

402-405 of the second volume of Bartlett's Contested Election Cases. He refers to the case of Ramsey v. Smith (Clark & Hall, 23,) argued by Mr. Madison at the first session of the 1st Congress; and to the cases of Albert Gallatin in the Senate in 1793, Philip Barton Key in the House in 1807, John Baily in the House in 1824, James Shields in the Senate in 1849, and John Young Brown in the House in 1859. He also reviews the British authorities and the opinion expressed in Cushing's Treatise. And he closes the discussion by declaring that "the law of the British Parliament in this particular has never been adopted in this country, and is wholly inapplicable to the system of government under which we live." I ask the committee to read so much of the report in this case as relates to the point now under consideration. It will be found on pages 402-5 of the second volume of Bartlett's Contested Election Cases.

In the case of Zeigler v. Rice, 2 Bartlett, 884, which is later than Wallace v. Simpson, the committee decided this precise point. I will give their conclusion in their own words, to be found on the 884th page of volume 2 of Bartlett's Contested Election Cases—

"Thus it will be seen that, according to the contestee's own statement, he had entered into an agreement to recruit for the rebel army; was on his way to carry out fully his undertaking when he was captured, and claimed protection as a rebel officer when captured. The committee are well satisfied the acts of contestee were well understood by the voters of said district at the time contestee was voted for; but do not agree with contestant that, as contestee was ineligible, the candidate who was eligible is entitled to the seat."

And they recommended a resolution unseating Mr. Rice, and declaring the seat vacant. But the House refused even to evict Mr. Rice. On the contrary, by the adoption of a substitute for the resolution, without a division, Mr. Rice was declared entitled to the seat.

(TO BE CONTINUED.)

## By Telegraph.

### CONGRESSIONAL.

#### SENATE.

WASHINGTON, 30.—Logan called up the Senate bill to increase the pay department of the army, and fixing the number of paymasters at fifty, with the rank, pay and emoluments of a major of cavalry. Several amendments were offered providing for the manner of appointments and the class from which they were to be made. Logan opposed any provision which would direct the President whom to appoint; he said the President was a military man, and knew as well how to select good paymasters as any Senator. Some Senators seemed to have lost faith in the President the last few days, but he, Logan, hadn't. All the amendments were rejected, and the bill passed, 21 to 18. The bill provides for six new paymasters.

WASHINGTON, 1.—Washburne, the new Senator from Mass., presented his credentials and was sworn.

WASHINGTON, 4.—Peace submitted a resolution, requesting the House to return the Senate bill passed last week, appropriating ninety thousand dollars for the relief of the sufferers from the overflow of the Mississippi river. He said the object was to lay the bill again before the Senate that it might give an increased appropriation. He read a telegram from the governor of Mississippi stating that at least 25,000 people were suffering; and another from the sheriff of the county stating that there were five thousand persons in want of bread there. He had a conference with the Secretary of War, on Saturday, and that officer said the amount appropriated would supply but a small number of persons, not more than those suffering in La. alone, and he appealed to Congress to be charitable to these suffering people, and said he would call the bill up to-morrow if the Senate should order its return; the resolution was agreed to.

#### HOUSE.

WASHINGTON, 30.—The Senate amendments to the House bill in relation to the Louisville and Port-

land canal were taken up, and discussed for three hours, Wheeler closing the debate in support of an amendment submitted by him, prohibiting the payment of any money by the United States until the State of Kentucky cedes to the United States the entire jurisdiction over the canal; the amendment was rejected, and the bill passed without division. It now goes to the President.

Hazleton, from the election committee, submitted a report in the Utah contested case, that Cannon, the sitting member, is entitled to his seat, and gave notice that he would call it up for action hereafter, and would, at the same time, offer a resolution, reciting that Cannon is openly living and cohabiting with a woman as his wife, under the pretended sanction of the system of polygamy, to the great scandal and disgrace of the people and government of the United States, and providing for the appointment of a committee to inquire into the matter, and recommend such action as shall seem meet and proper.

WASHINGTON, 2.—The Speaker announced that he had received a letter from George W. Childs, proprietor of the Philadelphia Ledger, stating that the use of his name as a corporator in the bill to incorporate the International Immigration and Land Co., was wholly unauthorized and without his consent or knowledge; with the consent of the House he directed Childs' name to be erased from the bill. Similar statements were made by Monroe as to Jacob D. Cox, of Ohio, and by Burchardt, as to Willis Flag, of Ills., and those names were erased from the bill.

After the reading of the journal Luttrell asked leave to make a personal explanation.

