Assignment of Territorial Judges.

SENATE, January 26th.

Mr. EDMUNDS. I now ask to have taken up the House bill No. 1393.

The bill (H. R. No. 1393) providing for the assignment of judges in the Territories was considered as in Committee of the Whole.

The Committee on the Judiciary proposed to strike out all after the enacting clause of the bill and in lieu thereof insert the following:

That the judges of the supreme court of the respective Territories, except Utah, or a majority of them, shall, at the first regular or adjourned term of said supreme court, after the passage and approval of this act, and annually thereafter, if expedient, fix the boundaries of the respective districts, and appoint the times and places of holding courts therein, and designate the judges respectively who shall hold the same: *Provided*, That in case of a failure in any of the said Territories so to fix the districts and make such assignments, the Legislature of said Territory shall fix said districts and make such assignment, to continue till the judges, or a majority of them, shall change the same.

Mr. SARGENT. I offer the following amendment: Strike out all after the enacting clause of the bill to and including the word "Territory" in line 6——

Mr. WRIGHT. That is an amendment to the original bill, as I understand.

The PRESIDENT *pro tempore*. The Committee on Judiciary report an amendment to strike out all after the enacting clause and insert a substitute.

Mr. SARGENT. I think my amendment is in order. The committee propose in effect to strike out all after the enacting clause of the bill and to insert a certain amendment. I propose my amendment in lieu of that reported by the committee.

The PRESIDENT *pro tempore*. If the Senator proposes to amend the bill which the committee move to strike out, it is in order.

Mr. WRIGHT. As an amendment to the original bill?

The PRESIDENT *pro tempore*. It is in order, by way of perfecting the bill before the vote is taken on striking it out. The amendment of the Senator from California will be read.

The CHIEF CLERK. It is proposed to amend the bill by striking out—

That the Legislature of each of the organized Territories of the United States, except the Territory of Utah, shall at each regular session thereof make an assignment of the judges to hold the courts in the several districts in such Territory.

And in lieu thereof to insert:

That the Legislature of each of the organized Territories of the United States, except the Territory of Utah, shall, at its first regular session after the passage of this act, and thereafter at any regular session, if expedient, fix the judicial districts of said Territory, appoint the times and places of holding court therein, and designate the judges, respectively, who shall hold the same.

Mr. SARGENT. The time allowed to the Committee on the Judiciary has so very nearly expired, that I supposed any prolonged debate on this bill will prevent action upon it at the present time; but this proposition has been controverted heretofore. It was brought forward at the last session, and after a very extended debate on the part of members of the committee and of Senators who differed with the conclusions of the committee, the bill was recommitted to the committee, and now comes back to us in the form it stood at the time of the recommittal, if I am not in error.

It proposes that the power be taken away from the Legislature in the Territories where that power now resides and be conferred on the judges, and in some other Territories, a little less than half of them, where it is now exercised by the judges, that the power shall be continued in them. There are five Territories of the United States where the power is exercised by the Legislature, and so far as I know—and I have talked with all the Delegates, I believe, on this matter—the power is exercised carefully and to the satisfaction of the people. In three of the Territories it is exercised by the judges. In one of the Territories, in Utah, which is exceptional in a great many respects, it is exercised by the governor of the Territory.

Now, it is proposed that the rule shall be made imperative which applies at present to a minority of these Territories, that the power shall be taken away from the Legislature and conferred on the judges. What sort of representations may have been made to the committee which should lead them to deprive the majority of the Territories of the privilege, as they esteem it, which they now have, to conform them to a rule which is now applied only to the minority, I know not; but I do know that from that source from which we ordinarily derive information of the interest of the Territories—I refer to the Delegates, who as a body are very intelligent men—we receive other representations. At the last session the Delegates from nearly every one of the Territories came to me and said that the people of their Territories desired that this power should reside in the Legislature. As a matter of principle, it seems to me that the power of fixing the boundaries of districts and of naming the place within those districts where courts shall be held should be in the local Legislature, and therefore that these territorial Delegates are right. The Supreme Court of the United States has no power to fix the boundaries of districts or the place within those districts where courts shall be held, and yet a power greater than that conferred on the Supreme Court is to be given to those territorial judges. Why should it be?

