

## BY TELEGRAPH.

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## AMERICAN.

WASHINGTON, 24.—During today's session of the Senate, Mr. Eaton, of Connecticut, chairman of the committee on foreign relations, reported back the joint resolution introduced last May by Mr. Cockrell, of Missouri, by which it was proposed to request the President to negotiate a reciprocity commercial treaty with France, and for this purpose to appoint, if he deemed advisable, three commissioners, etc. Senator Eaton in two sentences informed the Senate that the committee were of the opinion that the matter belonged to another branch of the Government, and that they therefore asked to be discharged from further consideration of the subject, and that the joint resolution be indefinitely postponed. The President thereupon stated the motion for indefinite postponement, and in the absence of objection proceeded to announce the motion. It was agreed to, and the joint resolution was accordingly postponed indefinitely, and thus killed. The whole proceeding occupied only a minute or two, and in the confusion of the morning hour the business attracted no attention, but they were not the less final for this session of Congress, and Mr. Chouteau's chances of obtaining initiative assistance for his project at the hands of either House of the Forty-Sixth Congress are now unquestionably destroyed. Although he will doubtless continue his efforts in other directions, and take the risk of obtaining congressional concurrence in any steps that may possibly be taken by the President and State Department.

It is learned that the vote of the foreign relations committee authorizing the adverse report to-day was unanimous, the members all agreeing that if the President desired advice on any such subject, it should be asked for not proffered in advance of the submission of a treaty for ratification. It is also ascertained that several of the members of the foreign relations committee have absorbed the arguments of Mr. Wetmore and others sent here from California and are opposed to the Chouteau project on its merits.

It is this connection it may be of interest to remark that the request made by the House of Representatives last April for the President to consider the expediency of negotiating a commercial treaty with France was in the form of a simple resolution, and not a joint or concurrent resolution. Consequently to-day's action completely disposes of the Senate.

It should also be remembered that last April's action of the House on this subject was fully offset by the recent adoption of Judge Kelley's resolution, declaring any attempt to change the tariff rates by treaty negotiation would be an invasion of the House of Representatives' Constitutional prerogative.

Representative Wells, of Missouri, has introduced a bill imposing an Internal Revenue tax of 20 cents per bottle on all sparkling wines made—by the carbonic gas process. This bill, which apparently is inimical to a portion of the California wine producers, has been referred by the ways and means committee to Morrison, of Illinois, as a subcommittee, and promises California Congressmen that it shall not be reported if they consider it injurious to California native wine interests.

Representative Davis to-day presented a memorial of the California State Grange of Patrons of Husbandry, praying for the establishment of a special bureau of agriculture for the Pacific Coast, in charge of an assistant commissioner, who shall possess a wide acquaintance with the present systems of local agricultural practice, the agencies employed, and the several conditions under which it is carried on. The memorial also asks the establishment of at least three experimental stations on the Pacific Coast. The memorial was referred to the committee on agriculture, which has already been instructed by the Davis resolution to take action in the same direction.

Democratic members of the Senate committee on elections deny that there has been any decision to let the Kellogg case sleep until after the presidential election for fear that an attempt to oust him may hurt the party's prospects, and they also intimate that a report adverse to Kellogg's right to his seat is already in course of preparation.

The democratic leaders of the House are hopeful of getting through

the discussion of the new rules tomorrow.

The House will then proceed with the appropriation bills and a strong effort will be made to pass them rapidly, there being a manifest disposition on the part of the leading democrats to have Congress adjourn before the holding of either of the presidential conventions.

A number of additional memorials from railroad companies remonstrating against any reduction in the rate of duty upon steel rails were presented to Congress to-day by Senators Cameron, Conkling, Thurman, Logan, McDonald, Windom and Vest, and Representatives Kelley, Wood, Garfield, Dunnell and Morrison.

The President to-day granted a respite of thirty days to James Madison Wyatt Stone, sentenced to be hanged here on Friday next for the murder of his wife.

The House committee on elections received the report of the subcommittee in the contested case of Bradley vs. Slemens, Arkansas, Representatives Sawyer, Springer, Colerick and Calkins signing the minority report, favoring the retention of his seat by Representative Slemens, the sitting member. Representative Weaver dissents from the majority and thinks there should be a new election.

