

coterie, and of course these things were manipulated as best they might be.

These are some of the leading items that I wish to lay before this honorable body, that they may act advisedly in the course they shall take pertaining to this matter. There seems to have been a disposition in that county to over-ride all law and every principle of justice and right. This gentleman, Mr. Foote, as I am informed, is one of the appointees of Governor Woods. Since that time there has been an election had for probate judge and a vote given by the people; but his Honor, here, the Probate Judge, is so far above the people, having got authority from Governor Woods and a commission from him, that he refuses to pay any attention to these matters.

Mr. Foote—"I call the gentleman to order and correct him—the election transpired before that, I think that anything which transpired before this would be out of order; I think the whole of this proceeding is out of order and that it is unheard of for a representative to be tried by *ex parte* testimony."

The Chair—"The question now before the House is whether Mr. Foote shall be admitted and take the oath. In this we are governed by circumstances. The House is the sole judge of the qualifications and returns of its members, and hence that is the question that is before us, and I presume that the speaker will confine his remarks to that, and not branch out upon other matters that are not material to the subject in relation to the acts of Mr. Foote's predecessor as probate judge."

Mr. Taylor—"Mr. Foote, permit me to ask you if you were appointed by Governor Woods?"

Mr. Foote—"I was."

Mr. Taylor—"Permit me to ask you again, if there has not been an election held in that county, since your appointment?"

Mr. Foote—"There has."

Mr. Taylor—"Permit me to ask you, if you please, what was done with the returns of that election?"

The Chair—"That is a proper question."

Mr. Foote—"The election of '74?"

Mr. Taylor—"The last election for probate judge."

Mr. Foote—"I suppose they are in the Clerk's office."

Mr. Taylor—"Has any action been taken upon them?"

Mr. Foote—"The returns have been made."

Mr. Taylor—"To whom?"

Mr. Foote—"I do not know, I have no control over the clerk."

Mr. Taylor—"Are you acting as probate judge in that county?"

Mr. Foote—"I am."

Mr. Taylor—"Under what authority?"

Mr. Foote—"The commission of the Governor."

Mr. Taylor—"What becomes, then, of the late election?"

Mr. Foote—"I believe the returns have been properly made."

Mr. Rowberry—"The Court refused to recognize the vote of the people, supposing the appointment ran over the election."

Mr. Foote—"You have refused the canvassing of the votes."

Mr. Rowberry—"I have, they were not recognized by the judge in the Court."

The Chair—"I do not see what is the direct bearing of this to the case in hand."

Mr. Taylor resumed—

Not directly, your Honor, at the same time I think that while a person is occupying the position of judge in contravention of the will of the people he is not a fit subject to represent the interests of the Territory in this House, through a fraudulent vote, until that vote is investigated and a decision had upon it. It is in relation to these things that I wish to speak.

I am told by some parties that it is usual, your Honor, to permit people, on the presentation of a certificate, to take a seat in the House, and they instance the case of the Honorable George Q. Cannon. I consider, sir, that there is a great difference between the one and the other. George Q. Cannon went with an overwhelming majority of legal votes, I think some twenty-three thousand to some four or five thousand cast for his opponent. I do not remember exactly; however, it is a thing quite patent among the people. He went there with the certificate of the Secretary of the Territory as this gentleman has come. But the great majority that Mr. Cannon had was well understood in Congress, and among men who are governed by some principles of justice they could not, of course, refuse him a seat; and it was left for the contestant, afterwards, as best he might, to exhibit his position and status before the Congress of the United States, and the grounds upon which he claimed a seat in that body.

In this case it is very different. We find, as I have stated before, a conspiracy entered into, and that governor, judges and various parties have been engaged in that conspiracy, and this gentleman is made a tool of to carry out their designs, which he is seeking to do at the present time by retaining possession of the probate judgeship in opposition to the will of the people.

And there is a difference again in another respect. George Q. Cannon stands simply as a delegate in the Congress of the United States, and he is not permitted to vote. This gentleman, the moment you permit him to come into this House, has

the privilege of speaking and voting, and to be placed on committees and to act and operate the same as any other member, which George Q. Cannon is deprived of in the House of Representatives, and hence, there is a very material difference between one and the other.

