DESERET EVENING NEWS.

TRUTH AND LIBERTY.

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DAVID O. CALDER.

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T. E. SICKELS, Chief Eng'r and Supt. d79

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d111 w10 1m *Supt.*

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Specimens can be seen at the Office, and orders received for size of book required.

Bishops in the Country desiring Records can order by mail, and we will make accordingly and forward to them.

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d124 tf Deseret News Office.

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d74 1y OSED TAYLOR.

LOST,

A SMALL YELLOW ROAN HORSE three years old, branded W A on left thigh. Any person giving information that will lead to his recovery will be suitably rewarded.

w12 d14 tf T. E. TAYLOR, this Office.

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Last Night's Dispatches.

CONGRESSIONAL.

SENATE.

Legislative Appropriation Bill Passed.

WASHINGTON, D. C., 19.—At the expiration of the morning hour the Senate resumed the consideration of the legislative appropriation bill, to which a number of amendments, mostly of a minor character, were adopted.

On motion of Sargent the appropriation for the contingent expenses office was increased from four thousand to six thousand dollars. The amendments presented by the Secretary of State to the committee on foreign relations, for a third assistant secretary, changing the number and class of clerks in the State Department, and an advance in the passport fees to five dollars, were offered and agreed to.

The usual debate on the merits of the Agricultural Department took place, and on motion of Sargent the first section was modified to read that no civil officer of the government shall hereafter receive any compensation or perquisite, directly or indirectly, from the Treasury or property of the United States beyond his salary, or the compensation allowed by law, provided that this shall not be construed to prevent the employment or payment, by the Department of Justice, of the District Attorney, as now allowed by the law, for the performance of services not covered by his salaries or fees. The bill was then reported to the Senate, the committee amendments adopted and the bill passed.

Sargent reported, with unimportant amendments, the sundry civil appropriation bill; ordered printed. Adjourned.

HOUSE.

Moiety Abolition Bill Passed.

WASHINGTON, 19.—Roberts advocated, earnestly, the passage of the bill to abolish the moiety system, and was followed by Beck, on the same side, who denounced the moiety system as a compact of the government with a pack of thieves. He referred, specially, to the case of Phelps, Dodge & Co., and alluded to Senator Conkling and General Butler as counsel for the custom house officials, charging that Butler got a large fee out of Jayne's moieties, and those of the thief who stole Phelps, Dodge and Co's papers. How much Conkling got he didn't know, as the witnesses summoned would not come.

Kasson, a member of the committee, declared that there was not a particle of evidence implicating Conkling as receiving a cent.

Beck maintained, and read from Dodge's testimony to show, that Conkling acted as counsel for the informers, and he maintained the assertion against the protestation of Hale, of N. Y., and others, and concluded with the assertion that the custom houses were dens of corruption, kept up on account of their political power.

Kasson quoted from Dodge's testimony, asserting that he did not believe that Conkling was implicated in the action against their house.

Dawes quoted Judge Davis' testimony, to show that Conkling was simply giving his view of the law at Davis' request.

Burchard and Niblack, both members of the ways and means committee, advocated the bill, adding that they would prefer to see the whole system of custom house oaths abolished, as had been done in England, but opposing the third section of the bill as anomalous and unusual.

Beck withdrew the amendment, stating that he had been informed that it would endanger the passage of the bill.

Dawes closed the debate in support of the bill, and the house proceeded to vote on Dawes' amendment, striking out the third section, which was agreed to, 97 to 93, and the bill then passed.

EASTERN.

Pension For Mrs. Hall—Decoration of Graves.

WASHINGTON, 19.—The House committee on naval affairs have agreed to report favorably on giving the widow of Captain Hall, of the *Polaris*, a pension of forty dollars monthly, and the pay due her husband, amounting to about $2,000.

President Grant approves the equal decoration of the confederate and federal graves, as tending to the restoration of the desired harmony between the two sections of the country.

More Swindling—Marriage of Miss Grant.

In the district investigation today, Col. Wright Rivers, civil engineer, reported that his measurements made before the committee began investigation, show $190,000 overcharges for work done.

The marriage of Miss Grant to Mr. Sartoris takes place on Thursday; the family appear desirous of avoiding anything like giving the wedding an official character, and only intimate friends will be invited. The only foreign representatives invited will be Sir Edward and Lady Thornton.

A Governor Arrested.

COLUMBIA, 19.—The sheriff attempted to arrest Governor Moses, to-day, but the latter resisted, calling on colored troops for aid; subsequently he submitted, and gave bail. The streets were full of military, and business was paralized to-day.

Peace Restored and Business Resumed.