As was well said in the debate when this bill was under consideration before, there are favorite spots in the Territories, desirable places in the Territories for judges, and there are places which are not favorite or which are not desirable for places of residence. There are places where there is great business carried on, where there are considerable communities, where large mining operations are carried on; and I might instance such places, although not an exact illustration, as Cottonwood Canyon, in Utah Territory, where there is a very large mining business carried on and a large laboring population. In other words, there are places in the Territories where there are gathered together large bodies of men with large property interests where courts ought to be held, but that are not desirable as places of residence. It is difficult to get any comforts of life in them, and judges and people of pleasure do not like to go to them and live there; and they will not select such places, the people complain, for holding courts, but they hold courts at places remote, where it is easier to live, and witnesses at great cost to themselves and great injury to suitors are carried a long distance in order to attend courts at inconvenient places simply because those places are more suitable to the tastes of the judges as places of residence.

These difficulties arise, and the Delegates say that the Legislature being near the people will consult the wishes of the people of the Territories and that they will determine whether the interests of the community require that courts shall be held at particular places rather than the convenience of the judges——

The PRESIDENT *pro tempore*. The hour assigned to the Committee on the Judiciary having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday.—*Congressional Record.*

"Statehood."

BY "A TERRITORIAL VASSAL."

Amongst the hundreds of cogent reasons for our admission, we will briefly allude only to a very few, leaving to other occasions a further and more extended elaboration.

That there is no organized opposition to the admission of the State; that we shall then stand in the Senate of the United States the peer of the great States of New York, Pennsylvania and Massachusetts; that as a Territory the great principle of all popular forms of government is ostracised, and we enjoy taxation without representation; that we are now in a state of nonage, pupilage, and vassalage which is derogatory to the ambitions of a free people, and on a par with conquered satrapies, with political satraps sent to us for rulers, without a voice in their election; that by our admission, stability will be given to our land titles which can never be enjoyed and attained under a provincial rule like that by which we are now governed.

That wealth and the accession of a more conservative class of population always follow the admission of a State.

That we shall have land grants for our capital, hospitals, asylums, universities, and other public buildings.

That the saline lands, which are more extensive in Colorado than in any State in the Union, will be granted to our State government.

That upon our admission, in place of the swamp lands which Congress always gives to the various State governments, we can with justice demand the arid lands, which at present are unproductive and useless, for the purposes of irrigation.

That each township of land in the State already set aside for school purposes, will then be brought into active use, and made available for the education of our youth, and the establishment of graded schools and universities.

That as a State we can select our own rulers—an inherent right in every democratic, republican, or representative form of government.

That we shall have an immunity from carpet-baggers and outside influences in our internal affairs.

The right to enact our own laws, and to enforce them by an executive and judiciary of our own selection.

That we shall have our court of last resort, not composed in part of the judges who have prejudged our case in *nisi prius*. Our supreme judges will be other than those who sit on the circuit benches.

That we can then elect more than three judges to remedy existing evils, and the difficulty in collecting debts, which is now tedious, and almost hopeless.

These and hundreds of others, if we had the time and space to elaborate, might be mentioned why we should be admitted as a State.—*Denver Democrat.*

BY TELEGRAPH.

CONGRESSIONAL.

SENATE.

WASHINGTON, 15.—*Windom*, from the committee on appropriations, reported back the Indian appropriation bill, with amendments; placed on the calendar.

Morton moved to postpone the pending and all other orders, and proceed to the consideration of the resolution from the committee on elections, for the admission of Pinchback.

Bogy's motion was not in order. Morton's motion was then agreed to, and Morton proceeded to argue that Pinchback had a *prima facie* right to a seat, and must be seated; any inquiries as to the character of the body that elected him, or the means used to secure his election to be made afterwards He cited numerous authorities and several precedents, and gave notice that he would ask the Senate to come to a vote on the question on Wednesday.