We have, Mr. Speaker, for a length of time, in this Territory, tried to be governed by gentlemanly deportment, correct manners, and equal and evenhanded justice, and have sought to promote the welfare of all classes of citizens so far as lay in our power; and, to day, I believe that is the sense of this House. And however much some of these gentlemen around me, my colleagues, may differ with me in their views in regard to the legal technicality of admitting this gentleman to a seat, I prefer, myself, to preserve, as far as possible, and as long as we can, this Legislature pure from any such encroachments and wrongs and frauds barefacedly palmed upon us, and therefore I have felt a little interested in this matter. I do not wish to control the feelings and action of this House; if they want this gentleman in, I have no objection to their voting to that effect; but I cannot so vote, Mr. Speaker, I am opposed to it from the beginning to the end. I care nothing about policy. I go in for right, and equity and justice, and I would say, which I believe the gentlemen of the committee will do—give the gentleman, when he comes before you, every opportunity you can to sustain his position. We have nothing to fear, of course, it is not anything of that kind; we do not care anything about his influence in this House, it is not a feeling of that sort at all. But I do wish to see the House preserved in some degree of purity, and to have some respect for the common amenities of life, and for honesty, truth and integrity. That is all I have to say at present, Mr. Speaker.

[Since the above remarks, Mr. Pratt, the Speaker of the House, made the following statement:—

"Some members of the House had enquired of him what were the rules of legislative bodies in such cases. He had the rules governing in the British Parliament, and also those governing in the United States Congress, and neither of them contained any rule, requiring the oath to be administered to a member whose seat is contested. Congress had allowed it sometimes, but under no rule. The House was the sole judge of the qualifications of its members. In the English Parliament it was held that the action of one Parliament is not called a custom of Parliament."

## By Telegraph.

### SENATE.

WASHINGTON, 18.—Mitchell, of Oregon, from the committee on railroads, reported, without amendment, the Senate bill extending the time for the completion of the Oregon Central Railroad and telegraph line, from Portland to Astoria and McMinnville, in the State of Oregon; placed on the calendar.

Bills were introduced and referred as follows:—

By Dorsey, a resolution instructing the committee on post offices and post roads, to inquire and report whether the restoration of the franking privilege would increase the cost of mail service, and if it is expedient to restore the same; agreed to.

Cragin called up the Senate bill to secure the attendance and payment of witnesses before military courts, and submitted an amendment giving to every court-martial the same power to punish a witness for refusing to testify as that now held by Circuit courts of the U. S., providing that the action of such court martial shall be subject to revision on a writ of *habeas corpus* by any circuit or district court of the U. S.

The morning hour having expired the Senate resumed the consideration of the resolution submitted by Davis on Wednesday, to appoint a special committee to investigate the books and accounts of the Treasury department.

WASHINGTON, 17.—Sherman presented twenty-one petitions from citizens of Ohio asking congressional aid for the construction of the Southern Pacific Railway; referred. Booth presented the petition of John A. Sutter, asking to be allowed a certain amount of public land, or its equivalent in money, as compensation for lands which he alleges to have been unjustly deprived of; referred.

Sherman called up the Senate bill to amend the act of June 20th, '74, amending the character of the Freedman's Savings and Trust Company, and for other purposes. The several amendments proposed by the committee on finance were agreed to and the bill passed.

### AMERICAN.

WASHINGTON, 18.—The bill introduced by Luttrell, to-day, amendatory of the Texas Pacific railroad act, differs from the Hunting-

ton bill in the following respects:—The preamble is omitted; the prohibition of discrimination of one company against the other is supplemented by prohibitory discriminations against any person or locality; a new section is added providing for the appointment of three commissioners, one each by the Governors of New York, Missouri and California, who shall prescribe rates for freights and fares, limiting them to a reasonable percentage of the returns on the actual cost and running expenses, and providing also that neither line shall ever be leased to any railroad company or be controlled in the interest of any other line.

Wigginton's bill, introduced in the Senate by Senator Booth, provides that pre-emption claims shall not be invalidated by the execution of a mortgage upon possessory rights.

Wigginton presented petitions of hundreds of citizens in his district asking aid for the Texas Pacific Railroad, also numerous signed petitions for the restoration to the public domain of lands on the route abandoned by the Southern Pacific Company.

The House sub-committee on Indian affairs commenced investigations to-day as to the manner of letting Indian contracts. They examined Mr. Koortz, of Pennsylvania, who testified that he bid from twenty-five to fifty per cent. less for supplying various articles for the Santee Sioux than the parties to whom the contracts were awarded. The Indian Bureau will be called on for explanations, as the committee seem determined to thoroughly investigate this entire subject.

