

each other to the last mouthful, that saved them.

Mr. Speaker, there was no talk then about enacting laws for the Territory of Utah. No; the Mormons could struggle on and perish if they chose, and these zealous patriots who now profess such interest for Utah cared nothing about her. It is only since mines have been discovered, and city property become valuable, and railroads have been constructed—it is only since it was found that the Mormons had valuable possessions that this interest is taken by the present crusaders against Utah. You remember, sir, that four years ago it was said that unless Congress interposed there would be bloodshed in that Territory. An effort was made to convince Congress that unless legislation was enacted for Utah bloodshed would be inevitable. Four years have passed, and that Territory to-day is as peaceful as it was at that time.

But it is said that the courts are locked up and cannot execute the laws because of the difficulty of obtaining jurors. Sir, that is no more the case now than it has been for a score of years. Under the present laws of Utah courts have been held and cases tried for a long succession of years. And were it not for the obstinacy of the judge of the third judicial district there would be no dead-lock there at the present time. In the other districts of Utah courts have been held and jurors have been summoned. But it has been published in a daily paper of large circulation in Salt Lake City, the editors of which are responsible men, that the judge of the third district had said in substance "he would carry his point with Congress if he ruined the entire legal business of the Territory."

The question as to which is the rightful officer of the courts under the laws of the Territory—the United States district attorney or the attorney-general of the Territory—has been submitted to the United States Supreme Court, and the decision has been in favor of the officer created by territorial statute. The case of the United States Marshal vs. The Territorial Marshal is an analogous one. In two instances the Supreme Court of the United States has sustained the local authorities of the Territory in cases which have been carried up from this court which now complains of being locked up. The United States Supreme Court has sustained the laws of the Territory. This does not look as though the people of the Territory were usurping authority or giving their officers power not guaranteed by law and usage. Instead of a usurpation of power on the part of the Legislative Assembly of Utah, or on the part of an officer created by their act and against the United States officer, as stated by the gentleman from Vermont, the contrary has been the case—the usurpation has been on the part of the Federal officer, and the United States Supreme Court has so decided.

In one of the decisions made upon a case of importance—Clinton against Englebrecht—appealed from the district court to the United States Supreme Court, Chief Justice Chase said:

"The theory upon which the various governments for portions of the territory of the United States have been organized has ever been that of leaving to the inhabitants all the powers of self-government consistent with the supremacy and supervision of national authority, and with certain fundamental principles established by Congress. As early as 1784 an ordinance was adopted by the Congress of the confederation providing for the division of all the territory ceded or to be ceded into States, with boundaries ascertained by the ordinance. These States were severally authorized to adopt for their temporary government the constitution and laws of any one of the States, and provision was made for their ultimate admission by delegates into the Congress of the United States. We thus find the first plan for the establishment of governments in the Territories authorized the adoption of State governments from the start, and committed all matters of internal legislation to the discretion of the inhabitants, unrestricted otherwise than by the State constitution originally adopted by them.

That was the language used by the Chief Justice in rendering this decision, which reversed the proceedings of the judge of the third judicial district in the Territory

of Utah. Associate Justice Bradley, in another decision recently given, also sustains the territorial laws, and the election of an attorney-general for the Territory by the Legislative Assembly of the Territory. Those two decisions I consider exceedingly important as showing the character of the proceedings in Utah. They show that the people themselves have maintained the law, have been entrenched within the law, have not sought to transcend the law, but have acted in accordance with the organic act of the Territory and the laws passed by the Legislative Assembly of the Territory, and submitted to you for your approval at the time.

I find that I must hurry on. In the short time allowed me I find it impossible to make explanations which should be made to give a correct idea of affairs in the Territory. In the third section of this bill I find this provision:

"And whenever in any proceeding for divorce, or in any civil cause, or in any criminal prosecution, it is necessary to prove the existence of the marriage relation between two persons, it shall not be necessary to prove the same by the production of any record or certificate of the marriage, but evidence of cohabitation between the parties as husband and wife, and the acts, conduct, declarations, and admissions of the parties shall be admissible, and the marriage may be established like any question of fact."

In this connection I call attention to the decision of the United States Supreme Court in the case of Cummings vs. The State of Missouri. It will be found in 4 Wallace, and I will read an extract from pages 335 and 336:—

"By an *ex post facto* law is meant one which imposes a punishment for an act which was not punishable at the time it was committed, or imposes additional punishment to that then prescribed, or changes the rules of evidence, by which less or different testimony is sufficient to convict than was then required."