LITTLE ROCK, 20.—About daylight this morning Brooks evacuated the State House and disappeared; the Secretary of State, Johnson, went with a squad of workmen to regulate it. Baxter's commanding officer, Newton, took possession, and His Governor, escorted by General White's troops, took quiet possession and proceeded to his room, where he was enthusiastically received. The state House was badly cut of repair, much damage having been done to the chairs, desks and other property. Arms were scattered throughout the building. Several members sit in both houses who were actively engaged with Brooks. The committee, to-day, reported that Governor Clayton and Lieutenant Governor Wheat were entitled to their seats, but the report was not acted on. Adjourned to-day. General Yates, to-day, ordered, and his resignation was accepted. The United States troops have retired to the arsenal, everything is quiet, and business is resumed on the streets.

MEXICO.

To Be Represented in the Centennial.

CITY OF MEXICO.—Congress has voted seventy thousand to provide for the proper representation of Mexico at the Centennial at Philadelphia.

FOREIGN.

FRANCE.

The Ministry Question Still Pending.

PARIS, 19.—The moderate right object to any impersonal Septennate, because it would be equivalent to the recognition of the republic. The extreme right are determined to oppose Goulard, or any other chief of ministry whose platform embraces the adopting of constitutional bills. Goulard, finding no sure support in the left centre or right, is therefore compelled to rely mainly upon the minority in the assembly. It is expected that the ministry will be completed to-night, with Goulard, Decasse, Magne and Bodet at the head of the principal departments.

Will not Allow it.

Prince Metternich's seconds refuse to allow the duel with the Count de Monticello to take place.

GREAT BRITAIN.

Troops Reviewed.

LONDON, 19.—The Czar reviewed fourteen thousand troops, at Aldershot, to-day.

Sheridan Returned to Parliament—The Czar Going to Woolwich.

Henry Brinsley Sheridan, liberal, has been returned to the House of Commons from Dudley.

The Emperor Alexander will visit Woolwich to-day, and inspect the government docks and works.

COURT PRACTICE IN THE TERRITORIES.

SUPREME COURT OF THE UNITED STATES.

No. 139—October Term, 1873.

James Hornbuckle and Samuel Marshall, Plaintiffs in Error, vs. John Toombs. } In error to the Supreme Court of the Territory of Montana.

Mr. Justice Bradley delivered the opinion of the Court.

This was an action brought by Toombs, the defendant in error, against the plaintiffs in error in a district court of the Territory of Montana, for damages caused by the diversion of a stream of water, by which the plaintiff's farm was deprived of irrigation, and for an adjudication of his right to the stream, and an injunction against further diversion. The action was framed and conducted in accordance with the practice as established by the legislative assembly of the Territory, of which the following are the material provisions:

"SEC. 1. There shall be in this Territory but one form of civil action for the enforcement or protection of private rights and the redress or prevention of private wrongs.

"SEC. 2. In such action, the party complaining shall be known as the plaintiff, and the adverse party as the defendant.

"SEC. 38. The only pleadings on the part of the plaintiff shall be the complaint, demurrer, or replication to the defendant's answer, and the only pleadings on the part of the defendant shall be a demurrer to the complaint, or a demurrer to the replication, or an answer to the complaint." * * *

"SEC. 155. As issue of fact shall be tried by a jury, unless a jury trial is waived, or a reference be ordered, as provided in this act."

The case was tried by a jury, who found for the plaintiff, assessed his damages at one dollar, and decided that he was entitled to seventy inches of the water. Upon this verdict the court gave judgment and awarded an injunction as prayed.

The only errors assigned are based on the intermingling of legal and equitable remedies in one form of action.

Such an objection would be available in the circuit and district courts of the United States. The process act of 1792 (1 Stat., 275) expressly declared that in suits in equity, and those of admiralty and maritime jurisdiction, in these courts, the forms and modes of proceeding should be according to the principles, rules and usages which belong to courts of equity and to courts of admiralty, respectively, as contradistinguished from courts of common law, subject to such alterations and additions as the said courts should respectively deem expedient, or to such regulations as the Supreme Court should think proper to prescribe. The Supreme Court, in prescribing rules of proceeding for those courts, has always followed the general principle indicated by the law. Whether the Territorial courts are subject to the same regulation is the question which is now fairly presented.

(TO BE CONTINUED)

MINING STOCKS.

AFTERNOON BOARD.

San Francisco, May 19.

[illegible]

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Please call and see me.

d81 1m

LOST,

FROM the Seventh Ward herd, one Red Cow, four years old, branded X on left hip, same brand vented on left thigh; O O on left horn, brand vented. Any person delivering her to G. B. Bourne, 14th Ward, will be rewarded for their trouble.

d150 tf. G. B. BOURNE.

James T. Blanchard, C.E.,

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