CINCINNATI, 17.—The will of the late Timothy Kirby was admitted to probate to-day. After an examination of all the witnesses to the signature Judge Matson said he regarded the probate of the will as *ex parte* and purely formal, and the parties interested could contest it in the ordinary way. General Banning, Don Platt and Byron Kirby, three of the executors named in the will, declined to act as executors under it, and Clinton Kirby, the fourth nominee, consented. As Mr. Kirby in the will deposes a contest, it is thought probable that none will be made, thus leaving the illegitimate children on the footing placed by Mr. Kirby.

RICHMOND, Va., 18.—The liabilities of the Tredegar Company are one million three hundred thousand dollars. General Jos. R. Anderson has been appointed receiver. Operations at the works will be resumed at once.

TOPEKA, Kan., 18.—Ex-State Treasurer Lavin, charged with complicity in the recently discovered school board swindles, was arrested again to-day just as he was going to flee the country, in default of \$10,000; he was committed to jail. A letter was found on his person from his partner Scafford, telling him the best route to South America.

CHICAGO, 19.—The *Times* Washington special says that the Indian committee, yesterday, began the investigation of the letting of contracts by the Indian Bureau for the transportation of Indian supplies. Commodore Kountze appeared before the committee and gave testimony of a severe character against the Indian Bureau management. He gave many instances where he had contracted for the privilege of carrying supplies up the Missouri river, and in all cases where he had been a bidder he was below the other bidders, yet the contracts were invariably given to others. The evidence is regarded as a good basis for further argument in favor of turning over the management of Indian affairs to the army. The sub-committee that have this special subject in charge have sent letters to officers in the army of experience, asking their opinion of the contemplated change; it is not probable that there will be a report on the subject under six weeks, as the sub-committee will make a most thorough study of the subject.

CINCINNATI, O., 19.—The mail train on the Southern Baltimore & Ohio road ran into the rear end of a freight train near Lexington, Ohio, yesterday, dislocating the shoulder of the engineers, Hogg and Seightly, and injuring a lady passenger.

Yesterday a mob of 200 men, assembled in the vicinity of the residence of Richardson, who was murdered by his wife, at Massillon, O., last Sunday, and fearing that they would harm Mrs. Richardson, she was removed by the chief of police to Canton, Ohio.

NEW YORK, 19.—Henry C. Bowen yesterday received a note from the examining committee of Plymouth church, asking him to meet S. V. White, a Wall Street broker, before the committee this evening.

DETROIT, 19.—The supreme court of Michigan has decided that the Sunday liquor law, enacted at the last session of the legislature, is constitutional.

SAN FRANCISCO, 19.—Wilcox, assemblyman from Mariposa, yesterday, assaulted Somers, reporter of the *Chronicle*, in the senate chamber, immediately after adjournment, striking him with a heavy cane, inflicting serious injuries; the attack arose from reflections on Wilcox's course relative to the San Francisco land grab. Wilcox was arrested and released on bail. There is much indignation here and at Sacramento.

### FOREIGN.

LONDON, 19.—A Berlin dispatch says that the government will present a report to the Reichstag in regard to the loss of the steamer *Deutschland*.

A Berlin dispatch says the police have discovered that Thomas, the author of the Bremerhaven crime, was charged in 1866 with scuttling a ship on board of which he had goods insured in England for 24,000 pounds. He was arrested, but subsequently effected his release.

It is reported that the Archbishop of Cologne has taken refuge in Holland, where he lately met the bishop of Paderborn.

The *Daily Telegraph's* Berlin special says disturbances are reported in the neighborhood of Samarkand, and the insurgents are advancing on Kokohand.

The *Times* states that the Cabinet, yesterday, resolved to give general support to Count Andrassy's note; at the same time many questions may arise after the note shall be presented to the Porte, and those points will naturally await further consideration. The *Times*, in an editorial on the decision of the government, says that less than this would have been unworthy of the great country which holds the casting vote in deliberations of critical importance to the whole of Europe. The English ministers were in a position leaving them little choice; it is highly probable that the Turks would refuse to be bound by the note if England rejected it. Austria and Russia could not afford to sustain the defeat and they would have insisted on their proposals; and if the Turks had resisted armed intervention would have been only the first and least of the consequences which would have ensued. However reluctant the cabinet might be to sanction the most peaceful intervention, it would have been foolhardy if it encouraged the Porte to join two powerful states. The means of applying the propositions of the note are far more serious than its presentation. The application of reforms might lead to dangerous disputes and armed intervention. It is clear that Austria is prepared to use stronger weapons than words, if necessary. England has not the same reasons as Austria for undertaking the pacification of Herzegovina, and she cannot be expected to run the same risks. They might differ also, both with regard to the means and ends, therefore it was a matter of course that the British cabinet should hold itself free to differ on anything Austria may propose after the presentation of the note. The *News* and *Post* condemn the cabinet's action.