Sargent began his speech on military interference in Louisiana, but before he concluded, a message was received from the House announcing its action in reference to the death of Representative Hooper, and Boutwell, in a few remarks eulogistic of the deceased, offered a resolution of regret and respect, and moved that the Senate accept the invitation to participate in the funeral ceremonies, and that it now adjourn as a mark of respect. Agreed to, and the Senate adjourned.

WASHINGTON, 16.—The credentials of A. S. Paddock, U. S. senator from Nebraska, were read and placed on file.

At the expiration of the morning hour, the Senate resumed the consideration of the resolution for the admission of Pinchback, and Sargent continued his argument.

HOUSE.

The hour of meeting hereafter was fixed at eleven a.m.

The senate bill allowing Engineer Fitch, of the U. S. navy, to accept a present sent his wife by the Khedive of Egypt, passed.

E. R. Hoar announced the death of his colleague Hooper, and moved the appointment of a committee of seven to superintend the funeral ceremonies, which would be held to-morrow in the hall of the house, and that the senate be invited to attend; the resolution was adopted and the committee appointed, and the house, as a further mark of respect, adjourned.

AMERICAN.

WASHINGTON, D. C., 15.—The Supreme Court to-day, rendered the following decisions:

"Kisley and others *vs.* McGlynn and others, on appeal from the Circuit Court of California. This was a proceeding to set aside the probate of the will of the late Senator Broderick, of which Andrew J. Butler, now deceased, and McGlynn, were executors. The former court held that a court of equity will not entertain jurisdiction of questions or devise which have been authoritatively settled by a proper court, and that, in this case, the decision of the probate court of California is conclusive of the fact of the genuineness of the will, that the action is barred by the statute of limitations; and if it were not, the facts alleged show that the will should have been contested before the probate court, and that it would have been but for the ignorance of the complainants of Broderick's death, and all public events connected with it. The seclusion of complainants' want of means of information is no excuse in such a case and will not exempt them from the laws which control human affairs, nor does it make any difference that two of the complainants are married women. This fact does not take them out of the operation of the statute of limitations. Judgment affirmed."

The city of Sacramento *vs.* Towle, in error to the circuit court for California. The object of this action was to impeach a judgment obtained against the city in a State court, on the ground that there was no sufficient service of process on the corporation, it having been served on the president of the board of trustees and not on the head of the corporation. The court hold the service on the president of the board to have been on the head of the corporotion, and therefore sufficient on its merits. It is said that if the city had any offence to the action it should have been set up in the State court."

"Bernhisel *vs.* Firman, on appeal from the supreme court for Utah. It is here held that where a creditor of an insolvent surrenders old securities within proper time, and takes new ones, the new ones are valid as a consideration for the surrender for the old, and that if this were not so the creditor would lose his debt without a fault of his own, and contrary to the intent of the debtor. Reversed.

BOSTON, 15.—The crews of several of the fishing vessels caught in the ice at Provinceton, managed to reach the shore to-day, after a perilous journey, in some instances, of hours, leaving their vessels to their fate. There are a dozen vessels whose crews are entirely out of provisions and fuel, and unless succor can reach them they must perish from cold and hunger. Some of them are ten or twelve miles from shore, with ice piled up many feet for miles; treacherous air holes and wide stretches of open water rendering escape impossible, and unless the weather moderates within the next twenty-four hours with a westerly wind, the most disastrous results must ensue.

NEW YORK, 15.—The Pacific Mail directors have approved the action of Rufus Hatch, ordering the institution of suits against parties alleged to have received subsidy money; about thirty persons are involved.

SAN FRANCISCO, 15.—The steamship *City of Peking* was taken from the dry dock on Saturday, in excellent condition, the slight repairs required having been completed.

