

[SPECIAL TO THE DESERET NEWS.]

By Telegraph.

SENATE.

The apportionment bill being taken up, Morrill, of Vermont, resumed his remarks in favor of the senate substitute. The question was on the first amendment reported by the judiciary committee, providing that the house shall consist of the present number, 243, not 283, as proposed in the house bill. Morrill moved to amend, so as to make the number 292; lost, yeas 17, nays 31. The amendments reported by the committee were rejected except the last, which provides that should any State deny or abridge the right of any of its citizens to vote in any election named in the 14th amendment, except for participation in rebellion or other crime, the number of its representatives shall be in proportion. Adopted.

Pomeroy moved to strike out the 5th section, which provides for the non-admission of any new State till it has sufficient population to entitle it to one representative; lost. The bill passed, all the senators voting aye but Edmunds, Hamilton, Morrill of Vt., Norwood, Patterson, Saulsbury and Vickers.

The amnesty bill being under consideration, Salisbury spoke at considerable length in favor of it, followed by Schurz in an elaborate speech in favor of universal amnesty, concluding as follows: The people were fast becoming aware that great as the crime of rebellion is, there are other villainies which imperatively demand correction. They were beginning to look behind these vociferous assertions of austere and exclusive patriotism, to see what abuses they are intended to disguise, and to discover that a good and honest government in the south as well as all over the country, would do infinitely more to revive true loyalty and a healthy national spirit, than laws calculated to keep alive the prejudices and resentments of the past.

Nye replied, and said he would never consent to give the rebel leaders the right to take part in the government. He would keep them browsing on the outside till their hair grew as long as Nebuchadnezzar's, and if that was not statesmanship then he did not know anything about it. (Laughter.)

Senator Schurz wanted the leading rebels relieved, so as to bring a higher order of talent into public life at the South, but he would rather have a lower order of talent cultivated in the school of loyalty. As to abuses in the government of the Southern States, the people had only themselves to blame for it; they had sown the wind and must reap the whirlwind.

Trumbull, from the judiciary committee, reported adversely to a bill to authorize the President to accept the resignation of the judge of any court of the United States.

HOUSE.

Butler, of Massachusetts, reported a bill to regulate the appellate jurisdiction of the supreme court. It increases the minimum of limitation of \$2,000 as the value in dispute to \$5,000; and also allows criminal cases to be certified from circuit courts to the supreme court for the review of doubtful legal questions.

The house took up the senate amendments to the apportionment bill. The bill now goes to the President for his signature.

The bill in reference to appeals to the Supreme Court, after discussion passed substantially as reported. Bingham unsuccessfully strove to have the bill modified so as to restrict writs of error to capital offences, claiming that if it applied to mere penitentiary cases, it would delay and impede justice in the case of the Mormon prosecutions.

Garfield's suggestion that the homestead bill be so amended that the date of settlement on United States surveyed lands may count after the survey as part of the period of the five years actual occupation requisite toward establishing a homestead claim, was concurred in, and Garfield, Cleggitt and Merritt were appointed a sub-committee to confer with the committees on Territories and public lands upon the subject.

The Territorial delegates are fully organized in committee, with governor McCormick, of Arizona, chairman, and I. H. Reilly, of California, clerk, and will meet regularly hereafter during the session, on Mondays, for the consideration and discussion of matters pertaining to the Territories.

GENERAL.

SAN FRANCISCO, 29.—The snow blockade on the U. P. railway is com-

pletely disorganizing business here. Merchants who have large stocks of particular classes of goods en route, are losing trade by their inability to fill orders, and they are completely disgusted with the state of affairs. Six car loads of eastern oysters, in the shell, which arrived after a long delay, are found ruined by being frozen and then thawed again.

At a meeting of the Christian Alliance last night, William E. Dodge was elected president, Chief Justice Chase and several others vice-presidents. Dr. Chapin said the Christians of America ought to take the recently arrived Japanese commissioners out of the hands of the politicians and show them our Christian institutions.

ST. LOUIS.—Octavio Pavy, the young Frenchman who proposes to visit the north pole by Behring Straits, has been here two or three days, in consultation with Captain Silas Bent, in relation to his voyage. The Union Pacific R. R. being snow blockaded, Pavy will go to New Orleans, thence to San Francisco by the Isthmus route. He will leave the latter place early in the spring for Petersvoadki, where he will complete his outfit and finally embark on his little raft, for the polar sea.

The weather in Oregon is very cold. The Northern Pacific surveying party under Capt. Maxwell, abandoned work in the Pen d' Oreille country and have arrived at Walla Walla, after great hardship and loss of several animals.

