

THE CASE OF THE DELEGATE FROM UTAH.

We have received the full report of the Committee on Elections, to whom was referred the contest for the seat in Congress of the Delegate from Utah. With the statements and opinions of dissenting members and the minority report, signed by S. W. Moulton, Gibson Altherton, L. H. Davis and G. W. Jones, it makes a pamphlet of sixty-six pages, much of it in small type. Mr. Calkins, the Chairman, gives his views in the majority report, and Messrs. Thompson, Pettibone, Miller, Jacobs, Bellchopper, Ranney and Altherton, each explain at length their views in relation to the points under discussion, namely:

First. Did Mr. Cannon receive the highest number of legally cast votes for the office of Delegate in Congress?

Second. Was he a citizen of the United States at that time, or has he since become a citizen, and did he possess the other necessary qualifications to become a delegate in Congress?

Third. Was he a polygamist at the time of his election, and if so, is that a disqualification?

To the first and second points, an affirmative answer, backed by a strong array of facts and arguments, is given by every member of the committee but one. Wm. G. Thompson stands alone in denying that Mr. Cannon received the greatest number of legal votes, and that he is a duly naturalized citizen of the United States. His arguments are simply the enunciation of strained technicalities, and to those familiar with the contest they bear the unmistakable brand and ear marks of the attorney for Mr. Campbell, being but a repetition of his sophisms in his own style of special pleading.

It is clearly established, then, by the Committee on Elections, that George Q. Cannon received 18,568 votes for Delegate, and Allen G. Campbell only 1,357 votes, and that in any event Campbell was not elected. That matter is settled so far as the committee are concerned, the majority report as well as the minority declaring that "Mr. Campbell, not having received a majority of the votes cast, is not entitled to the seat." This puts the Governor's act in granting to Campbell the certificate, just where this paper has pointed out from the beginning of the contest. The certificate was false and void.

In regard to Mr. Cannon's citizenship, over which nearly all of the controversy has arisen, and indeed on which the whole indefensible transaction which denied him the certificate was based, the decision in the majority report is as follows:

"We therefore hold that Mr. Cannon is a citizen of the United States and that he is not disqualified on the ground of allegiance from holding his seat as a Delegate."

The decision in the minority report says:

"The question of naturalization, we think, is settled by the record and proof in the case beyond all doubt. Upon this question we adopt the conclusions of the majority. Mr. Cannon, as a fair statement of the facts which are fully supported by the record, and are, in fact, a substantial transcript of it."

"We think the judgment of naturalization and certificate issued thereon is conclusive."

Mr. Pettibone, on this question, sums up:

"Suffice it to say, that going over the case cited on either side, and hunting the book which treats of the subject of naturalization, I am constrained to say that Mr. Cannon's claim to have been naturalized seems to be *res adjudicata*."

That is, a thing adjudged, and therefore not open to re-examination; a settled matter that cannot be legally called in question.

Mr. Miller, in his argument on the case says:

"At the outset I concede that George Q. Cannon was, at the date of the election in November, 1880, a naturalized citizen of the United States. The certificate of naturalization exhibited by him is in due form, purports to be issued by a court of competent jurisdiction, and is signed and sealed by the court issuing it. The adjudication of this question has never been opened or reversed by any judicial tribunal having constitutional and legal authority to open and reverse it."

Mr. Jacobs endorses these views in this way:

"Upon this question I adopt the reasoning of the chairman, and hold that the judgment of the naturalization cannot be attacked collaterally, and in conclusion, constrained as I am by my views of the principles of construction, to hold that George Q. Cannon was, at the time of the election, a citizen of the United States and received the greatest number of votes cast."

Mr. Bellchopper, in an elaborate opinion of the case declares:

"I have given the subject of Mr. Cannon's citizenship careful examination, and have concluded that under the decision of the Supreme Court of the United States in Campbell vs. Gordon, 6 Oranch 176, the certificate of naturalization held by him is valid."

Mr. Ranney in a speech delivered before the rest of the committee maintained:

"There is no substantial ground on which the claim that Mr. Cannon was an alien and never naturalized according to law can be satisfactorily maintained. That question was heard and settled in the House in another contest long since, and Mr. Cannon has accordingly held a seat in the House, as Delegate from Utah, for four terms of Congress, and it is time for that part of the controversy to be forever put at rest, especially as it is now proved again conclusively by both record and legal evidence. He has been shown to be possessed of all the qualifications prescribed by the Constitution and laws of the United States, as well as those of the Territory."

Mr. Altherton says, on these questions of the *prima facie* right and naturalization:

"They have been fully considered and ably argued and the committee (except a single member) unite in the opinion that Mr. Cannon was

legally elected, by a large majority, a Delegate from the Territory of Utah to the Forty-seventh Congress; that he was and is a naturalized citizen of the United States."

