DESERET EVENING NEWS.

TRUTH AND LIBERTY.

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CONGRESSIONAL.

SENATE.

WASHINGTON, 28. — Thurman arose to a point of order and challenged the right of the Vice President to vote on this matter, as the question was one affecting the organization of the Senate, and not a question where the provision of the constitution that the Vice-President had the deciding vote in the case of a tie applied. Thurman said if it were a direct vote upon upon seating Butler instead of indirect, he was sure the Vice-President would not have the right to vote. The Vice-President was not part of the Senate, but simply presiding officer.

Edmunds said the whole affair was extraordinary, but the last move capped the climax. The constitution provided, without qualification, that the Vice-President should have the casting vote. It provided that each house should be the judge of the qualifications of its members. The Vice-President was presiding officer of the Senate and therefore belonged to it.

Beck said it was not necessary that the Vice-President should have voted at all. He thought him hasty in giving his vote. The amendment did not receive a majority and was therefore lost.

Eaton had no doubts that the Vice-President had no power to act in the organization of the Senate, not representing any sovereign State. At the proper time he proposed to argue the matter. If any one got a seat in the Senate by the vote of the Vice-President he would, in 1879, ask that the chair filled by such person be declared vacant. He believed such action unconstitutional.

Edmunds—The constitution notwithstanding.

Eaton—My friend is witty and satirical, but he will find out this is not a one-sided thing altogether before he gets through with it.

Conkling said he had heard it said that the occasion did not arise this morning when it was necessary that the Vice-President should vote, for the reason that the amendment had not received a majority of the votes, and therefore fell. He would like to know when it was that a tie vote was not fatal to the affirmative side.

Eaton replied that he had said no such thing.

Allison—Suppose the Vice-President had voted with you?

Eaton—This is a supposition my friend has no right to make. We have learned during the three days that the supposition is not tenable. (Laughter.)

Wadleigh said the committee had what seemed great reasons for refusing the request of Spofford to take testimony regarding these charges when he made such application to the committee, as it would have led to further delay.

Hill said this question had a much more important bearing than Senators were inclined to give to it. Here was a charge that fraud was committed at the instance of governor Kellogg and for the express purpose of getting up a false legislature to elect him a Senator, and this charge was made in the presence of Kellogg.

McMillan said the sessions of the returning board were all attended by democratic counsel and the testimony on these charges had already been taken.

Thurman said he made the point for two reasons; first, he wanted to call the attention of the senate to the question which might arise at any time; and, second, he did not concur in the views of some of his friends to the effect that the Vice-president might have abstained from voting. If that officer had the right to vote it was his duty to vote. However, he (Thurman) had achieved all he desired to in calling the attention of the Senate to the matter, but as some senators thought "sufficient unto the day is the evil thereof," he was quite contented to withdraw his challenge.

Vice-president Wheeler said he had carefully considered the question as to his right to vote in cases where the vote of the Senate was equally divided, and he had no doubt of his right. After what had fallen from the senator from Connecticut (Eaton,) he would take occasion to say that as at present advised, he would exercise that right in his discretion.

Saulsbury submitted a substitute for the resolution of the committee reciting at length various charges made by Judge Spofford against the returning officers in Louisiana, and the legality of the legislature which elected Kellogg.

Hill said he challenged anyone who voted in the committee against taking the testimony to point to any testimony in all the Louisiana investigations heretofore made bearing upon the points which Judge Spofford alluded to. When Judge Spofford read to the committee his fourth charge, as to the complicity of Kellogg with the returning board in illegal acts, Kellogg got up to join issue with him, when Hoar, member of the committee, objected. Spofford did not make his charge behind the door, but said he could prove it, and so far as any testimony having been taken last winter on the subject, Spofford said the facts had recently come to his knowledge. He (Hill) appealed to every senator of this floor to sink the partisan for the moment, and not deny the right to this contestant to take testimony which any court on earth would not refuse him. Kellogg came here to claim the price of his fraud. He came here to ask that this senate would give effect to that fraud. A committee had been appointed to examine all such cases, and this committee said: "We have taken so much testimony about returning boards that we will take no more."

Wadleigh said the committee took testimony on this very point.

Hill said the Field committee took testimony regarding the electoral vote and that was closed, and, so far as he was concerned, it should be closed forever.

McDonald inquired of Wadleigh if he did not know that the members of the Louisiana returning board refused to testify before the House committee last winter.

McMillan said they were examined by the Field committee.

Hill resumed again and called upon any Senator to put his hand upon any testimony already taken as to Kellogg's complicity with the returning board, as Spofford offered to prove.

McMillan—It would be very difficult to prove a fact which never existed.