WASHINGTON, 31.—The question of increasing mail service between the U. S. and Japan from monthly to fortnightly mails and doubling the subsidy to the Pacific mail steamship line, which is \$500,000, will be considered by the house appropriation committee. The temper of the committee seems to be in favor of the proposition. It is shown by facts in the possession of Mr. Sargent of California, a member of the committee; that during the year past 400,000 pounds of tea were brought to this country from Japan and China over this route, being one-third of the amount imported from all sources during the year. It is also shown that the legitimate increase of revenue derived from the tea trade since the establishment of this line has more than paid the subsidy allowed by the government.

Horace Greeley, in the *Tribune*, says that though he does not exact the one term principle above every other consideration, yet he has advocated it over thirty years, never supporting a President for re-election but once, that he has reasons for believing that Grant assented to it less than four years ago. He does not say Grant will not be elected if nominated, but he will not support him, that his nomination would render doubtful a Republican triumph, which a one term pledged candidate would make certain.

ALBANY, 31.—The trial of Tweed will not take place until March. This will put the case out till the close of the legislature. It is probable he will now take his seat.

ALBANY, 31.—The Governor, in response to a resolution of the House, says there were several instances of bills during the last legislature which had clauses which never had passed, and which bills were presented for his signature.

Horace Greeley's editorial in the *Tribune* earnestly opposes his Grants nomination, on the ground of his weakness as a candidate independent of any other reason. It has excited much comment in political circles. Republicans generally denounce it as untrue. Some papers say it is proof of Greeley's honesty and sincerity. Greeley is understood to be willing to support Grant, if nominated, with all the strength and influence of the *Tribune*, but he conscientiously believes he cannot be elected.

FOREIGN.

LONDON, 30.—Mr. Bruce, Home Secretary, has requested the magistrates of Bolton to explain their inaction during the late Dilke riots. Seventeen persons have been summoned to answer for participation in the acts of wanton destruction.

NEW YORK, 31.—A Paris special says, Thiers, in discussion with Rothschild, on the project for the further evacuation of France by the Germans, said: "I would like to see the end of the occupation if we had a stable government and a settled public opinion. As it is, if the Germans were gone we would have a worse danger. The Bonapartists would come forth and in a few days all the calamities of a relentless party strife would take place. I will yield, though with regret, to the general desire, though I consider that the presence of the Prussians is a guarantee of peace and order."

A special from London says the impression prevails there that the Geneva convention will necessarily disappoint the hopes of its friends, and that in the end it will prove a failure if the conference should decide in favor of claims which no English government would accept and the result would be no parliament would vote the money, hence the government would stop the proceedings of the argument.

LONDON, 31.—The thanksgiving ceremonies, at St. Paul's, for the recovery of the Prince of Wales, are announced to take place on the 27th.

Three thousand pounds were subscribed, at a meeting, last night, in aid of the Livingstone expedition.

BRUSSELS, 31.—The journeymen carpenters are on strike. The masters have closed their shops and the men are now parading the streets. No disturbance.

DISTRICT COURT IN CHAMBERS.

This afternoon, before Hon. J. B. McKean, Chief Justice, in Chambers, J. L. High, Esq., Deputy U. S. Attorney for this Territory, made application for admission to bail of all prisoners now on the criminal calendar.

MR. HIGH: If the Court please, I am instructed by the Attorney-General of the United States to apply for bail in all criminal cases now pending on the calendar. As the motion is somewhat extended in its nature, and embraces crimes of every description, I have deemed it advisable to submit cases of the same nature or class separately, in order that, if bail is taken, the amount may be fixed according to the grade of the offense. I therefore move, in the name of the Attorney-General, that, in the case of the people against Steven Morrison and James Lewis, on indictment for larceny from the person, the defendants be released upon bail in the sum of five thousand dollars. I make the same motion and for the same amount in the case of the People against Andrew Stevens, on indictment for assault with intent to maim.

COURT: I will fix the bail in these cases at five thousand dollars, with two sureties.

MR. HIGH: If the Court please, in looking over the calendar, I find that in all cases where arrests have been made for the crimes of adultery and lascivious cohabitation, bail has already been taken; there remain, therefore, only those cases in which persons have been arrested for murder in the first degree. I therefore move the admission to bail of the defendants in the following cases: The People against James Wales, indictment for murder in the first degree.

The People against James Harrington, indictment for murder in the first degree. The People against Brigham Young Sen., Daniel H. Wells, Hosea Stout and William A. Hickman, indicted for the murder of Richard Yates.

COURT: Some of these defendants are not arrested, and one at least, Daniel H. Wells, is out on bail.

MR. HIGH: Three others, defendants in the last named case, under arrest and in the custody of the marshal. The remaining cases are The People against Brigham Young Sen., William A. Hickman, Morris Meacham and William Kimball, indicted for the murder of — Buck, and The People against Alexander Burt, James Toms, John L. Blythe and B. Y. Hampton for the murder of Dr. Robinson; The People against John Beegan indicted for the murder of Edward Doyle; The case of the People vs. John Allan for the murder of one Hutchinson; The People against — Jones, indicted for the murder of some one out in Cottonwood, name unknown. I ask your honor, that the defendants in all these cases, be admitted to bail. Under the peculiar circumstances of some of these cases, it is possible that your honor may see fit, if you shall decide to grant the motion, to make some discrimination as to the amount of bail which shall be required. I should, therefore, desire, if your honor sees fit to grant the motion, to be heard specially on some of these cases as to the amount, as there are certain peculiar circumstances connected with some of them which might make it necessary to require a larger amount of bail than in other cases.

