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XLIX CONGRESS.

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SENATE.

WASHINGTON, 1.—The Chair laid before the Senate a letter from the Secretary of War trasmitting the report on the militia of the United States; also a letter from the Secretary of the Interior, transmitting the report of Hallet Phillips, relating to the Yellowstone Park; also from the Secretary of the Treasury transmitting a copy of the communication from the Superintendent of the Coast and Geodetic Survey, with a draft of the proposed bill to authorize the supplying of standards of weight and measurement to the Territorities.

A resolution offered by Mr. Mitchell of Oregon was agreed to, directing the Secretary of the Treasury to inform the Senate whether Alfred B. Meacham late Superintendent of Indian Affairs for the State of Oregon, was at any time declared a defaulter on his official bond as such Superintendent, and if so, when and how much, and if any moneys had been since paid him by the United States.

The Senate then went to the calendar and took up and passed the bill providing for the division of part of the Sioux reservation in Dakota and the relinquishment of the Indian title to the remainder.

The next measure on the calendar was Morgan's resolution relating to the appointment of officers of the United States (the Trustees provided for by the recent Utah bill) to participate with the officers of the Mormon Church in the management of the affairs of that Church.

At 2 o'clock the electoral count bill displaced Morgan's bill, which thereupon went over.

Hoar then moved the amendments heretofore published as intended to be proposed by him, and said that he did not propose to go over the argument in this case for the hundredth time. Of all the schemes ever suggested for dealing with the subject, Hoar said the scheme proposed by the senator from Ohio (Sherman) was the worst. Hoar was disposed personally to favor the selection of the senior Judge of the United States Supreme Court as arbiter in case of disagreement of the two houses, but he supposed the consent of this generation would not be given to mingling the functions of a judicial office with the function referred to.

Mr. Sheridan would prefer to see the provision requiring that the vote should be counted, unless both houses agree that it should not be counted, under the amendment by Mr. Hoar. If even the two houses of Congress agree that the Governor of a State had certified illegal returns, yet the returns signed by him would have to be accepted and counted.

Mr. Hoar replied that the points involved had been debated week after week and month after month during the sessions of Congress for twelve years past. The Senate was therefore prepared to deal with it now if it ever could be.

Mr. Ingalls obtained the floor, but Mr. Hoar and Mr. Sherman continued their discussion and created some merriment by the eagerness with which each interposed to reply to the points made by the other before the points had been fully made.

Mr. Ingalls expressed his amazement at the suggestion that this bill was as perfect of the Senate could make it. He moved its recommitment to the Judiciary Committee and in doing so called attention to the fact that the recently passed Presidential succession bill had hardly been passed when it was discovered to be defective. Mr. Ingalls reprobated the declaration made by the presiding officer of the Senate on the occasion of the late Presidential count and although it was a practical abdication of the power of the Senate, still Mr. Ingalls admitted the presiding officer had a right to make that declaration. No sovereign had ever laid down the sceptre and crown more absolutely and unnecessarily or more in violation of what Mr. Ingalls conceived to be the proper functions of the presiding officer on this subject than was done by the Senator from Vermont (Mr. Edmunds) on that occasion. In the great contests of the future, emergencies might arise, under the state of the law, when it might be well for us not to be confronted with that pernicious precedent. The Senate had never renounced authority to its presiding officer to count the vote that was in his possession. Referring to the constitutional provisions dealing with the inability of the President, Ingalls said: "Under that provision, when James A. Garfield fell to the floor of the railroad station penetrated by the bullet of an assassin, the powers and duties of the presidency devolved upon Chester A. Arthur. Fortunately the difficulty was averted. The composure of the American people was a convincing proof of their capacity for self-government. But we did not then have a vice-president who asserted any claim to exercise executive functions. Any attempt on Mr. Arthur's part to assert such a claim when the breath of life contained in Mr. Garfield's body, would undoubtedly have precipitated a convulsion in our politics that might have been pregnant with disasters and peril to the Republic.

