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THE UTAH ELECTION DEBATE.

THE *Congressional Record* of Jan. 11th, contains full particulars of the debate on the 10th inst. in the Utah election case. Considerable extraneous talk was indulged in over "Mormonism" and polygamy—with the transparent design of prejudicing the main question; but clear-headed members of both parties saw and pointed out the irrelevancy of such harangues, and when the voting came, addressed themselves to sitting down upon the motion to admit Campbell. The motion of Mr. Haskell to seat Campbell on the *prima facie* evidence of the certificate was lost, and the amendment of Mr. Reed, of Maine, as follows, was carried:

That the papers in relation to the right to a seat as a Delegate from the Territory of Utah be referred to the Committee on Elections, with instructions to rrport at as early a day ae practicable, as to the *prima facie* right or the final right of claimants to the seat as the committee shall deem proper.

Tne speakers in favor of regarding the certificate as *prima facie* evidence of the right to the seat were Messrs. Haskell, Van Voorhis and Browne; the speakers against it were Messrs. Cox, Reed, Hiscock, McCord, Burrows, Belford, and Robeson. The debate covers over sixteen pages of the *Record*, and, in effect, establishes very clearly that in issuing the certificate to Campbell, Governor Murray stepped entirely outside of the duties of his office and assumed judicial functions and the prerogatives of the House of Representatives, as has been maintained from the beginning by this paper.

The opening speech of Mr. Haskell was characterized by a great deal of bitterness and was bolstered up by clipped quotations from McCrary on Elections, the object being to show that the House ought to swear in Campbell on the simple fact that he held a certificate, and that the case should then go to the committee on elections. Several cases were cited as precedents, but in each of them a proper certificate had been presented, showing that the holder had been duly elected, and not containing the damaging features of Campbell's certificate. The quotations from McCrary, too, all referred to "the person holding the *ordinary credentials*," while Campbell's were *extraordinary*, showing on their face that the Governor was compelled in order to give him a certificate at all, to insert words proving that the Governor had exceeded his authority. Throughout the whole speech special pleading is painfully manifest and anyone reading it carefully can see its inherent weakness. He concluded with the following peroration, the closing sentence being a plagiarism from one of Talmages diatribes against the "Mormons:"

Now I stand here to repeat the argument and to declare again the position of the Democratic side and to repeat the argument and declare again the position occupied by the Republican side of the House, that this man should be seated *prima facie* on the certificate of the governor, and the merits of the case should go to the committee. How will the country look at the action of the House that has always construed these certificates liberally, always assumed when a governor said he wanted to give a man a certificate he had done so; what will the country say, when, for the first time in the history of an American Congress, this House turns a microscopic, carping, pettifogging eye upon this certificate in behalf of that scarlet-robed harlot that sits enthroned amid the hills of Utah?

Mr. Cox, of New York, in reply, made a very able speech, and in answer to the accusation of "pettifogery" said:

I submit to this House the question: What would be thought of a gentleman who comes here with a proposition to seat a person having 1,357 votes in opposition to a person which the record shows received 18,454 votes? That is neither republican nor democratic; nor representative in any sense. I will not characterize it in unparliamentary language. I will not say that it is pettifogging; but I will say that to give to a man who has about thirteen-fourteenths only of the entire votes of the Territory which he claims to represent a seat here is very much in the nature of pettifogging if not worse.

He took up Mr. Haskell's quotations from McCrary, gave the portions which that gentleman had omitted, and used his own citations against him. On the course taken by Gov. Murray, Mr. Cox said:

"Who gave this creature of the organic law, this creature of Congress, the right to take from Congress the power to decide on the qualifications of members?