Hill—Did any one before ever hear a judge tell a party asking leave to present testimony, "Why, you can't prove that, even if I give you permission?" Addressing Mc. Millan, he said, "How do you know it never occurred? Were you down there?" (Laughter.)

McMillan—I was there for a long time.

Hill—Kellogg did not pretend to have a legislature, except by order of the returning board. He admitted that three members of the State senate, returned, as elected, by that board, were not elected by the people. If this should be proved was he fit to be a senator in this body? Would senators say that the Governor of a State might collude with the returning board to elect himself to the Senate? Would they seat such men in this body? So certain was the committee, at first, that it would have to take testimony, that the chairman applied to the Senate for authority to do so, and when the committee got parties to join in the issue it refused to take testimony. If Kellogg should be convicted of the charges it would not only close the doors of the Senate, but would open the doors of the penitentiary to him. The cases were referred to the committee for the purpose of inquiry into all the facts. He did not want to re-open the question of the electoral count, but did want Judge Spofford to have an opportunity to prove that Kellogg aided in counting in three senators and ten members of the house of delegates, who were not elected for the purpose, making him senator. The legislature which elected him never did a single act for which they claimed vitality, except the election of Kellogg; yet, the republicans say it was legal when it elected him! The whole fraud was concocted by Kellogg, that he might in the Senate misrepresent Louisiana for six years! Would the Senate take such a man? This was the first time he had heard that a man like Kellogg could not commit fraud. Such a wrong as this could not be compensated. He wanted to break through the crystalized crust of party bias, and get at the sound, honest truth. Hill continued at length in the same strain.

Wadleigh said he had listened to Hill's furious speech with interest, because it showed him how much noise could be made about a small matter. He thought Hill was not justified in his statements. Wadleigh then referred to the testimony taken by the Howe, Sherman, Field and Morrison committees, and argued that it covered all the points. Therefore, the committee had thought it a waste of time to hear more evidence.

Hoar said that Spofford himself, as democratic counsel, was certainly cognizant of the facts, did not at first want more evidence. He had set up no substantial fact, but merely said he intended to prove so and so.

Pending the discussion, Conkling moved for a recess till 8 o'clock.

Patterson moved to adjourn till noon to-morrow. Adreed to, 29 to 27, Davis, Patterson and Conover voting aye.

EASTERN.

Fatal Collision.

PITTSBURG, 28.—A flat boat, with a party of thirty emigrants for Arkansas, collided with a coal barge this afternoon, just as it entered the Ohio River. The flat boat was crushed. Only one family, father, mother, and two children, and a man, name unknown, were drowned. All the others were rescued.

Wool Market.

BOSTON, 28.—The wool market is unchanged, with a fair demand from manufacturers, but prices rule low with no prospect of any improvement. Sales include X and medium Ohio and Pennsylvania at 42 @ 45; XX Ohio 44 @ 46, but if sales were forced it would be difficult to realize over the lowest figures, and XX and above at 46 @ 47. Michigan, Wisconsin and other fleeces are in fair demand at 38 @ 40 for medium and X, but 38 @ 40 is about all most buyers are willing to pay; combing and delaine fleeces are in demand, and firm, with sales at 45 @ 48 for low combing and 50 @ 56½ for desirable lots of delaine and combing, and 35 @ 38 for unwashed, super and X pulled 30 @ 47. California spring 22 @ 30, fall 14 @ 29.

Government Defrauders.

ST. LOUIS, 28.—The United States grand jury, to-day, found indictments against Thomas Walsh, superintendent, and William K. Patrick, late assistant superintendent, of the new custom house and postoffice building in this city. The indictments charge them with conspiracy to defraud the Government by issuing false certificates as to the cost and quality of the building material. The amount involved is large. The parties indicted are old and responsible citizens and are already under heavy bonds.

WESTERN.

Renegade Indians.

SAN FRANCISCO, 28.—A Tucson, Arizona, dispatch says: Advices from Sonora state that four hundred soldiers left that place to drive out the renegade Indians from Sierra Madre. This will probably cause them to come back to Arizona.

FOREIGN.

GREAT BRITAIN.

Naturalization Treaty.

LONDON, 28.—A Berlin correspondent says: Negotiations between Germany and the United States, for a mutual naturalization treaty, to supersede the treaties now in force, with the separate German states, are for a treaty on a much wider basis than has hitherto been stated. The treaty is to settle all international questions which have hitherto caused misunderstanding, such as naturalization, extradition, commercial intercourse, the marriage law and the protection of trade marks.

NOTICE.

THERE will be a meeting of the tax-payers of School District No. 56, Granite Ward, held at Butlerville Post Office, on Saturday, December 8, 1877, at 2 o'clock p.m., to elect three Trustees and determine the rate of tax to be assessed for school purposes.

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