After reviewing the genesis and history of the Electoral College and the change effected by the people in its practical operation and effect, Ingalls characterized the whole affair as at present conducted as rubbish. Ever since the party conventions and caucuses had undertaken the work of nominating party candidates, ever since 1800, the whole electoral system provided by the Constitution was debris and the electors were like the marionettes in a Punch and Judy show.

Evarts obtained the floor and the Senate went into executive session, and when the doors reopened, adjourned.

HOUSE.

WASHINGTON, 1.—In his opening prayer the Chaplain said: "We commend to Thy infinite pity and tenderness Thy servant, the Secretary of State, who sits with his children in his home desolate, because twice in a fortnight death has entered. In this time when earthly estate and human sympathy avail so little, may the spirit of the living God come to cheer and comfort them."

Hanback, of Kansas, rising to a question of personal privilege, sent to the clerk's desk and had read, an editorial from yesterday's New York *World*, entitled "Telephone scandal," but the reading was immediately interrupted by Breckenridge of Arkansas, with the point of order that there was nothing in the editorial which reflected upon the gentleman from Kansas in his representative capacity.

The Speaker inquired whether there was any allusion in it to the gentleman from Kansas.

Hanback shook his head.

The Speaker then said: The gentleman must state what the question of privilege is.

Hanback—The House will understand what the question is after the article is read.

The Speaker—But unless the article reflects in some way on the gentleman from Kansas in his representative capacity, there can be no question of privilege involved.

Hanback—Not at all. I disclaim that; but I ask that the article be read.

The Speaker—The article does not appear to contain any reference to the gentleman from Kansas.

Hanback—The article that is to be read, and other articles reflect on this House, and on that I claim that it is a question of the highest privilege.

A short discussion ensued on the point of order, in the course of which Dunn, of Arkansas, maintained that the question of privilege must be clearly shown before the records of the House were made a vehicle to cart scandals before the country.

In order to get around the difficulty, Hanback offered the following resolution:

Resolved, That the committee on expenditures in the Department of Justice is empowered to make full inquiry into any expenditures on the part of the government, relative to the rights of the Bell and Pan-Electric Telephone Companies, and for the purpose of this investigation, and to the end that the people may be fully advised, the committee is granted the right to send for persons and papers; all expenses to be audited and accounted from approved vouchers, and when so approved, to be paid out of any moneys in the Treasury not otherwise appropriated.

The Speaker could not see that the resolution involved a question of privilege. It was merely a resolution of inquiry.

Another short debate ensued over this ruling, in the course of which Randall said while he did not believe that the House had anything to do with the subject matter as presented, he was opposed to throwing any obstacles in the way of the fullest investigation which pertained to the good government of the United States. After a little more wrangling on the subject Morrison cut the Gordian knot by asking unanimous consent that the resolution be immediately considered.

Beach showed a disposition to object but was prevailed upon by Robertson to give his consent and the resolution was adopted without a dissent.

But the House found it had not yet escaped from the subject before Hanback was again upon his feet with a question of personal privilege, and was proceeding to read the *World* article when he was again interrupted by Hammond with the point of order that there was nothing in the article which reflected upon the gentleman. There was nothing upon which to base a question of personal privilege.

Hanback, after stating that while there was nothing in the article reflecting upon him personally, it did reflect upon the honor and integrity of the House, made several futile attempts to read the article.

Breckenridge, of Arkansas, was in each case upon his feet ready with an objection, and expressed his astonishment that the gentleman should appropriate the article to himself.

The Speaker finally decided that the gentleman had shown no question of personal privilege.

"Mr. Speaker—" began Hanback.

The Speaker—The Chair has decided the question. If the gentleman wishes to appeal, he can do so.

Randall suggested that as the original object of the gentleman, as stated by him, had been accomplished, there was no use of wasting any more time in this connection.

The Speaker—If the gentleman from Kansas desires to take an appeal, the Chair will put the question to the House.

Hanback did not appeal, but continued to address the Speaker amid loud calls for regular order. The matter was finally dropped.