The commander of China station telegraphs to the Admiralty, from Singapore, that the operations against the Malays at Perak have been altogether successful.

Samuel Radford & Son, extensive grain merchants, of Liverpool, have suspended; their liabilities, though heavy, it is thought will be exceeded by their assets.

LONDON, 19.—Richard Shaw, representative of Burnley, Lancashire, in the House of Commons, died to-day.

Jos. Goury & Co., merchants, No. 80 Walling street, Cheapside, have failed; liabilities £50,000.

A special dispatch from Rome says that the Italian government has closed the episcopal seminary at Como, for its refusal to admit a government inspector; this is the most important, being the strongest, step yet taken in the States in dealing with the Church, and will doubtless produce great results.

Lord Napier of Magdala has been appointed governor of Gibraltar.

The mill operatives in Macclesfield have returned to work on the employers' terms.

BERLIN, 19.—The *Reichsanzeiger* announces that in consequence of Germany's representations the Spanish Government has, by telegraph, ordered the governor of the Philippine Islands to release the German schooner *Mina*, which was seized by a Spanish gunboat last October.

ROME, 19.—The Italian minister of public instruction has accepted the proposal of the United States government for the exchange of the scientific publications of the two countries.

In consequence of the political tendencies evinced in Spain in regard to the forthcoming elections for the Cortes, Cardinal Antonelli has instructed the Nuncio at Madrid to obtain a clear definition of the government's intended line of conduct in its relations with the Papacy.

LONDON, 20.—A telegram from St. Jean de Luz reports that the Carlists surprised an advance post between San Marcial and Irun, and killed twenty-five Alfonsists.

The Berlin correspondent of the *Times* says there are various reports concerning the transportation to Siberia of an Odessa merchant, whose name is Brodsky; the incident is considered to be of peculiar importance, because of the rarity of such proceedings in the reign of the present Emperor. The transportation was decreed by political police; there was no semblance of trial. It is variously surmised that Brodsky, who is highly respected in Odessa, spoke against the government in the town council, or sold arms to the Turks, as has been alleged, or was accessory to the publishing of the recent reports on the export trade.

LONDON, 21.—The Russian telegraph agency reports that the Powers are much gratified with England's reply to the Austrian note; the points whereon England reserves judgment are considered unimportant.

The anti-slavery society, yesterday, presented a memorial to Lord Derby, Minister of Foreign Affairs, on the subject of the American circular note. They remind him that in June last he said that the British Government sympathized with the object of these proposals, that England should endeavor, in conjunction with the United States, to obtain a settlement of the Cuban difficulty by friendly mediation; they now earnestly commend the question, in its present critical aspect, to his management. Lord Derby replied that the Government would give the question the attention its importance deserved.

The *Lancet* reports that on Friday last, the Pope, after fatiguing receptions, complained that he did not feel well, and he had an epileptoid seizure which lasted forty minutes, and since then he has been confined to his bed, and although the condition of his health requires vigilant attention on the part of his physician, any reports that his illness is dangerous are groundless.

The *Times*, which yesterday, in its financial article, rejected Senator Sherman's proposition to look to a common unit for money and accounts for the United States and Great Britain, to-day, editorially approves of the measure. It says that America, in returning to specie payments, will almost enter upon a new phase of monetary development, therefore the change in the American standard of value will involve no serious shock to social and commercial arrangements such as would ensue upon the alteration in value of the British sovereign. The proposition opens no less a prospect than the establishment of a common monetary system for all English speaking people who, by the end of this century, will probably rule or influence the people of the greater part of the earth's surface, and monopolize even a larger share of its commerce.

In the 17th Ward of this city, Jan. 19th, WILLIAM BALLAN, aged 62 years, 3 months and 8 days.

Deceased was a native of the city of York, Yorkshire, England, and came to this city in the winter of 1855.

At Paris, Bear Lake county, Idaho, Dec. 21, 1875, of disease of the kidneys, JAMES WATERHOUSE, born July 29, 1806, at Sadleworth, Yorkshire, England; joined the Church of Jesus Christ of Latter-day Saints in 1856. Deceased was an exemplary member of the Church, and was respected by all who knew him for his unflinching integrity to the truth.—Ogden Junction.