This bill proposes to change the rule of evidence, and I submit it comes in conflict with this decision of the Supreme Court in the case I have cited.

Sir, I know the prejudices which exist on this Mormon question. I know that many men are ready to do anything that may have the effect to destroy what is called Mormonism. I implore members to reflect and not act hastily upon this bill. Such legislation will not destroy that system. Its believers have suffered themselves to be driven from their homes time and time again for their religion. They cannot be convinced by the bayonet; they cannot be convinced by violence; they cannot be convinced by any such means. Hostile legislation will not have that effect. If the Mormons are in error, reason is the argument to which appeal must be made.

At the present time and ever since Utah has been settled her people have opened their places of worship to men of every denomination to enter and preach. Sir, as you know, a distinguished divine of this city went to Utah and held a controversy before the largest congregation that could probably be convened in the United States on the question of polygamy, and so it ever has been with them. Whenever a reputable minister of any denomination or creed has gone to Utah, he has had an opportunity of speaking in the halls of the Latter-day Saints. There has been no exclusiveness, no disposition to close their doors against reason. As I have already said, day-schools and Sunday-schools are established there by religious sects opposed to the Mormons, and if this system can be put down it will be by reason and not by compulsion and violence.—*Congressional Record.*

By Telegraph.

CONGRESSIONAL.

SENATE.

WASHINGTON, 9.—Logan, by request, introduced a bill to incorporate the Commercial Railway, with four or more tracks, between New York and Chicago and St. Louis, with a capital of two hundred millions; the tariffs to be fixed by a commission, but not to exceed ten cents on a bushel of grain and thirty-six cents on a barrel of flour, from Chicago to New York.

The bill for the admission of New Mexico as a State was reported and placed on the calendar.

HOUSE.

WASHINGTON, 9.—The House proceeded to vote on the Louisiana contested election case, Pinchback vs. Sheridan, and after the rejection of all other propositions, they adopted, without division, the majority resolution declaring the testimony insufficient to show the election of either claimant, and permitting further testimony to be taken.

Sener reported a bill to abolish the Western district of Arkansas, and to annex its territory to the Eastern district; passed. Sener asked leave to offer a resolution, directing the attorney-general to institute a full and thorough judicial investigation into the character of the allowances paid at the Treasury department, and of the claims still due for the expendi-

tures of the marshal's office of the Western district of Arkansas, from the first of July, 1870, and report the result to the House on the first of May next.

Haines objected unless he was permitted to offer an amendment, the effect of which would be to permit the department to be the ultimate judge in the matter, and as Sener would not admit the amendment the resolution was not received.

Speer, a member of the committee on the contingent expenses in the Department of Justice, addressed the House on the subject of the enormous expenditures in the Western district of Arkansas. He showed up the record of the judge of the district, and of marshal Britton and his successor Logan H. Roots, and showed them to have robbed both the government of the U. S. and the people of Arkansas. He showed the enormous expenses of the district, which, in 1872, for a population of less than 300,000, were over \$321,000, more than those of all the New England States for the same year.

At the close of Speer's speech the objection to Sener's resolution was withdrawn, and it was adopted.

AMERICAN.

WASHINGTON, 8.—The Senate committee on territories have agreed, after a further examination of the charges against General McCook, to again report in favor of his renomination as Governor of Colorado.

KEMPVILLE, 8.—A hurricane arose yesterday and unroofed and demolished a number of houses, destroyed much property, and injured several persons.

WILKESBARRE, Pa., 8.—An explosion at the shaft of the Nante Oake last night, burned three miners to death; the breaker was destroyed and seven men, while fighting the fire were overcome with the gas and were carried home and two of them died. A falling beam killed Wm. Vivian.

TOPEKA, Ks., 8.—The case of the State against ex-Senator Pomeroy, for bribery, is postponed till July 27th, on account of the unavoidable absence of one of the attorneys for the defence; the case will certainly be tried then, despite the number of circulated petitions against it.