Under the call of States the following bills were introduced and referred:

By Klue of Louisiana—Appropriating $3,000,000 for closing the gaps in the levees of the Mississippi River and strengthening and giving permanency to the same.

By Herman of Oregon—To establish the Crater Lake National Park of Oregon.

When the call of States was completed several motions to adjourn were made on the Republican side, but they were all voted down, and Matson having the floor, moved to suspend the rules and put upon its passage the bill increasing the pensions of soldiers' widows from $8 to $12, with an amendment providing that this act shall apply only to widows who were married to the deceased soldiers prior to its passage and to those who may hereafter marry prior to or during the service of the soldier.

Browne inquired whether the effect of the passage of the bill under a suspension of the rules would be to put to one side the amendment which was pending to the bill, repealing the limitation on the arrears pension act, and on receiving an affirmative reply, moved that the House adjourn.

The motion was lost.

Browne said if any one promise had been crystallized in the political speeches and party platforms it had been the pledge to repeal the limitation to the arrears act and put all the wounded soldiers of the country on a platform of perfect equality. A very respectable political party, had resolved to do nothing in its National Convention, and but for "Rum, Romanism and Rebellion" that party would probably have been in the ascendancy to-day. The measure now, however, has gone to the Congressional cemetery, and we will have heard the last of it when this bill is passed.

The motion to suspend the rules and pass the bill was agreed to—yeas 196, nays 66.

Adjourned.

AMERICAN.

Afflicted Fishermen.

OTTAWA, 1.—To relieve the distress among the Bonaventure fishermen, caused by the failure of Robin & Co., the Jersey fishing firm, the Government has consented to the immediate distribution of the fishing bounds and has promised that other steps will be taken immediately. The local government has been asked to assist. Provision will have to be made for 10,000 persons.

Anti-Chinese.

SAN FRANCISCO, 1.—District Assembly number fifty-three, Knights of Labor of this city, are circulating a petition on the Chinese question, addressed to the Senate and the House of Representatives of the United States, which in behalf of the State of California requests Congress either by legislation or chance in the present treaty with China to forever prohibit the future immigration of Chinese to the United States. The petition is already signed by the Governor Stoneman, two ex-Governors of the State, other state officials, the Mayors of the principal cities, the Chief Justice of Supreme Court, the Superior Judges and by the municipal and general officers generally. The Knights of Labor expect to obtain a quarter of a million of signatures on the Pacific Coast.

A Flying Telegraph Line.

NEW BRIGHTON, 1.—The Railway Telegraph and Telephone Company gave an exhibition on the Staten Island Railway this afternoon of the new method of sending and receiving telegraphic messages on a railway train under full headway. The battery was in one of the passenger cars with the ground wire connected with the axle of the wheel and track. The other wire connected with the tin roof of the car. The car roofs were connected by an insulated wire. The common electric magnet, worked by a Morse key, was used. The car roof messages were transmitted by induction to the permanent wires on the poles along the line of the railroad, a distance of 35 to 35 feet. Messages were sent to and from New York and other points with perfect facility, while the train was running at the rate of 30 miles an hour. Mr. Edison said the new wonder in telegraphy would be introduced at once upon the Illinois Central Railroad.

A Guatemalan Plot.

PANAMA, 1.—A most diabolical plot to overthrow the government has been discovered in Guatemala. It was the scheme to set fire to the Grand Hotel and Theater at a given time when there would be expected to be a full house. In the panic which would certainly ensue, the intention of the conspirators was to take possession of the barracks without any great risk to themselves, then to murder President Barrilas and his family, next to attack all the foreigners and finally to sack the city. Fortunately, the plans of the conspirators were revealed in time to prevent their consummation. The discovery of the plan led to the arrest of about fifty persons, including some of the Colonels in the army, and they are now undergoing trial for their treasonable designs.

Volcanic Disturbance.