Hill, of Ohio, yesterday introduced a bill designed to stop the grain blockade by authorizing a special committee to inquire into its cause to report whether any legislation can be had to break up the alleged unlawful speculation therein by Keene and his syndicate. The bill was referred to the committee on commerce.

The executive committee of the national democratic committee met to-day with a full attendance. Hon. W. H. Barnum in the chair, and appointed Tuesday, the 22d of June next as the time of meeting.

SAN FRANCISCO, 24.—The city officials and citizens who were present at the secret conference yesterday are very reserved in their statements as to the objects of the meeting. Ex-Mayor Bryant says: The discussion concerned water rates and an increase of police. Chief of Police Crowley says: It is understood that none of the participants should reveal the nature of the conference, but that the matter of increasing the police force was discussed among other things. He laughed at a suggestion made by a city official, not present at the meeting, that its object was to oppose the condemnation of Chinatown or put down agitation by the unemployed laborers. A committee of the Chinese Six Companies have advised their countrymen during the present uncertain temper of a portion of the people to close their places of business early in the evening, to absent themselves from the streets, and be generally sober, watchful and prepared. While a great many citizens consider the talk of the Sand Lots leaders mere idle vamping for the sake of effect, it cannot be denied that an uneasy feeling exists as to what may occur in the near future. Among the authorities of the police and military there is no question as to their ability to cope with any mob violence that may exhibit itself. The general expression is that in case of any overt act, the conflict will be short, sharp and decisive, and will result in a thorough settlement of the question. The only fear expressed is that of fire, which will be guarded against with the greatest vigilance. At present everything is as quiet as usual, and further developments are to be noted.

At the sand lot yesterday Gannon, leader of the unemployed, intimated that they would finish their rounds among the employers of Chinese this week, after which there would be less noise made, but meetings would be secret and dangerous to those who had refused to comply with their demands. T. A. Bee, vice-consul of China, is out in a card addressed to Health Officer Meares, the gist of which is that if such a state of affairs exists in Chinatown as recently reported, it is the fault of the health officer who is clothed with free powers to remedy the evil. The board of supervisors, chief of police and a number of prominent citizens held a private consultation yesterday which is believed to have reference to the threat made by Kearney, Sunday, to erect a gallows on the Sand Lot this week. Among the business classes there are expressions heard in favor of reviving the committee of safety.

A special meeting of the Chamber of Commerce was held this afternoon to consider the telegram from President Nickerson of the Atlantic and Pacific Railroad, asking for terminal facilities for that road in San Francisco. A number of gentlemen spoke briefly on the subject and the following was telegraphed:

San Francisco,  
February 24, 1880.

Thomas Nickerson, President of the Atlantic and Pacific Railroad Co., Boston:

Your dispatch was placed before the Chamber of Commerce to-day; favorable and complimentary resolutions were passed and the whole subject referred to the city authorities.

(Signed) W. F. BABCOCK, President.

A Chamber of Commerce proposition was also submitted to the Chamber by L. Clinton Hastings, offering to sell to the company at a reasonable price one hundred acres of land in Visitation Valley, and block 11, between Third and Fourth Streets, near the Central Pacific depot.

The Board of Trade committee to-day continued consideration of the inter-oceanic canal projects. Captain Leutze explained the various features of the country along the proposed Nicaragua route, and expressed himself as strongly in favor of that route as against Panama. All present appeared to agree with Captain Leutze and his views regarding the advantages of the Nicaragua route.

AUGUSTA, 24.—Hale's investigating committee to-day continued their examination of the election returns. Several important irregularities were discovered, notably in the cases of the towns of Buckfield and Brownfield, where the names of the towns and counties were omitted in filling up the blank, thus rendering said returns useless. Some unauthorized parties, however, after the discovery of such errors, filled in the blank and returned the fusion county officers as elected. Changes in the returns from the town of Hebron were also shown to have been made in the interest of the fusionists. It is reported that startling disclosures of fraud will be shown in certain cases from Washington County, where the evidence will not only implicate the State officials but leading fusion politicians.