PORTSMOUTH, 8.—The steamer *Faraday* has laid all her cable. No tidings yet of the cable steamer *Ambassador*. A London dispatch says she did not leave London till June second. The *Faraday* will await her arrival, and then lay the cable between Halifax and Newfoundland, and thence proceed to England to lay the cable between Inlaw and Halifax.

EAST WORCESTER, 8.—The dams gave way at East Worcester, yesterday, carrying off a number of houses and barns; no lives were lost.

SYRACUSE, 8.—The only reported casualties from the gale on Lake Onondaga yesterday, are a boy drowned and another missing.

NEW ORLEANS, 8.—Governor Kellogg telegraphs to Secretary Belknap, that the suffering, except on the Mississippi bank, is unabated, and he asks that twenty thousand dollars be ordered from the first appropriations; the people are in danger of starvation without this.

NEW YORK, 8.—In a trot at Prospect Park, to-day between "Judge Fullerton" and "Goldsmith Maid," the former won the first heat in 2:19, the latter the rest in 2:18½, 2:21½.

French papers publish a letter written by the Bishop of Laranda, upon the massacre of Christians at Tong King. The bishop says that with his mission were eighty thousand Christians, ten thousand of whom have been strangled, burned and drowned, and he adds that he has no hope of escaping martyrdom himself. This startling communication bears no date, but is generally credited in France.

The striking laborers made an attack to-day on the Italians who had taken their places, and two of the latter were fatally wounded.

SYRACUSE, 9.—One coach of an excursion train jumped the track at Lebanon Hollow, last evening, and thirty persons were more or less severely injured.

RUTLAND, Vt., 9.—Anna Friesse, living alone, was robbed and murdered and her house burned this morning; her body, covered with stabs, was dragged from the flames.

BOSTON, 9.—The commonwealth of Mass. paid a tribute to Sumner to-day; Musical Hall was elaborately and tastefully decorated.

Geo. William Curtis delivered the oration.

NEW ORLEANS, 9.—Thirty disguised men, on Saturday night, took from the Winnesboro jail and hung A. B. & Tom Morris, who murdered and robbed the flat boatmen on Bayou Macon, a month ago.

ST. LOUIS, 9.—The first train consisting of a locomotive and three passenger cars containing a number of invited guests and press representatives crossed the bridge over the Mississippi river this evening, to test the track just completed; a number of engineers on the train were all greatly pleased with the solidity of the bridge. A regular scientific test of the bridge will be made in a few days.

SAN FRANCISCO, 9.—A dispatch from Prescott, Arizona, states that, on May twenty-first, Lieut. King and his soldiers attacked a band of Apaches camped on the Mesa, near Diamond Butte, and killed nine of them. Eighty-four more Apaches with their chief had surrendered at Camp Verde.

NEW YORK, 10.—A Russian paper has an account of a fearful steamboat explosion on the Volga, while racing with another boat; the boat was torn to fragments, and five men were killed and eighty injured; eleven have since died. Fifteen passengers jumped into the river and were drowned.

SAN FRANCISCO, 10.—There were two suicides in this city yesterday, making eight in as many days, all men.

WASHINGTON, 10.—Senator Mitchell appeared before the Senate committee on privileges and elections to-day, in answer to the charges relating to the alleged scandal connected with his early life. He invited and challenged the fullest investigation into all the charges preferred against him. The committee then privately considered the matter and, as a result of their full deliberations, unanimously came to the conclusion that there was not a sufficient basis for any charge preferred against Mitchell, to justify any further investigation, and they directed their chairman to report to the Senate accordingly.

SAN FRANCISCO, 10.—There was another suicide to-day: George S. Hull, bookkeeper for ex-mayor Selby, took poison.

There were two severe shocks of earthquake this evening at Mission San Jose, but they were not felt here.

The weather here and throughout the State is excessively warm.

NEW YORK, 11.—A gang of striking laborers, last evening, assaulted the men who took the places they had left and, during the row, a policeman was fatally injured.

Owing to the yellow fever in Havana, vessels from that port are quarantined.

CHICAGO, 11.—A Washington special says that, beginning with to-morrow, it will be in order to move a suspension of the rules in the House, to pass almost anything, the rules permitting this during the last ten days of the session. Under ordinary circumstances this is a period of great danger to the country, but the present House is comparatively free from jobbery, and it is not likely that any wholesale swindling will be attempted.