Does not the gentleman see the little quirk or quibble in this statement of the certificate; that Campbell is "a citizen," the innuendo being, as all the papers will show, that Cannon was not a citizen in the governor's opinion; and therefore 18,000 votes are to go for nothing as against 1,300? Strike the word "citizen" out of the certificate, and what remains? Why, that this governor of a Territory, in defiance of a law of a Territory, makes—I will not say a false and fraudulent certificate—but he makes such a certificate as to raise a question which he himself decides as to the qualifications of the delegate. This is a question, sir, that belongs exclusively to the House of Representatives by the Constitution.

Why look at it. Mr. Speaker, suppose this governor had made a certificate that Mr. Cannon was a polygamist, or a soldier, or thirty years of age, or was a Democrat, or was a Republican, or was a "Half-Breed" or a "Stalwart," or anything of that kind, would that classification in any way have affected this matter to the detriment of the person having the largest vote? Not much. But the moment the governor raises the question of citizenship, you have the whole matter before you; and is it not entitled to go to the Committee on Elections? The governor of the Territory undertakes to decide. He would elect, not the people. He would decide on "qualification," and not the House.

Why, sir, if Mr. Cannon be an alien, it is a matter for us to decide; the governor of the Territory has no right to set him aside because of some suspicion on that point. I am not arguing the question whether or not Mr. Cannon is an alien. I have, however, his certificate of naturalization here, on which I suppose this government proposes to pass as a sort of court. But the law recognized in New York and elsewhere is that a record of naturalization once made cannot be set aside even upon an imperfect record.

Mr. Van Voorhis.—That may be New York City law; but it does not apply in Utah.

Mr. Cox, of New York.—The gentleman is again irrelevant. It has been decided by Judge Blatchford, of the United States Court—it has been decided by the Federal judiciary—that where a man claiming to be a naturalized citizen has done all that could be done on his part, and the clerk of the court or the judge has failed to do his part in making the authentic record, even though there be but a small note, minute, or memorandum, the fact of citizenship nevertheless follows, because the applicant did all in his power. I refer to 15 Blackford.

From the record as published in our proceedings some time ago, and from the certificate which is before us, we know at least that the question of citizenship is raised; and being raised, the governor had no right to decide it. It should come here for decision; and there being doubt about it, should go to the appropriate committee. That is the burden of my argument.

Mr. Van Voorhis. Does my colleague know the certificate which he holds in his hand has been judicially decided by the court in which it purported to be made to be false, fraudulent and void?

Mr. Springer. No such decision has ever been made.

Mr. Cox, of New York. Yes; no such decision has ever been made.

Mr. Voorhis. I allege it has.

Mr. Springer. Give us the record.

Mr. Cox, of New York. I will tell you what impression the gentleman undertakes to give, and I want to warn the House of such thin pretense, I mean that gentleman from New York who is now retreating after his question. [Laughter]. Here is the fact. In a case raised in the court of Utah, of Campbell vs. Cannon, there was a demurrer put in by Mr. Cannon. The demurrer, as all demurrers do, raises simply a question of law, not of fact. The court, in deciding it, took for granted that the facts were as stated in the complaint when overrulug the demurrer.

The facts are not sustained on overruling the demurrer. The facts were not really admitted. If the case had come on for trial afterward the facts would have been considered only hypothetical. They would on an answer have required proof. What lawyer is there, even a tyro in the profession, what lawyer so pettifogging, so microscopic, as not to know that a demurrer does not ascertain the facts, even though formally they are admitted in the demurrer for the mere fictitious purpose of raising the points of law.

Mr. Cox then had read the letter of Mr. Arthur Brown, of this city, to Judge Hunter, and his reply, showing that there had been *no finding of facts* on Mr. Cannon's citizenship, because *none had been presented*, which effectually disposed of the lie sent from this city by telegraph, that Mr. Cannon had been adjudged an alien.

Mr. Cox argued that the Governor might as well have certified that Campbell was "a soldier, a Buddhist, or a crank," and said further:

This governor, in his fantastic execution of the office, wanted to raise the Mormon issue. He thought that in the gush of moral sentiment against polygamy, there would be tempestuous times in Congress. He forgot that this matter was passed upon by Congress when he was in swathing clothes, and that if any power should prohibit a polygamous Delegate, it should be Congress and not himself.