KANSAS CITY, 24.—Alfred Hartz, a young German, cashier of the commission house of A. J. Mead, disappeared four days ago. It is now discovered that he took \$4,000 by raising checks and false entries. He also left about \$800 debts owing to various parties. Speculation in bucket shops is the cause of the young man's crime. It has also transpired that Hartz, while confidential clerk in a large German tea house at Hong Kong, embezzled \$12,000.

PITTSBURG, Pa., 24.—William Penn, aged 30, was stabbed and killed by an old man named Kinan, at noon to-day, on Tunnel Street, near Fifth Avenue. The two men were walking together, and the murder was the result of hot words between them. Although the street was crowded, the only witnesses are two schoolboys. The murderer is not yet arrested.

ST. JOE, 24.—James W. Brown and wife came to attend the funeral of Edward W. Welsh, father of Mrs. Brown. Brown in the evening went to the business office of James M. Hall, real estate, and ordered him to arm himself, and fired four shots. Cause: alleged familiarity with Brown's wife, on a recent visit. Brown is out on bail, but declares he will kill Hall.

## AN ACT

EMPOWERING RAILROAD CORPORATIONS TO DEED AND MORTGAGE THEIR FRANCHISES AND PROPERTY, AND CONFIRMING SUCH CONVEYANCES HERETOFORE MADE AND FOR OTHER PURPOSES.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all railroad companies heretofore organized, or which may hereafter be organized, pursuant to the laws of this Territory, shall have power to issue bonds for such sum or sums, and payable at such times and places, and drawing interest at such rates as they may deem proper, and they are severally empowered hereby to execute trust deeds or mortgages, or both, upon the whole or any part of their railroad lines, property, franchises, incomes and profits, acquired or to be acquired, to secure the payment of such bonds and interest; and if such bonds are sold below their par value, they shall be binding and valid, according to their terms.

SEC. 2. Any trust deed or mortgage made upon the lands, roads, or other property of any such railroad

company shall bind and be a valid lien, upon all the property mentioned in such deed or mortgage, including rolling stock, machinery, and other personal property; and a purchaser at a foreclosure sale, or under a trust deed, shall have and enjoy all the rights of a purchaser at an execution sale.

SEC. 3. Such trust deeds or mortgages may, by their terms, include and cover, not only the property of the company making them at the date of execution thereof, but property of every kind which may thereafter be acquired by such company, together with the material and property necessary for the repairs, use and operation of such road, and the same, when so stated, shall be as valid and binding, and as effectual to pass the property as it would be were it in the possession of such company at the time of the execution of such instrument.

SEC. 4. Every deed or mortgage made by any railroad company, organized as aforesaid, shall be recorded in the office of the County Recorder of each organized county through which such road shall run, in this Territory, and in any county where it may hold lands subject to such deed or mortgage; and such record shall be notice, to the whole world, of the rights of all parties having interest under the same; and for this purpose, and to secure the rights of the mortgagees, or parties interested under such mortgages or trust deeds, so executed and recorded, or to be executed and recorded, the rolling stock, machinery, personal property and material necessary for the operation and repairs of the road of such company, belonging to the same and appertaining thereto, shall be deemed fixtures on, and a part of, the road; and such mortgages or trust deeds, so recorded, shall have the same effect, both as to notice and otherwise, as they have to the real estate covered by them, notwithstanding the fact that the possession of such property remain with the mortgagors.

SEC. 5. Every deed of trust or mortgage heretofore executed by any railroad corporation, organized pursuant to the laws of this Territory, is hereby declared valid, legal and binding, to the full extent and scope of the terms and conditions of such deed or mortgage; and the record of such instruments, heretofore made in the county records of the several counties, into or through which such road passes, shall be deemed, and is hereby declared to impart notice to all the world of the contents of such deeds or mortgages, and of the rights of those claiming under them; and they shall, in every particular, be as effectual security as if executed and recorded after the approval of this act.

SEC. 6.—Railroad corporations may be formed pursuant to the laws of this Territory, for the purpose of buying any railroad property situated therein, when the same is to be sold under trust deed, mortgage, or private sale; and any railroad corporation heretofore formed pursuant to the laws of this Territory, which had for its purpose the purchase of railroad property already constructed, is hereby declared a valid corporate body, and any purchase of railroad property by such corporation, that was sold pursuant to trust deed, mortgage judgment and decree of court, or private sale, is hereby made valid and binding.