NEW YORK, 16.—Jules Solomon, of San Francisco, whose trunk was seized on Saturday, on the arrival of the steamer *Peirre*, says that the dutiable goods contained therein were intended for certain wealthy San Franciscans. Among the articles were three gold watches, six dozen gloves, diamond studs, bracelets, ear rings, numerous scarfs, scarf pins, hair fronts, three bead lace jackets, a superb India shawl, thirteen gentlemen's coats and children's cloaks and dresses.

Nearly one thousand families of Mennonites, it is expected, will soon arrive in Canada, from Russia; they have chosen Manitoba for their future residence, and have commissioned an agent to buy several thousand head of cattle in the West.

Recorder John Hackett in charging a jury before which the proprietor of the Metropolitan Theatre was tried for keeping a disorderly house, because of the cancan dance exhibition, held that the theatre complained of was a nuisance at common law, and that every public show and exhibition which outrages decency, shocks humanity, or is contrary to good morals, is punishable at common law.

WASHINGTON, 16.—The sundry civil appropriation bill reported in the House to-day, appropriates $37,750 for engraving and printing the certificates of centennial stock for the international exposition, and five hundred thousand to enable the executive department and the Smithsonian Institute to participate in the exhibition, and repeats the proviso that the sums hereby appropriated shall cover the entire expense to which the U. S. shall be subjected on account of the exposition.

The funeral of the late Representative Hooper took place at 2 p.m. Among those occupying seats, reserved for them, were the President and cabinet, the justices of the supreme court and members of the senate. The services consisted of the reading of the scriptures and prayer, after which the funeral procession reformed. The body was borne from the hall of the house, and the house adjourned.

FOREIGN.

LONDON, 15.—In the Commons, to-day, Bourke, under secretary of the foreign department, in reply to an inquiry, stated that instructions would be sent to-night to Layard, British minister to Madrid, to recognize Alphonzo as King of Spain.

SOUTHAMPTON, 15.—The steamer *Leipsig* was only slightly damaged, and she will sail for Baltimore in a day or two.

PARIS, 15.—The libel suit of General Wimpffen against De Cassagnac resulted in a verdict for the defendant.

LONDON, 16.—The British steamer, *George Batters*, for Gibraltar, is supposed to be lost, with twenty-five persons on board.

John Mitchell has been returned to Parliament from Tipperary, without opposition.

NEARSIGHTEDNESS.—In Berne, Switzerland, it is stated that nearsightedness is increasing among the school children, amounting to *fifty or sixty* per cent. in the higher classes. Professor Dor has called attention to it anew. The causes of this unfortunate state of things are said to be, "Arrangements and wall color of school rooms; too small type used in text books; use of white paper for school books in place of some more grateful tint to the eyes; bad gas light which children are compelled to study by."

Of these probably small type and gas-light study are the most material. There is much more daylight than children ought to be required to use in reading or any other close eye study.

WANTS IT VETOED.—The St. Louis *Democrat (Republican)* hopes President Grant will repeal the civil rights bill, and thus speaks of it—

"The civil rights bill has passed the house and now goes to the senate. If that body has any care for the welfare of the colored people, or for the future of the republican party, it will kill the bill. If it does not, we shall most earnestly appeal to the president to stop the bill by his veto."

Expenses of Courts in Utah.

In the House of Representatives, January 11, 1875, Mr. Burrows, on leave, introduced the following bill providing for the payment of certain expenses of holding the United States courts in the Territory of Utah, which was read twice, referred to the Committee on the Judiciary, and ordered to be printed—

Be it enacted by the Senate and House of Representatives of the U. S. of America in Congress assembled, That expenses of holding the United States courts in the Territory of Utah be paid out of the judiciary fund under the limitation contained in the existing laws in regard to fees; the expenses of said courts, while exercising jurisdiction under the laws of the Territory, shall be chargeable to the Territory, or to the counties, as in other Territories, until such time as the legislature of said Territory shall make proper provisions for the payment of such expense.

A friend that sticks in prosperity and adversity—Mucilage.