Cobb objected.

Luttrell: "I hope the gentleman will withdraw the objection."

Cobb: "I will not."

Luttrell: "Then I take this occasion to say that the man who wrote this article," holding up a copy of the Washington Republican, "committed a base falsehood, and I am responsible for that declaration."

The House then proceeded to the consideration of private bills.

E. H. Roberts, from the committee of ways and means, reported a bill to amend the customs revenue laws, and to abolish moiety; the bill was referred to a committee of the whole.

Twenty-six private bills were passed and the House adjourned.

#### AMERICAN.

ATLANTA, 30.—A heavy frost this morning injured the crops and fruit.

BOSTON, 30.—Washburn, to-day, tendered the legislature his resignation of the office of Governor, and left for Washington.

The contributions for Louisiana amount to forty-three thousand dollars.

WASHINGTON, 30.—A Little Rock dispatch states that a sharp contest occurred between a depredating party of Brooks' men, and a detachment of the Baxter forces under Col. White, in which the Brooks party had nine killed and twenty wounded, and the rest captured; seven of the Baxter men were wounded.

SAVANNAH, Ga., 30.—There was a heavy frost last night, and the fruit and vegetables are damaged.

NEW YORK, 30.—The Produce Exchange committee, to-day, collected \$2,000 for the sufferers by the inundation in Louisiana.

PHILADELPHIA, 30.—The mayor of New Orleans has been authorized to draw ten thousand from the treasury for the Louisiana relief fund.

HUDSON, N. Y., 30.—Waltz, the murderer, has been sentenced to be hanged to-morrow, he killed officer Ernst in his cell this morning, smashing his skull with a piece of iron. The deed was not discovered until several hours later, when excited crowds gathered around the jail, and threatened to lynch Waltz. The governor ordered two companies of militia from Albany. Ernst was stationed in the cell to prevent Waltz committing suicide.

NASHVILLE, 30.—Commodore Vanderbilt has given another hundred thousand to the Vanderbilt University.

AUSTIN, Texas, 30.—Both houses of the Texas legislature have passed a joint resolution instructing their Senators and Representatives in Congress to support Col. Tom Scott's Texas Pacific Railroad bill.

SAN FRANCISCO, 30.—To-night,

two boys, named Messenger, fought with a boy named Abraham Solomon, who drew a pistol and threatened to shoot them; their mother interfered and caught hold of the pistol, and during the struggle the weapon was discharged, shooting off one of Mrs. Messenger's fingers, and hitting Solomon in the head, killing him instantly.

The jury in the libel case of Mrs. James Howden, vs. the Chronicle, returned a verdict, to-night, of three thousand dollars for the plaintiff; the libel consisted in publishing a report of Mr. Howden's sudden death, intimating that his wife had murdered him.

WASHINGTON, D. C., 1.—The debt decreased, during April, two millions nine hundred thousand dollars.

HUDSON, 1.—Joseph Waltz was hanged to-day. The Catholic church refused him burial. His father witnessed the execution and took the body.

WASHINGTON, 1.—One of the governors of Arkansas telegraphed the President, to-day, that King White, whose command was yesterday reported as having a fight near Pine Bluff, is engaged in pillaging the country in that vicinity, but that otherwise the State is peaceable, and that he (Brooks) has refrained from sending out troops.

The railroad committee, to-day, reconsidered their former action in regard to the Omaha Bridge, and decided to report a bill providing merely, that the bridge shall be operated as a continuous part of the Union Pacific, and that detailed reports of all receipts from transportation over the bridge shall be submitted to Congress semi-annually, with a view to future action on the subject of tolls. The effect of the enactment of this bill would be to stop the present double transfer of freight and passengers at Council Bluffs and Omaha, but unless restrained by suits at law, the bridge company may continue to collect toll.

LITTLE ROCK, 1.—The situation here is practically unchanged. Brooks still occupies the Court House, with about five hundred men, while Baxter is at the Anthony House, with three hundred. The U. S. troops continue to occupy a position between them. Gen. Fagan, ex-confederate, assumes command of the Brooks forces in the State, and calls his old comrades to rally to his standard. Both parties appear to be waiting for definite news from Washington. Col. White's account to Baxter, of the fight near Pine Bluffs, yesterday, is that some two hundred men gathered for Brooks, near New Gascony, and being unable to secure transportation to Little Rock, they began plundering the citizens, and White asked, and obtained leave, of General Newton, Baxter's commander-in-chief, to disperse them; he went with a force of ninety into Jefferson county, where he found them, and sent three officers to command them to disperse. When the officers came in range they were fired upon, when White ordered an advance, and a fight ensued, resulting in the killing of nine and wounding of twenty of the Brooks' men and the capture of two of their leaders and eighty-two men, the rest dispersing. White had seven men wounded and three horses killed. He paroled all the prisoners except the two leaders, Murphy and Van D. Sante. The Gazette's Pine Bluff special, to-night, gives essentially the same account as above, except that it places the casualties at six killed and wounded of White's party, and twelve of the Brooks' men wounded. It is said there is a similar band in Lincoln and Arkansas counties, and White has been ordered to disperse them.