SEC. 7.—This act shall be in force and take effect, from and after its passage.

ORSON PRATT, Sen.,  
Speaker of the House.

LORENZO SNOW,  
President of the Council.

Approved February 6, 1880.

ARTHUR L. THOMAS,  
Acting Governor.

## AN ACT

PROVIDING FOR RECORDING VESTED RIGHTS TO THE USE OF WATER AND REGULATING THEIR EXERCISE.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the selectmen of the several counties of this Territory are hereby created ex-officio water commissioners for their respective counties, whose powers and duties shall be to make or cause to be made and recorded such observations, from time to time, as they may deem necessary, of the quantity and flow of water in the natural sources of supply, and to determine, as near as may be, the average flow thereof at any season of the year, and to receive, hear and determine all claims to the use of water and on receipt of satisfactory proof of any right to the use of water having

vested, to issue to the person owning such right, a certificate therefor for recording, and to generally oversee, in person or by agents appointed by them, the distribution of water within their respective counties, from natural sources of supply, to all the corporations or persons having joint rights in and to any natural source of supply, and to fairly distribute according to the nature and extent of recorded rights, and according to law, to each of said corporations or persons, their several portions of such water, and in case of dispute between any of such persons or corporations, as to the nature or extent of their rights to the use of water, or right of way or damages therefor, of any one or more of such persons or corporations, to hear and decide upon all such disputed rights, and to file a copy of their findings and decisions as to such rights with the county recorder, and to distribute the water according to such findings or decision, unless otherwise ordered by a court of competent jurisdiction.

SEC. 2. In cases where persons or corporations use water in different counties from the same natural source of supply, the water commissioners of each of said counties, shall unite in appointing, either from among their number or otherwise, as they may determine, a board of reference, of not less than three competent persons, to hear and decide all disputes in regard to water rights in and to such natural source of supply, and they shall file a copy of their decision with the county recorders of each of said counties. Said water commissioners and members of the board of reference, shall each, respectively, have power to administer oaths, and if any person who may be duly sworn in any matter in relation to the nature, extent or exercise of any right or duty under any of the provisions of this Act, shall falsely swear, such person shall be deemed guilty of perjury.

SEC. 3. The certificates of the water commissioners shall state generally the nature and extent of the right to use water of the person or corporation to whom it is issued, and must be filed with the County Recorder for recording.

SEC. 4. It shall be the duty of the county recorders of each county, upon any certificate of water commissioners being filed in his office, as prescribed by this Act and upon any findings or decisions of any commissioners or board of reference as to the extent of any such rights, and upon payment of the fees allowed by law for such service, to record, in a book or books to be kept by him for such purposes, all such certificates, findings and decisions, which said record shall be deemed to impart notice to all persons whomsoever of the contents thereof, and shall be prima facie evidence of the existence and verity of the facts therein recited.

SEC. 5. No person or corporation shall maintain any suit at law or in equity, for the determination of the existence or extent of any right or rights to the use of water in this Territory, until after the decision of the proper county commissioners, or of the proper board of reference, as the case may be, unless said commissioners or board shall fail and neglect to hear and decide such person's claim of right to use of water for more than three months after such person may have presented, in writing his claim or claims, and evidence in support thereof, for adjudication. Provided, This section shall not be construed to affect or impair the authority or jurisdiction of any court in the issuance of a temporary injunction or restraining order in such cases or to abridge the right of any person aggrieved by any such decision, to maintain any lawful suit or appeal after such decision may have been made.

SEC. 6. A right to the use of water for any useful purpose, such as for domestic purposes, irrigating lands, propelling machinery, washing and sluicing ores, and other like purposes, is hereby recognized and acknowledged to have vested and accrued, as a primary right, to the extent of, and reasonable necessity for such use thereof, under any of the following circumstances: First.—Whenever any person or persons shall have taken, diverted and used any of the unappropriated water of any natural stream, water course, lake or spring, or other natural source of supply. Second.—Whenever any person or persons shall have had the open, peaceable, uninterrupted and continuous use of water for a period of seven years.

SEC. 7. A secondary right to the use of water for any of said purposes is hereby recognized and acknowledged to have vested and accrued