ST. LOUIS, 11.—Leopold Hoelderne, yesterday, actuated by jealousy, shot in the breast and dangerously wounded a woman with whom he had been living, as she entered the cars at Jefferson city; he then shot himself twice and died in two hours.

PORTSMOUTH, N. H., 11.—The cable steamer *Faraday* left yesterday, for Nova Scotia, to continue cable laying.

QUEBEC, 11.—The Captain of the ship *Mandus*, which has arrived from Liverpool, reports that on the night of May 13th, one of the crew fatally stabbed another, and then jumped overboard and was lost.

FOREIGN.

LONDON, 8.—A Bombay dispatch says the wet season has begun.

The insurrection at Fez has been quelled. The Sultan's troops, on the 19th ult., opened a heavy cannonade on the town, and kept it up several hours, and many houses and stores were burned; the troops afterwards entered and sacked a portion of the town, ninety inhabitants being killed. The loss to the troops was trifling. The insurgents gave up the fight and submitted, and the Sultan has granted an amnesty.

PARIS, 8.—The feeling at Versailles is gloomy. 125 deputies have signed the proposal for dissolution, and 195 more signatures are expected from the Left Centre. The motion for dissolution will be presented at the earliest opportunity. The Left Centre is determined to have a settlement of the question, a republic or dissolution, before the August adjournment.

VIENNA, 8.—An international congress to discuss measures to prevent the spread of cholera, and quarantine regulations, meets here on the thirteenth inst.; all the European countries will be represented.

LONDON, 9.—The *Times* correspondent at Paris has telegraphed that it is expected that Dufaure will soon ask the committee on constitutional laws to come to a vote on the first article of the bill introduced in May 1873, providing that the government shall consist of a Senate Chamber, Representatives, and President of the Republic. If the committee rejects the article, the Left Centre will move in the Assembly to refer a similar proposition to a new commission, and should this fail, the Left Centre, as a last resort, will move the dissolution of the Assembly. In the event of an adverse vote on the motion the deputies belonging to all the sections of the Left will probably resign *en masse*.

LONDON, 9.—The *Times* letter from Vittoria says that Concha, with his whole available force, is marching against the Carlists in Navarre; General Dorregaray, commander of the Carlists, is in a good position.

The Duke of Connaught, Prince Arthur, appeared as a member in the House of Lords last night, for the first time.

PARIS, 9.—Archbishop Lauderrit is dead.

LONDON, 10.—Dispatches from India report serious famine riots in the district near Darjeeling, in Sikkim territory; the troops were obliged to fire on the rioters, a number of whom were killed and wounded.

LONDON, 10.—The *Times* Berlin correspondent says that the Congress, which assembles at Brussels next month, to consider the subject of international rights in time of war, will first codify the recognized usages of international law which affect the actual conduct of war; it will then enact a new code in the form of an international treaty, which promises to become the first law common to the whole world. A draft of the treaty has been made. It has 76 clauses, stating the rights, obligations and mutual claims of belligerent States and individuals, and specifying what arms may be legitimately used in war, and making regulations for the treatment of prisoners.

The Paris correspondent of the *Daily News* reports that while Gambetta was waiting for the Versailles trains he was hustled and insulted by a band of well known Bonapartists, led by Moalon M. Pietres, former secretary, and Cassanova, an officer of the Imperial Guard; the latter attempted to strike Gambetta.

The extensive cotton mills of Moselre & Mar, Manchester, are burned; the loss is estimated at 250 thousand.

A special dispatch from Berlin says the governments of Germany, Serbia and Roumania have confidentially informed the other European powers that they have concluded an agreement to mutually protect their interests and position against the designs of Turkey.

Dispatches to the *Daily Telegraph* from Berlin, assert that the differences between the Khedive of Egypt and the Sublime Porte are serious, and intimate that grave complications in the East are probable.

LONDON, 11.—The University of Cambridge has conferred the honorary degree of Doctor of Laws on James Russell Lowell of Boston.

A Calcutta special says the riots in the districts near Darjeeling, were directed against its exporters of food. The rioters consisted chiefly of unarmed bands, and they availed themselves of the excitement caused by their demonstration to plunder a number of stores, and several rioters were killed. The government commissioner has sent troops to the scene of the disturbance to prevent a recurrence of the riots. Two hundred thousand persons are being relieved in Mozzuefforpoore, where the suffering, already very great, is increasing.