The gentleman took up the subject of the attacks on the "Mormons," Congressional, military and otherwise, and showed their futility, and, in reference to Mr. Haskell's figure, said:

Why, sir, if King Solomon were elected from Utah, Nevada, or Rhode Island, with all his wisdom, the gentleman from Kansas would say that he was representing the "scarlet-robed" women of Utah. [Laughter.] Why, sir, do you not remember that when the Pharisees of old went to the Savior with a woman that was taken in adultery, he said to them, "He that is without sin among you, let him first cast a stone at her."

Mr. Haskell.—That is why I cast a stone.

Mr. Cox, of New York.—And it is said you cannot find a bowlder now in that neighborhood. [Laughter.] Every Pharisee picked up all the stones within reach, and flung them at that poor miserable scarlet-robed woman of Judea! If the gentleman from Kansas had been there, he would have reached for a big bowlder of the glacial period and hurled it at her and mashed the poor woman under its ponderosity. [Much laughter.]

But, Mr. Speaker, this question does not turn on polygamy. It does not turn on the color of a woman's robe. It turns on the votes of a Territory; and where you can ascertain that from the record you are bound, as men upholding the republican system, to let the man come in—if not now, hereafter—who represents the popular voice of the Territory. It is not a question of how many wives, but how many votes. [Laughter.]

Mr. Reed's speech in favor of his amendment to refer was close and to the point. He took up the certificate and clearly showed its invalidity. Several speakers against the certificate strongly assailed polygamy, but showed that this did not affect the subject at issue.

The best argument offered on the side of the certificate, was made by Mr. Browne of Indiana, who contended that the certificate showed that Campbell was duly elected, and that the words "being a citizen of the United States over the age of tweny-one years," which were objected to, were but surplusage, and therefore could be stricken from the certificate or disregarded by the House. He referred to McCrary in support of his position, and to show that "the Governor may not certify except to those facts that he is authorized by law to certify," and contended that in so far as the Governor had certified to other facts, his statements were to be regarded as not being in the certificate at all, unless other facts showed on the face of the certificate that what he certified as a conclusion was untrue. The claim that those facts existed he did not admit or deny, but as they did not appear on the face of the certificate he argued that they could not be considered.

Mr. Robeson, who at first thought with Mr. Browne, after further consideration concluded that the argument was baseless because the words quoted as "surplusage" were clearly not so in fact, but were an essential part of the Governor's certificate. After eliminating the religious and anti-"Mormon" elements from ths discussion of what he considered a "dry matter of fact legal question," he proceeded:

I did say as my friend from Kansas quoted me in saying the other day, that the governor's certificate was the *prima facie* evidence; but I qualified that by saying—so long as that certificate certifies only to what the law authorizes the governor to certify to. Now, all the power which the governor of Utah has in this matter will be found in five lines of the statute:

"The person having the greatest number of votes shall be declared by the governor"—

He is the man to declare it; there is no question about that—

"duly elected, and the certificate shall be given accordingly."

That is his power; that is its limit, and to the extent that that certificate goes to that point only it cannot be questioned as a *prima facie* certificate. If it contains other statements which do no not affect the conclusion nor qualify the result, then they are surplusage. But if there are other statements of facts which the governor decides when he has no right to decide them and makes that decision the foundation of the final lawful certificate, then they do not prove anything and the certificate itself shows exactly that he has founded his conclusion not on what the law requires, but upon the decition of certain matters which he has no right to decide. Now if this certificate does that, then these statements are not surplusage. If the governor had said that Mr. Allen G. Campbell, a person duly qualified, being over the age of twenty-one years, has received the greatest number of votes and is duly elected, that would have been an absolutely good certificate. But when he says Allen G. Campbell was *the* person, being a citizen of the United States over the age of twenty-one years, having the greatest number of votes and was *therefore* duly elected, using the definite and discriminating article "the" and by the word "therefore" founding his conclusion on everything that goes before, then it presents a very different case.