A government commission, consisting of Prof. Rockstrock and Mr. Walker, has been sent from Guatemala, to report upon the probability of an outbreak of the Poyca volcano. The report of these gentlemen announces the total destruction of the village of San Vincente Pacaya. Some 44 tile-roofed houses completely collapsed, making such a cloud of dust as to create the belief that a new crater had opened. The Hot Springs surrounding Lake Amatillan emit a large volume of water at a higher temperature than usual. The crater of Pacaya remains unchanged, while that of Fuego has been very lively.

Buried Under the Snow.

DENVER, 1.—A Breckenridge special to the *Tribune-Republican*, says: Yesterday while a party of men were cleaning the snow from the track of the Denver & South Park high line, six miles above Frisco, a snow-slide 500 feet wide and 25 deep came down the mountain, sweeping away the track and John McWilliams and two shovelers, burying them under a hundred feet of snow and rock at the foot of the mountain. A rescuing party is at work. The bodies have not yet been recovered.

Pacific Coast Association.

CHICAGO, 1.—The Pacific Coast Association met here to-day to consider the demand of the Northwestern for added percentage. Without action, an adjournment was taken to the call of the Chairman. This puts the association in a tenuous condition. The opinion prevailed that if the Transcontinental Association surmounts its present troubles, the Pacific Coast Association can be revived; if not, there will be no necessity for the existence of the latter.

Commissioner Midgley, of the Pacific Coast Association, was authorized to represent the Association at the Transcontinental meeting in New York next week.

FOREIGN.

Gilbert's Reply to the Harpers.

LONDON, 1.—Mr. W. S. Gilbert has written Harpers to acknowledge the receipt of £10 for reprinting his original comic operas. He says he is not reduced to penury, despite the fact that he has been pillaged right and left in America. He, therefore, does not feel justified in accepting charity, and has sent the check to the Victoria Hospital for children.

Gladstone's Cabinet.

LONDON, 1.—Mr. Gladstone has defined his Cabinet, but several of the gentleman he has named are not pleased with the positions assigned to them, and it is therefore probable that modifications will be made delaying the publication of the official list.

The Press Association gives the following as the latest forecast of the new Cabinet: Mr. Gladstone, First Lord of the Treasury and Chancellor of the Exchequer; Sir Farrar Herschell, Lord High Chancellor; Sir Wm Vernon Harcourt, Home Secretary; Earl Granville, Lord President of the Privy Council; Mr. Hugh C. E. Childers, Secretary of War. The remainder are liable to alteration, but they will probably be as follows: Mr. G. O. Trevelyan, President of the Board of Trade; Mr. A. J. Mundell, President of the Local Government Board; Earl Spencer, Secretary of Foreign Affair; Earl Rosebery, Secretary for the Colonies; Earl of Kimberly, Secretary for India; Mr. Joseph Chamberlain, First Lord of the Admiralty; Mr. J. M. Morley, Chief Secretary for Ireland.

It is understood that the Queen objects to Mr. Morley because he is pledged to Home Rule.

BRIEF TELEGRAMS.

The French Government has appointed a permanent commission to examine into the questions in relation to the monetary standard at home and abroad.

The German government has ordered the seizure of a number of Polish papers for commenting on the recent debate in the Landtag.

The Prince and Princess of Wales will attend the coming wedding of Miss Gladstone.

The Government introduced an anti-Socialist bill in the lower House of the Reichsrath to-day.

Mrs. Kate Jenkins, an insane woman was burned to death at Cable, Champaign County, Illinois, this morning. She arose early, and in some way set fire to her clothing. When found she was half a mile from home lying in a snowdrift. All her clothing was burned off and her flesh was burned to a crisp.

O. P. Caylor of Cincinnati, Ohio, J. A. Hartof Louisville, Kentucky, and Lewis Simmons of Philadelphia, Pa., who compose the schedule committee of the American Base Ball Association, met here to-day and arranged the schedule of the championship games for the next season. The committee refused to make known the result of the meeting further than to say that Saturdays had been divided equally so that each club will have 18 Saturdays at home, and where Sunday games are played the clubs will have equal opportunities.