NEW YORK, 1.—Hurst, agent of the National Steamship line, has attached the French trans-Atlantic Company's steamer St. Laurent, now at this port, as security for the claim of the steamer Greece for services rendered to the Europe.

LOUISVILLE, 1.—Miller, colored, was hanged to-day, at Springfield, Ky., for the murder of Dr. Alfred; all efforts to extract a statement from him implicating Mrs. Allen were unsuccessful; he maintained a stolid silence on the subject even when the rope was around his neck.

PITTSBURG, 1.—Intense excitement at Hoxstead over the horrid butchery of the Hammet family and the burning of their house to hide the crime; \$2,000 reward is offered for the apprehension of the murderer.

Lynn, Mass., 1.—The failure of

Lyman B. Frazier, formerly a shoe manufacturer, but lately engaged in real estate speculations, is announced; his liabilities are two hundred thousand dollars.

NEW HAVEN, 1.—In the U. S. court, before Judges Woodruff and Shipman, the Credit Mobilier cases came up this afternoon for final action; a decree was granted, sustaining the demurrers of all those who have demurred, and the answers of certain defendants were entered, signed by the court; complainants thereupon prayed for an appeal to the Supreme Court of the United States, which was allowed.

SAN FRANCISCO, 1.—Wm. Nash was convicted at Martinez, to-day, of murder in the first degree, for killing Martin Gresbach, and sentenced to imprisonment for life.

The rain fall is general through the interior, and is of vast advantage to farmers.

GUELPH, Ont., 1.—John Sullivan, on the 18th of April, outraged a child five years old; he was tried to-day, and convicted, and sentenced to be hanged June 25th.

HUDSON, N. Y., 2.—Charles Ernst, the officer supposed to have been killed by Waltz, the day before his execution, has recovered sufficiently to be removed to his house; the body of Waltz was buried on his farm last night, the only persons present being his father, mother, sister and a hired man. His brain has been sent to Albany for examination. The family assert that he was insane, and a number of physicians testified to the same opinion.

INDIANAPOLIS, Ind., 2.—Chas. F. King was fatally shot to-day, by G. A. Wangler, who was arrested; both men were employees of the Singer Sewing Machine Company.

PITTSBURG, 2.—The murderer of the Hammet family, near Hoxstead, Penn., was arrested at Alleghany City last night; he gave the name of Ernest Mintzing, and made a full confession to-day. He said he murdered them with an axe, his object being Hammet's money, supposing there was a considerable sum in the house.

AUGUSTA, 2.—Ann Hunt was hanged at Elberton, Ga., yesterday, for poisoning Eliza Browner.

SHAWANUNK, N. Y., 2.—The rotary boiler of Condit's paper mill exploded this evening; seven or eight persons were killed and wounded and the mill and machinery destroyed.

MUNCIA, Pa., 2.—Barber & Co's sash factory, at Montgomery station, five miles from here, was partly demolished to-day, by the explosion of the boilers; two boys, named Fowler, and the engineer were seriously injured.

NEW BEDFORD, N. J., 2.—The stables of the Evergreen Trotting Park, at Plainville, were burned last night, with the stallion "Hambletonian," valued at \$10,000, and the fast geldings "Climax" and "Hiram," valued at \$4,000 and \$2,000 respectively.

PITTSBURG, 2.—The confession of Mintzing, the murderer of the Hammet family, shows the assassination to have been the most horrible and cold blooded in the annals of crime. The first victim was Hammet, whose head was cloven by a blow from an axe while his back was to the murderer; then Mrs. Hammet came into the room, attracted by the noise, and the villain struck her twice, killing her; he next sought and killed an adopted boy, with whom he had slept during his stay at Hammet's, and with a fiendish thirst for blood, two little children, too young to have exposed the wretch's guilt; and then robbing the house of valuables he set fire to it and fled.