This matter, then, is set at rest. Hon. George Q. Cannon, as we have all along maintained, is beyond question a citizen of the United States and has been since the 7th of December, 1851. All the statements to the contrary are therefore false, and all arguments based upon such statements fallacious, and the statement in the certificate given to Allen G. Campbell, that he was "the person being a citizen of the United States who received the greatest number of votes," was contrary to the facts, the law, common justice and common sense, and a flagrant violation of the sworn duty of the Executive of the Territory.

The only question on which there remained a difference of opinion among the committee was that of polygamy as a disqualification for the office of Delegate. The majority took the position that Mr. Cannon's avowal that he had married plural wives and had "as a teacher of religion defended said tenet as a revelation from God," proved him disqualified for the office of Delegate. The minority took opposite ground. No law however could be cited in support of this disqualification. The members of the Committee who argued for it had to advance new views of the position of Delegates from the Territories, and of the powers of the House of Representatives. In all their arguments it is plain to perceive a determination to float with the stream of present public opinion rather than take a stand upon law, precedent or rule. They took the ground that Delegates are in no sense "members" of Congress; that they are not constitutional officers; that they only sit in the House by the grace of Congress; that therefore the House by a majority vote may exclude a Delegate for any reason; that as Mr. Cannon lives in violation of a law of Congress he can and should be declared ineligible to a seat in that body.

The minority, show conclusively that these grounds are untenable. They say:

"So far as our research has extended since the formation of the Government, we can find no case reported that makes any distinction between the qualifications of a Member from a State and a Delegate from the Territory."

"If the constitutional standard is not adopted as to qualifications, then there is no rule for the government of the House as to Delegates."

"If a Delegate from a Territory is not a member by virtue of the Constitution, then what rule or law do you apply to him? Is it arbitrary will or caprice of the House at each session?"

They also cite the decision of the Committee of the Forty-third Congress in the contest case of Maxwell vs. Cannon, who decided both in the majority and minority reports, that the only qualifications required for a member of the House, and the rule was established that "Delegates from Territories are entitled to the constitutional limitations as to qualifications, and that polygamy was not a disqualification."

The minority report further says:

"Mr. Cannon, the contestant here, claims in good faith that polygamy is a religious conviction and principle with him and his people, and in this he is entitled to protection under the Constitution."

The people he represents have elected him and are satisfied with him, and this House should be content."

The sixth article of the Constitution provides that—

"No religious test shall ever be required as a qualification for any office or public trust under the United States."

It seems to us that the contestant is entitled to the above provision of the Constitution as a protection. He has been convicted of no crime and there is no law on the statute book that disqualifies him as a Delegate.

Our conclusions are that Mr. Cannon had a clear majority of the legal votes for Delegate.

That he possesses the necessary qualifications under the Constitution and laws.

That he is entitled to the seat, and we recommend the following resolution for the consideration of the House.

Resolved, That George Q. Cannon was duly elected and returned as Delegate from the Territory of Utah, and is entitled to a seat as Delegate in the Forty-seventh Congress.

Other members showed that Mr. Cannon's avowal of the practice of plural marriage did not admit that he had violated the law of 1862, and that it was not in evidence that he had broken any law, "living in polygamy" not being an offense against the statute of 1862. This is the position taken by this paper, and it is legally impregnable. It cannot be proven that Mr. Cannon has committed any crime known to the law, and in order to keep him from his seat, some method must be adopted unknown to any present rule or law. It was with this object, no doubt, that the Edmunds bill was pressed through the House without allowing free discussion or opportunity for amendment. And even now the law must be made retroactive in order to meet the Delegate's case. If he is excluded from his seat, the action will be in violation of every established rule, and of the basic principles of constitutional law. And we Latter-day Saints have this consolation in all that is done against us, that we cannot be reached by valid enactments and the ordinary process of legal procedure, but extraordinary and unprecedented laws and rulings have to be set in motion to bring us within the reach of those who desire to afflict or destroy us and the system which we advocate. In all this we rejoice, and can cheerfully leave the result in the hands of Him who is over and above all men and all nations.

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LATEST DISPATCHES.

Assault with Intent to Murder.

OMAHA, 16.—The grand jury reported an indictment for assault with intent to murder against President William and Committee Chairman Shannon of the labor union. They were arrested and lodged in jail over night.

Floods Subsidizing.

NEW ORLEANS, 17.—The floods are subsiding, but the damage from the overflows is still going on.

Valley.

COLUMBUS, 17.—The Automatic Car Co. failed for \$150,000; assets \$230,000.