In Cincinnati, O., thirty-three members of the company as which performed last night at Heuck's two theatres appeared before Justice Sanderson to-day, pleaded guilty and were fined $1 and costs each. As they were not arrested at the instance of the Law and Order League, it was hinted the matter was arranged beforehand to prevent the assessment of a heavier punishment.

THE NEW EDMUNDS BILL.

SPEECH OF SENATOR VAN WYCK.

NEBRASKA VINDICATED.

In the United States Senate, January 8th, Mr. Van Wyck, of Nebraska, showed that Mr. Edmunds had misrepresented Nebraska on the rights of married persons, in the following remarks:

Mr. Van Wyck. I ask the Senate to indulge me only a moment in explanation of what certainly seems to be a very remarkable construction placed upon the statute of Nebraska by the Senator from Vermont. I suppose it is not necessary to offer an apology or to ask anybody's pardon for objecting to what seems to be an obnoxious principle inserted in a meritorious bill. I will say to the Senator that I am willing to go as far as and farther than himself in suppressing the system of polygamy in Utah, and would very much prefer to vote for such a measure as was suggested by the Senator from Illinois to take away political power from the Territory entirely and place it in the hands of the commission which we have there with nothing to do, and give them something to do by placing the political power of the Territory in their hands. I would very much prefer to do that, and I apprehend that is going further than the Senator from Vermont would be willing to go in this matter. Then I think we should reach this difficulty. As I said yesterday, we have been doing this for four years, practically, with no forward movement, and under the act of 1882 and this bill we shall probably progress four years more with no other results than we have to-day.

The lawmakers of Nebraska supposed that the statute read by the Senator from Vermont was plain, and yet my friend seems to give it all a forced construction by propounding an inquiry and himself giving the answer. I understand the theory of the deviation from the common law to be that it is in the interest of society, as the Senator from Vermont says—and that in some cases in the interest of society the husband and wife are allowed to testify one against the other. I apprehend the Senator gives the wrong reason for it. It is not in the interest of society that a person should swear to the commission of murder as much as to the fact of a marriage solemnization. Is it in the interest of society, is not the testimony in case of robbery and arson and all other crimes known from that to murder as much to be protected? Is it in the interest of society the wife can disclose the matter of a grave crime committed by her husband against the public peace and society, why should it stop?

But then I think the Senator confutes his own idea by saying that in Nebraska and other States they are allowed to testify because it is to reach the personal injury, and he propounded the question to the Senator from Georgia, is not bigamy a personal injury? If the allowance of the testimony of the husband or wife be put upon the ground of the personal injury from the one to the other, then certainly it is not upon the broad ground of public policy or the interest of society. The latter suggestion of the Senator from Vermont is evidently correct, because in no instance probably where it is detailed in any statute is it applied except where the husband and wife can only redress themselves by being allowed to be witnesses in their own behalf, and that is borne out in the statute of Nebraska itself.

So also in the statute of the State of New York, which expressly provides that it can only be in the case of bigamy, and then the Senator asks, is not bigamy a personal injury to the wife or husband? It may be so in the case of bigamy, but then the statute provides that only one fact can be proven by the testimony of the accused's marriage partner, only the fact of marriage. So in the case of divorce on the ground of adultery, the wife may be a witness or the husband may be a witness, but not a general witness. The statute of the State of New York says such witnesses can only testify to the fact of marriage—nothing more—not in the interest of society, as the Senator says, because, if so, why confine it there? The wife may know the fact of the bigamy, but she can only swear to her own marriage. Why stop there? Society is not protected if the husband or wife knows the true fact which would convict the other, and the statute says that only one fact is to be proven.

So, too, in the case of divorce for adultery, the wife may know the fact that would convict the husband of he *gravamen*, of the main charge, but the statute keeps her lips sealed, and says in such a case you can only prove the fact of marriage by her testimony, and then the statute provides no further. Her lips are sealed, and yet the Senator says that the break is made in the interest of society, although the witness is stopped by the Legislature right there.