WASHINGTON, 2.—Commissioner Drummond retired from the general land office to-day, leaving it in charge of chief clerk Curtis till the new commissioner is appointed. Drummond will remain here as partner in the law firm of Britton and Grey.

NEW YORK, 2.—The Publishers' Board of Trade adjourned to-night after two days' session; it was agreed to disperse with traveling agents for two years.

KINGSTON, N. Y., 3.—Seven dead bodies have been taken from the debris of the Shawagayunk mills, destroyed by a boiler explosion last night; three persons were fatally wounded.

BOSTON, 3.—The Chestnut Hill company's ice house at Newton, was burned on Saturday night; loss \$40,000.

WASHINGTON, 3.—The Senate military committee have decided adversely on the bill for the aid of

geological and other surveys in several of the States.

The committee of ways and means have decided to report a bill repealing the provisions of the law under which the Sanborn contracts were made; the committee are anxious to have the contracts annulled, but have not decided as to the best way of doing it. If annulled, the contractors would, under the present law, be entitled to go to the court of claims for relief, and the question is whether to leave this remedy or provide for an appeal to Congress.

Five million dollars of government gold will be sold in May; a million and a half each on the first and third Thursdays, and a million each on the second and fourth Thursdays.

LOUISVILLE, 3.—Anthony R. Walsh, manager of the ticket office here, this a. m., threw himself from the 5th story of the Galt House, and struck his head upon the pavement, smashing his skull frightfully.

LITTLE ROCK, 3.—An attempt was made this evening, by a party supposed to be attached to the State House, to assassinate the agent of the associated press; a shot was fired through a window near where the agent had just been sitting, scattering the glass over his desk.

HALIFAX, 3.—Omale's brewery was burned to-night; loss \$60,000, barely insured.

NEW YORK, 4.—A Paris letter gives a gloomy account of the situation there. It says the spirit of the commune is very far from being crushed, and the same men are once more organizing for another attempt and just as they did before '48 and in '71, societies of working men are formed in each arrondissement under the direction of a district committee, which take their orders from a central committee. The next step is to bind the men, by making them share in all the dangers and benefits, and by elements of secrecy, always attractive to the uneducated. The members of the society who have work are privately taxed, and one-half of the proceeds is added to a sinking fund reserved for a war budget, the rest goes to aid those who are out of work in their distress. Just before the war matters had reached the stage where we find them to-day, and Creusot was selected as the best point for beginning the strike, and difficulties which then caused and made possible the fourth of September.

This time strikes are to be encouraged in Paris. It is certain that the Septennate must come to an end one day or other, and the belief that it will not last long gives the chiefs of the Internationalists an opportunity for saying that it will be succeeded by another commune.

HUDSON, 4.—Charles Ernst, the prisoner kept attacked by the murderer Waltz the day before his execution, died to-day.

SPRINGFIELD, Mass., 4.—An old man named Lombard was stoned to death by a number of ruffians in Holyoke, yesterday.

ST. LOUIS, 4.—The Democrat's Little Rock special, says that Judges Searl and Bennett, of the Supreme Court, were arrested last night, on their arrival by the Memphis train at Argenta, opposite Little Rock, by Captain Williams, acting under order of Governor Baxter; the Judges refused to be arrested without proper authority, Williams thereupon forcibly arrested the Judges. Judge Stephenson, of the same court, was also on the train, but Williams appeared to be ignorant of the fact.

#### ESTRAY NOTICE.

I HAVE in my possession the following described strays, which, if not claimed and taken away within ten days, will be sold to the highest bidder on Wednesday, May 13th, 1874, at 2 o'clock p.m., at the Estrey Pound in this city:

One large light bay HORSE, nine years old, one hind foot white, a little white on the other, white spot in face, some saddle marks, no brands visible.

One large dark brown HORSE, ten years old, one hind foot white, white spot in face, no brands visible.

One dark bay MARE, about five years old, one white hind foot, no brands visible.

One dark brown or irongray HORSE CILT, about one year old, branded H S on right thigh. JOS. PH. HORN, District Poundkeeper.

Salt Lake City, May 4th, 1874. ds&wle

#### ENTRAY NOTICE.

I HAVE in my possession:

One blinded STEEL, three years old, stag-horn, a small crop off each ear, soe white on belly and hind feet white, no brand visible.

If not claimed in ten days, will be sold at public sale, at the Estrey Pound, Payson City, on Monday, the 11th day of May, A.D. 1874. THOMAS H. WILSON, District Poundkeeper.

Payson City, U. T., May 1st, 1874. ds&wle a