Dana and the Money Letter.

NEW YORK, 17.—The Journal which originally published the Money letter forgery, this morning confesses that Hewitt, member of Congress from N. Y., has responded to the demand made upon him, and has released the seal of the secretary declaring that that letter was in the possession of Dana, of the Sun, several days before it was published, and that the latter allowed innocent men to be indicted for forgery, when he could by his intervention have stopped it.

Taylor's Speech.

The Tribune's Washington special says on Taylor's speech: Cannon's successful what was in many respects one of the ablest and most eloquent and philosophical speeches ever delivered in Congress on the Chinese question. This was Taylor's main speech and curiosity to hear what manner of debater is the success of Garfield was the reason that many of the members attended. It was a display of the ability and eloquence of his argument which held their attention until he concluded and drew many others to listen. He spoke in opposition and there were many indications that his arguments had produced a deep impression even upon the minds of some of the members who have hitherto favored that measure.

When Taylor had finished there were many who congratulated him heartily and the general verdict appeared to be that he had proved himself a most successful representative of the constituency which elected Giddings' ten times successively, and Garfield nine times successively to be its representative.

A few more such speeches as that of Rice, yesterday, and that of Taylor, to-day, would seal the fate of the Chinese bill in the House were ability of arguments to prevail.

Railroad Robbers.

HUSTON, 17.—A Republican special says: At Grophier Station on the Kansas Pacific Railroad, yesterday, Section Foreman Thos. Pittman, his brother and John Ebberts were shot by two emigrants, Thos. Wooten and Jas. McCollum, on Wednesday. The section men and emigrants had some trouble this morning, and while the section men were at breakfast the two emigrants ordered the men to hold up their hands. The order not being obeyed immediately, the emigrants opened fire. One of the Pittmans was wounded in the shoulder, the other in the thigh and Ebberts was wounded in the face. Wooten was shot in the shoulder by one of the Pittmans. After the shooting the emigrants robbed the wounded section men and escaped. It is not known whether any of the wounds are fatal.

Barred Alive.

ST. LOUIS, 17.—Yesterday there was a horrible accident at St. Joe. Some boys had been digging a tunnel in a hill on the outskirts of the city. A tunnel five feet high and eight wide had been pushed into the hillside about half a mile. At 3 o'clock five boys were in the tunnel and when their companions returned at 5 o'clock they found the mouth of the tunnel closed by a heavy mass of earth and rocks and their cries to their companions brought no answer. Hastily they began to dig. Two feet from the entrance to the tunnel the protruding hand of one of the boys was encountered. The alarm was then spread and soon hundreds had gathered on the spot. The lifeless bodies of the five boys were recovered amid shrieks of grief from their mothers and sisters of the unfortunate lads. Garish alone gave evidence of life by pulsation of the heart which ceased almost as soon as the body was exhumed. All the boys belong to well to do families.

FOREIGN.

Earthquake in Costa Rica.

PANAMA, 8.—The earthquake reported in Costa Rica extended from Cartago on the dividing ridge between the two oceans to the Pacific Coast. Three churches and a number of buildings were ruined in Cartago. In San Jose, Cala, Ajuajelo, Grecia and San Ramon public and private buildings were thrown down or otherwise damaged and in Puntarenas on the Pacific the upheaval occasioned some damage. The famous volcano Iragu, quiet for years, although with fires eternally smouldering, is credited with this disturbance. No loss of life reported.

A Story of Abraham Lincoln.

In the darkest hour of the late civil war, a question arose in a thriving northern town, which, for the purposes of this article shall be called Pepperton. This question was no less than this: Which of two local henchmen shall be posted to the Pacific coast to guard the subordinate henchmen through the corridors of the Capitol by day, and the bar rooms by night. The attention of honorable members was sought for several minutes by the County Herald on one side, and the Pepperton Register on the other. Monster petitions were forwarded by either side, petitions all the more numerous because most people signed both.

Meantime, the civil war dragged on with increasing horrors. Rivers of blood had flowed, billions of treasure had been flung into the abyss, when a good old Pepperton Judge—a steady Presbyterian deacon—visited Washington to see what light he could get on national affairs. In due time he stood before President Lincoln. The judge was shocked at the careworn face of the President, tried to comfort him, and said: "Mr. Lincoln, I am sorry to see you not looking so well as when you passed through Pepperton. You must not let the rebellion wear upon you. The Lord is with us; He will not permit slavery and anation to conquer. He has purposes with this republic which—" "Oh, judge," said Mr. Lincoln, "it isn't the rebellion that is killing me—it isn't the rebellion; it is your plagued Pepperton postoffice!"—*Freel. While in North American Review.*

A Rabbit Dog.