I confess that I entered upon the consideration of this case with a different opinion, but upon careful consideration of it, I have come fully to the conclusion that that certificate is founded upon the decision by the governor of outside questions which he is not by law authorized to decide, and which when they are disputed *prima facie* make a contest, which contest under our rules and our practice is referred to the committee on elections.

Mr. Burrows, of Michigan, while vehemently opposed to polygamy, against which he made some bitter remarks, offered an able argument against the certificate, and in favor of the reference to the committee. The question being taken stood in favor of reference 189, against 24. Thus after all the falsehood, expenditure of money, and the labors of Campbell, Murray, McBride, *et al.*, they could only muster 24 votes out of 213, and we are reliably informed that though the *Record* puts the vote at 24, only 14 really responded. So may every scheme fail, which like this one, to steal a seat in Congress, is founded in fraud, greed, bigotry and utter disregard of truth, righteousness and the common rights of citizens.

THE CHARTER AMENDMENT.

THE amendment to the Charter of Salt Lake City, which passed the Assembly and was yesterday signed by Acting Governor Thomas, will once more put the City in possession of power to regulate and restrain the liquor traffic, and to derive revenue from licensing the business. The bill which was not approved by the Executive was a good one, and went a little further in its provisions than that which is now a law. The chief objection urged against it was the linking together of the prohibitory and regulating powers, and was more a question of verbal construction than of principle. It was not drawn up in haste, as we have heard suggested, nor passed without due consideration. It was prepared by able members of the bar, was duly considered in committee of each House and was passed in due form, no objections that we have heard of being interposed except to the verbal arrangement to which we have referred.

As soon as an ordinance is enacted in accordance with the powers now granted, the liquor traffic in this city will be once more under the direction of the municipality, where it belongs. We think now, as we have thought from the commencement of the difficulty between the liquor dealers and the city authorities, that the laws were ample and definite enough before. And if it had not been for the astounding stupidity and effrontery of a Judge who ruled in the interests of liquor selling, and who laid down the remarkable axiom that "revenue is taxes" and from that argued that no revenue could be derived from licenses, the powers exercised by the City under the laws for many years would have remained adequate to the necessary regulation and restraint of a business which is admitted to be of a character needing extraordinary supervision.

Let the ordinance be passed and enforced, and if there is to be any fighting over it let it come on and be settled at once, so that our local affairs may settle down into regular grooves, and peace and good will may be established within the municipality.

PRODUCT OF PRECIOUS METALS FOR 1881.

WE have received through the courtesy of J. E. Dooly, Esq., the annual statement of the precious metals produced in the States and Territories west of the Missouri River, made by Jno. J. Valentine, Esq., General Superintendent of Wells, Fargo & Co's immense business. It shows that during 1881 the aggregate products were as follows:

Gold, $31,869,686; silver, $45,077,829; lead, 6,361,902; copper, $1,195,000. Total gross result, $84,504,417.

California shows a decrease in gold of $579,069, and an increase in silver of $323,582. Nevada shows a total falling off of $3,181,057; the yield from the Comstock being only $1,726,162, as against $5,312,392 in 1880—a decrease of $3,586,430. The product of Eureka District is $4,127,265, as against $4,639,025 in 1880—a decrease of $511,760. Utah shows an increase of $860,335. Colorado shows an increase of $1,672,171; and Arizona $3,726,295 over our report of last year.

The figures are based on mint valuations of the precious metals and seaboard valuation of base bullion. Utah is credited with $7,311,288, a little difference to the figures published heretofore, as given by Mr. Dooley for the reason here named:

"The exports of silver during the present year to Japan, China, India, the Straits, etc., have been as follows: From Southampton, $21,000,000. From Marseilles, $1,000,000; San Francisco, $5,000,000. Total, $27,000,000, as against $34,700,000 from the same places in 1880."