COURT: You say to me, Mr. High, that you are instructed to make this motion. Will you present to the Court your instructions?

MR. HIGH: I have instructions, your honor, in writing, in the shape of two dispatches from the Attorney-General of the United States, and can present them if desired. I have first, if the Court please, a dispatch in reply to one sent to the Attorney-General by Mr. Bates, before his departure for Washington, and one received by me on Saturday last.

COURT: Please read them both.

MR. HIGH first read the dispatch of Mr. Bates to the Attorney-General, of which the following is a copy:

SALT LAKE CITY.

Attorney General U. S., Washington, D. C.

Cases against Brigham Young continued until March. Bills for keeping prisoners accumulating. Defendants asked to be released on good bail. Shall I consent?

GEO. C. BATES.

The Attorney General replied as follows:

WASHINGTON, D. C.,

Jan. 11, 1872.

Geo. C. Bates, U. S. Attorney, Salt Lake.

Admit defendants to reasonable bail.

GEORGE H. WILLIAMS,

Attorney General.

Mr. High then said: In addition to that, your honor, I received, on Saturday last, the following dispatch, from Mr. Bates, now in Washington:

"WASHINGTON, D. C., 26, 1872.

James L. High, Deputy United States Attorney.

The Attorney General directs that you move the Court to bail in such sums as will secure the attendance of all criminals, to save expense.

GEO. C. BATES,

U. S. District Attorney.

I therefore make the motion, your honor, relying on the authority which I have produced, and make it in behalf of the Government, and in the name of the Attorney-General of the United States.

COURT: Is there anything more to be said just now?

MR. HIGH: I have nothing more, your honor.

The Court then delivered the following

RULING.

There are eleven prisoners charged with murder under Territorial laws. Six of them are held in custody in the city, without expense to the government; the other five are held at Camp Douglas, and furnished with rations by order of the Secretary of War, at an expense of about thirty cents per day for each man. This expense, so trifling when compared with the magnitude of the issues, ought to be, and no doubt ultimately will be, enforced against the Territory.

Some of the murders were committed under circumstances of great mystery and atrocity, and some were committed openly in the face of mankind; and some of the prisoners are known, even before trial, to be most desperate characters. Were these prisoners now to be turned loose upon society, before they are acquitted by a jury, it would be an act without a precedent in criminal jurisprudence. Such a decision would hereafter be quoted as a precedent in every murder case in this Territory. It would be a most pernicious precedent. And, besides, there are reasons, which cannot be made public, why these prisoners should not be admitted to bail—reasons which District Attorney Bates cannot have communicated to Attorney General Williams, and to which Mr. Bates seems quite indifferent. Indeed he is known by the Court to have made, in other particulars, serious misstatements in regard to affairs in Utah.

Whether or not a prisoner charged with murder shall be admitted to bail, is a judicial question addressed to the discretion of the court. I am placed here to decide, under the law, all judicial questions that shall arise in this district court. Were I now to shirk or swerve from a plain duty, it is not improbable that the irresponsible magistrate called "Judge Lynch" would assume the seat which I would thereby have proved myself unworthy to hold. In the discharge of a judicial duty, which devolves upon me alone, I refuse to admit these prisoners to bail.

In his ruling yesterday, in the matter of the application of Assistant United States Attorney High for bail for certain prisoners, his honor, Chief Justice McKean, stated his apprehensions that were he to accede to the request of Mr. High, "the irresponsible magistrate Judge Lynch would assume the seat" which his honor held.

It may be that Judge McKean has what he may consider sufficient reasons for such an apprehension. To us, however, such an expression appears wild and extravagant, if not inflammatory and incendiary, to emanate from the bench of a U. S. Court. If the Judge really was apprehensive of any contingency of the kind, he must have very unwarrantably magnified the evidence upon which he based his apprehension.

We are satisfied that the public at large, were it fully conversant with the facts, would commend in liberal terms the admirable forbearance of our citizens under circumstances of extreme irritation and aggravation. They have calmly borne arrogance and insult and contumely which no other community would have borne for a moment. Had such an occurrence as that of the Baker perjury transpired elsewhere, the whole community would have been up in arms against the perjurer.

Judge McKean ought to know as well as any man that there never was a frontier community where Judge Lynch had as few adherents as in Utah, and where there was less chance of his court being established. This opinion his honor ought to enunciate from the bench, the next time he takes his seat upon it, as a matter of simple justice to this community.