A very indignant man marched up to a neighbor's house and exclaimed: "Here, Tom, you rascal, here's your dog; I'll give you to give me back the five bunnies I gave you for it."

"What's the matter with the dog, said Tom, calm and untroubled."

"You warranted him to hunt rabbits, didn't you?"

"And he has."

"Yes, he isn't worth anything at all," replied the visitor.

"Have you tried the dog?"

"Certainly I have, and it's a downright swindle."

"How were the rabbits cooked?"

"Cooked?"

"Yes, were they boiled?"

"Of course not."

"Did you roast them?"

Why, you old idiot, they were alive—wild rabbits!

"That explains it," said Tom. "I thought there was something wrong. You took the rabbits and gave the dog half a chance and then you'll see how he'll hunt for them."

The victim threw the dog into a corner and rushed away.

An Item in Cable Work.

The following is taken from the Times of India:

"During the repairs of the telegraph cable near Bombay, the steamers *Chittora* and *Great Northern* were about half a mile apart, the former having hold of a shore end cable, and so was in telegraphic communication with Bombay; the latter having hold of a sea end, and so was in telegraphic communication with Aden. The *Chittora* desired the *Great Northern* to splice on to the cable end held by the latter, and pay out three quarters of a mile of cable, and this was communicated by wire from the test room of the *Chittora*, passing through all the coils of cable in her hold and on to Bombay, whence it was sent on to Aden, and back from Aden to the *Great Northern*. Thus, as a speedy means of sending a message half a mile, it was forwarded by a route between three and four thousand miles long. The following morning, when the vessels were within a quarter of a mile of each other, communications passed between them constantly in the same way."

NOTICE.

ALL PERSONS ARE FORBIDDEN TO REMOVE OR GIVE AWAY WITHOUT PERMISSION, FROM THE PREMISES OF THE SUBSCRIBER, situated north of Salt Lake City.

March 16th, 1883. A. KEYSER. d85 ft

NOTICE.

In the Probate Court in and for Salt Lake County, Territory of Utah.

IN THE MATTER OF THE ESTATE OF ALEXANDER FOX, DECEASED.

PURSUANT TO AN ORDER OF SAID Court in said matter, notice is hereby given that Tuesday, March 26th, 1883, at 10 a.m., at the County Court House, in Salt Lake City, has been appointed by said Court, the hearing of a petition of C. W. Symons and Amelia Fox, praying for the admission to Probate of a certain document therewith filed, purporting to be the will and testament of Alexander Fox, deceased, and that letters testamentary issue to said C. W. Symons, at which time and place all persons interested, may appear and oppose the Probate of said will.

D. ROCKHOLT, Clerk Probate Court, Salt Lake Co., Utah. Salt Lake City, March 17, 1883. d87

FOR SALE.

STUDENTS' NOTE BOOKS AT DESERT NEWS OFFICE.

WANTED.

A GIRL TO DO GENERAL HOUSEWORK. Enquire of Mrs. Frank Jennings, 4th East Street between 1st and 2nd South St.

WANTED.

A MAN WHO UNDERSTANDS THE BUILDING OF IRON RAIL FURNACE. See Thomas Taylor, 14th Ward, City.

NOTICE.

LETTERS OF MEN'S BOOTS AND SHOES, and Wax Thread Machine wanted, at Z. C. M. I. Shoe Factory. Steady employment to competent hands. d72 ft

FOR SALE.

ONE OF THE BEST HAY, STOCK OR Dairy ranches in the Territory. Apply to Dr. Wm. H. Groves, first house west of 14th Ward School-house. d94 ft

LOST.

ON TUESDAY LAST, A BRASSERIN DOG, between Emporium Corner and Mr. G.M. Scott's residence. The under will receive a suitable reward by leaving at Wm. Jennings & Son's Store. d97 ft

FOR SALE AND RENT.

ONE CHICKERING PIANO FOR SALE. Two rooms for rent. Enquire at Mrs. Robbins', Second West Street, between North and South Temple Streets. d97

NOTICE.

In the Probate Court in and for Salt Lake County, Territory of Utah.

In the matter of the Estate of JOHN HIBBIS, deceased.

PURSUANT TO AN ORDER OF SAID Court in said matter, notice is hereby given that Monday, the 5th day of March, A. D. 1883, at 10 a.m., the County Court House in Salt Lake City, has been appointed by said Court the time and place for the hearing of a petition of Sarah Hibbis, praying for the admission to Probate of a certain document therewith filed, purporting to be the last will and testament of John Hibbis, deceased, and that letters testamentary issue to said Sarah Hibbis, at which time and place all persons interested may appear and oppose the Probate of said will.

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