The other point is right, as my friend suggests. It is, undoubtedly, where the personal injury is to the husband or wife. Now mark:

The husband can in no case

I am reading now from the Nebraska statute to which the Senator referred—

The husband can in no case be a witness against the wife, nor the wife against the husband, except in a criminal proceeding for a crime committed by the one against the other.

"In a criminal proceeding for a crime committed by the one against the other;" and my friend says that bigamy is a personal injury. But that is not the statute of Nebraska. I asked my friend if the statute said "compel," and then he rebuked me for my impatience by desiring that I should wait until he could give a construction which I think the statute nowhere can bear.

The lips of the wife are sealed. The husband can in no case be a witness against the wife or the wife against the husband except in a criminal proceeding by the one against the other. I submit to the Senator if the language is not plain, that it is permissive and not compellable. If the wife comes into court to arraign her husband for assault and battery upon her and she begins the prosecution, if the proceeding is commenced by her, she may be allowed to follow that by her own testimony. It is perfectly plain. She must be the moving instrument in the prosecution against him, in the criminal proceeding, and in such a case only can she be a witness. If society arraigns her husband, if the public authority arraigns her husband for an assault upon herself, then she can not be a witness even if she desires to be. It is only where she is the author, the mover of the criminal proceeding against him that she is allowed to be a witness.

But they may in all criminal prosecutions be witness for each other.

Yet the Senator would claim that the novel, the startling doctrine introduced in this bill is sustained by the statute of Nebraska, which provides, as I have stated, distinctly that in all criminal prosecutions husband and wife may be witnesses against each other. Will the Senator put that language in this bill instead of that which the committee has placed there? That will settle this matter. Will he take the language from the statute of New York and put it in his bill instead of what is there? If he does that, I might be willing to vote for his proposition. Put it upon the ground that it is a new departure, and that the departure is justified by the exigencies of the peculiar situation of things in that Territory; but I protest here that the legislation of every State in this Union, the well-known and recognized principles of the law in every civilized nation under the sun, shall not be stigmatized by a proposition coupling it with the doctrine here enunciated upon the ground that this new doctrine is to stay the reproduction of that which exists in a majority of the States of this Union.

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Ayer's Pills." Rev. Francis B. Harlowe, Atlanta, Ga., writes: "For years I was subject to Constipation, from which I suffered increasing inconvenience, in spite of the use of medicines of various kinds. Some months ago, I began taking Ayer's Pills. They have entirely corrected the costive habit, and have vastly improved my general health." Hermann Bringhoff, jewelry engraver, Newark, N. J., writes: "Costiveness, induced by my sedentary habits of life, at one time became chronic and exceedingly troublesome. Ayer's Pills afforded me speedy relief, and their occasional use has since kept me all right." Ed. O. Easterly, Rockford, Ill., writes that he has been cured of chronic Constipation by the use of

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Have never been offered so low as the prices we are quoting.
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We are offering three distinct lines of Ladies' Scarlet Underwear, at the following Reduction of Prices: Our $1.25 quality, reduced to $1.00; our $2.00 quality, reduced to $1.50; our full, regular $3.00 quality, reduced to $2.00. WE MEAN TO CLEAR OUT THESE LINES.
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TAX SALE.

WHEREAS THE TERRITORIAL School and County Taxes assessed against and upon the property of James S. Alemany, for the year A. D., 1885, amounting to one dollar and twenty cents, ($1.20) remain unpaid.

Therefore, I, Nathaniel V. Jones, Collector of Salt Lake County, Utah Territory, by virtue of the authority vested in me by the provisions of An Act of the Legislative Assembly of the Territory of Utah, entitled "An Act to provide revenue for the Territory of Utah and the several counties thereof," approved February 22d, 1878, and of the amendments thereto, have levied upon the following named property, to-wit:

All of Block one hundred and twenty-three (123), plat "D" Salt Lake City survey, and will sell the same or so much thereof as may be necessary to pay the taxes and costs, at public auction, at the front door of the County Court House, Salt Lake City, on the 20th day of February, 1886, at 12 m.

NATH