were indicted, but the evidence against them was not known. Later, Joyce was indicted in another district for various malfeasances in office, tried and convicted. In that way the real case against McDonald was concealed. In midsummer, McDonald was indicted. His enemies no doubt believed him guilty, as he was. But with the fact of his indictment there was circulated in the papers the wildest of stories that the Treasury department was in league with McDonald, and even the President himself was implicated. Knowing the falsity of part of these stories, it was but natural that in Washington it was believed that these distillers, to shield themselves, had sworn falsely against McDonald. It was not believed he was guilty until last November, when on his trial the legal evidence proved him beyond all doubt to have been involved in this conspiracy."

Judge Porter then referred to the common abhorrence of taxation and of the strong temptation to avoid it, and said he had no doubt the distillers felt that the tax was unjust, and while this did not justify them, their crime was immeasurably less than that of official gentlemen. Said Judge Porter—"You would not to-day take the word of Joyce, if he were here for the government or for the defense. He has been proven a liar, a perjurer, and a thief. You would not believe him on oath, and yet they ask you to believe him unsworn, when he was stealing for what was in his own interests. They would have you take Joyce's own word that Gen. Babcock was a conspirator."

Judge Porter then proceeded to analyze the evidence for the government. He said they have not produced one single letter convicting him of connection with the conspiracy. They have not produced one single letter convicting him of connection with the conspiracy. They have not produced one single telegram showing that he ever bargained for or received one cent of their money. They have had testimony that Joyce received it, that McDonald received it, that Everest received it, that McKee, true or false, received it, but nothing that Babcock received it. All they have is this, that in five years he dispatched one telegram to Joyce, that dictated by the President, in these words—"See that Ford's bondsmen recommend you," that during all the time Joyce was showing the letters and telegrams to the commissioner, to Avery, on the President or anybody else, he only sent six telegrams to Babcock and answered one, which was touching a reported movement against McDonald, and to this Babcock replied that he has seen the gentleman and he seems friendly. The other was of the 15th of December, and signed "Sylph." And yet Babcock was held to answer to a knowledge of the conspiracy, when not the slightest evidence had been introduced to prove either that he had it or that he had an opportunity for obtaining it. Referring to the newspaper assaults which have been made on the President in connection with this matter, the speaker said that even the most violent papers had not ventured to declare that the President was privy to the conspiracy, but they had made covert and cowardly insinuations to that purpose. Now these insinuations should be brought from their hiding places, for either the President was or was not in the conspiracy. What a sublime absurdity it was to say that the President should violate his official oath by conspiring with Fitzroy, and that within three years these co-conspirators might have grace to send \$500 to his private secretary to be divided between the two. The prosecution would have it believed that the President, from whom Dyer received his appointment, and at whose suggestion Col. Broadhead was chosen to assist in the prosecution, was liable to suspicion in the fact of his injunction to the Secretary of the Treasury—"Let no guilty man escape;" because he told facts within his knowledge, that they might be used for whatever they were worth in defense of a member of his household. And who was the man thus assailed? What are his antecedents? The speaker here grew eloquent in his laudations of the President, declaring that he was recognized in