"STILL SOME LAW IN THE LAND."

THE *American Register*, a very able paper published at Washington, takes up the New York *Herald* article of January 11, which was published in the EVENING NEWS of Friday, and proceeds to comment upon it and the Utah election case in a manner so just and appropriate that we copy its remarks verbatim as follows:

"The first thing that the House is likely to decide is, that the action of Governer Murray, in assuming the functions of a judicial tribunal, and declaring the naturalization papers of Mr. Cannon worthless, was in utter violation of all known law. The second question will be that in refusing a certificate to a man who received 18,000 votes, and giving it to one who only received some 1,300, Governor Murray either did not understand his duty, or that he wantonly negiected to perform it.

We believe there is still some law in the land, and that the people are not wholly given over to madness.

We care nothing for Mr. Cannon or his claims to a seat in the House of Representatives, but we do care a great deal for the observance of what is proper by all decent people, and hence we object most decidedly to the *Herald's* programme for settling this Utah contested election case. Even a Mormon has rights which honest people must respect, and the country will not calmly submit to any such violent and lawless proceeding as the *Herald* indicates. Congress has no more power to pass an act affecting Mr. Cannon's right to a seat in the Forty-seventh House of Representatives than it has to hang James Gordon Bennett for spending his money in African and Arctic explorations. The Constitution recognizes no *ex post facto* legislation, nor will the people submit to it. Mr. Cannon has not been convicted of any punishable offense that we are apprised of, and unless he is, it is idle to talk of punishing him.

We repeat that we care nothing for Mr. Cannon or his claims; we have no sympathy with the religion, so called, of the Mormon people, and none whatever with the polygamous practices of the Saints of Utah, but we claim justice for all. No wrong can ever be redressed, or even prevented by the perpetration of another wrong, even though it be done under the forms of law."

LOCAL AND OTHER MATTERS.

FROM FRIDAY'S DAILY, JAN. 20

Seriously Ill.—We regret to learn that Mrs Elizabeth Cannon, wife of Hon. George Q. Cannon, is severely ill, exhibiting symptoms of pneumonia.

United.—Yesterday Mr. J. D. Spencer, son of the late Elder Dan'l Spencer, and Miss Clarissa Young, daughter of the late President Brigham Young, were united in marriage, President Joseph F. Smith performing the ceremony. A wedding reception was held last night at the residence of the bride's mother, Mrs. Lucy D. Young. The NEWS unites with the numerous friends of the happy couple in sincere congratulatisns and best wishes for their undimmed future happiness.

Lye Poisoning.—A. C. forwards the following particulars of the Brigham City accidental lye poisoning incident that occurred on Monday:

"Yesterday, about 4 o'clock p.m., Elise, aged 4 years, a little daughter of Bishop A. Nichols and Charlotte Nichols, came near losing her life by swallowing about a teaspoonful of lye out of a cup, which she had snatched from a stove on which it was standing ready for use. Although convulsion and a high fever ensued, by the use of proper remedies, the condition of the little sufferer was much improved 24 hours after the occurrence, and it is hoped that nothing serious may result from the accident."

Patriarchal.—Edwin Smith of Richmond, Cache Co., under date of January 17, sends us an account of a family gathering that assembled to honor the 65th anniversary of the birthday of Brother A. C. Brower, mayor of that place, and a former typo of the NEWS. The company consisted of his sons, daughters, sons-in law, daughters-in-law, grand-children and great grandchildren and four invited guests, altogether numbering seventy persons. Brother Brower has been a member of the Church 40 years, having gathered with the Saints to Nauvoo and from thence to Utah in 1847. He is the father of 29 children, 66 grandchildren and seven great grandchildren. There was a dinner, after which a few hours were spent in musical and other exercises. Brother Brower exhorted his family to be faithful in their adherence to the work of God.