

CIVIL AND MILITARY JURISDICTION.

Further Correspondence.

HEADQUARTERS,

FORT CAMERON, U. T.,

February 15th, 1878.

Mr. D. Tyler, J. P., Beaver City, U. T.:

Sir.—Your favor of 12th inst. is to hand. The elaborate argument contained therein fails to convince me that property of any kind may legally be seized and taken away from this post or reservation, without my knowledge or consent, by any person whatever. I do not desire to enter into an argument to sustain my position. I will simply remark that the whole argument contained in your letter is an endeavor to arrive at conclusions derived from false premises. It assumes first that I base my position on military law; second, that I hold military law to be superior to civil law, and subversive of it. Neither of the above assumptions is warranted either by my letter of 5th inst. or by my acts. Military law has nothing to do with the present case. This post and reservation is under the jurisdiction of the United States and is under the laws of the United States and consonant with them, that I base my position. The present issue is not between civil and military jurisdiction; but between the jurisdiction of the U. S. and territorial or municipal jurisdiction, the question of military jurisdiction is purely incidental, and does not affect the main issue. My official position as custodian of persons or property on this military reservation is analogous to that of a U. S. marshal having persons or property in his custody by authority, or color of authority of the U. S. The marshal will not give up such persons or property, on writ of habeas corpus or other process issued by State or Territorial courts, and such persons or property remains in his hands until the question of jurisdiction is decided.

Now as regards this reservation, it is for the purpose of isolating and defining its jurisdiction over it that the government fixes the limits thereof two and a half miles by six, it is placed under military control for military purposes and is commanded by an officer who derives his power from the U. S. government. I hold that no State, territorial or municipal court has any legal right to direct its officers to seize and take away property of any kind within the reservation limits without the knowledge or consent of the officer, or without his concurrent action. This is my position, and the attempt to involve with it a desire on my part to oppose the military law to the civil law, is absurd. Military law has nothing to do with it; the only question it does involve is the question whether this reservation is exclusively under United States jurisdiction, or under territorial or municipal jurisdiction exclusively or in part.

Your opinion with regard to serving summons I dissent from. The soldier owes service to the United States and it is my business to hold him to that service, and if he is summoned by any court without my knowledge, how am I to know it, so as to relieve him from duty? You say that you sought to avoid the question of jurisdiction by giving me a statement. I beg to remind you that the statement was given, not as a preliminary, after the whole case was tried, judgment rendered and writ of execution issued; and again, that the statement had no reference whatever to the question of jurisdiction, and of course could have no tendency to prevent such a question arising. It would probably be well to submit this case with this correspondence to the Supreme Court of the United States. If the decision of that court is that I am in error, I will cheerfully abide by it, and consider it a precedent for future action in like cases.

I am, very respectfully,
Your obedient servant,
H. DOUGLAS,
Lieut. Col. 14th Infantry,
Commanding Post.

Justice's Office, Beaver City,
U. T., February 20, 1878.
H. Douglas, Esq., Colonel Commanding Post at Fort Cameron, U. T.

Sir—Your favor of the 15th inst., in answer to mine of the 12th, is to hand, and contents duly considered.

I seriously regret that in neither of your communications I have any thing to reply to but bare assumptions, without reference to authorities of law upon which they are based.

If "the elaborate argument contained" in mine of the 12th fails to convince you of the correctness of my views, the same having been proven by the highest and most reliable authorities, you will certainly not think it strange that your mere assertions, without even the color of authority being given to support them, have no weight whatever in convincing me of error. I would, however, most gladly stand corrected if such error could be legally shown.

You say you "do not desire to enter into an argument to sustain your position." To which I beg to reply, that to any reasonable person argument, if you had any to offer, would have been more commendable, satisfactory, and courteous than mere assumptions, without proof. Your statement, that "the present issue is not between civil and military jurisdiction," is not sustained by the facts; but admitting, for the sake of argument, the correctness of the assumption, the authorities I gave you would still support my position.

The case is simply this—a soldier buys of a citizen, "in good faith," personal property; that property is subsequently claimed by a third party; said third party sues on claim and delivery, etc.; you forcibly restrain the soldier from attending court and defending his right to said property, among others, for the reason that his duties as a soldier had to be performed, and you excuse him from no duty as such soldier. Had the summons been served off the reservation your action would doubtless have been the same, as you ask "if he (a soldier) is summoned by any court without my knowledge, how am I to know it." I think this is an admission that the issue is between the civil and military authority, and not between the United States and municipal and territorial courts.

The answer to your question is simply, that when the soldier is served by civil process in his capacity as a citizen it becomes his duty as a soldier to so inform his commanding officer, which it is evident Wint did do, and you had full knowledge of the facts, as your action amply proves.

If there is anything in your point with regard to Wint having to perform the duties of a soldier, it is a defence, and should have been set up in answer to plaintiff's complaint, and if the court had considered the exception well taken, the suit would have been dismissed at plaintiff's cost or adjourned until defendant was off duty. It strikes the court very forcibly that in such case your point of "equity" would have been in much better taste than in taking property from a citizen without process and ignoring and resisting the civil officer, and sending it by a soldier to a court whose jurisdiction you ignore.

It is true as you say that my statement of the case to you was after judgment, but it was made on your proposition to the sheriff, as I understood from him, that on such statement the property in litigation would be delivered up, and naturally enough I inferred that there the matter would end—hence I sent the statement not conceding the point of jurisdiction which I studiously avoided referring to; but in consideration of the mutual amity which had heretofore existed between the civil and military powers at this point, of which I desired a continuance.

With regard to referring the question to the Supreme Court of the United States, I will say that that may or may not be the finale of the case, but if so it will in all probability take a legitimate course through subordinate courts.

Declining to notice any further assumptions without evidence to support them,

I remain, as ever,
Respectfully,
D. TYLER, J. P.

TEETH like orient pearls set in cushions of rose;
A breath like the perfume the toilet bestows;

These are charms to win hearts, when all other charms fade,
But they can't be preserved without SOZODONT'S aid.

LIST OF LETTERS

REMAINING in the Post Office at Salt Lake City, Feb. 23, 1878, which, if not called for within one month, will be sent to the Dead Letter Office.

LADIES' LIST.

A	Frost M E	N
Anderson K	Glover B E	Newlize A
Abrahamson M	Giles A 2	Noah M
Ames M	Griffith H	Nebecker V
Anderson E	Grey J	" A
Anderson G	Graham M	" O
Aird J	Gibbs P	Old C
B	Gardner R	P
Bassett T J	H	Pennock W
Bird S	Horne A	Poreman R
Booth S	Hawkins Mrs	Parker S
Bolker P	Hardy C W	Pratt S E
Barton M J	Hall E D	Pratt B
Burton J	Harrison L	Price M E
Bargery J	Hook L	Philbrook A A
Broburgh H	Hansen M P O	R
Boyd J	Hamilton M	Russell T
Blizzard Mrs	Hennefer S D	Rodgers S G
Barber A	Holder T	Rushon J
Bachofner B	Henderson T	Reader B
C	Hart C S	Riler W M
Carlson E	I	Rushon C
Choules E	Irvine A	S
Cumbarland E	J	Saulsbury L
Cornell H	Jacobson S	Smith L E
Coombs G	Johnson E C	Silet S
Corcoran M	Jordan M L	Swift S
Carlema M V	Ju d T	Salisbury S
Chandler N	K	Sperry S
Cannon M	Knopp Mrs	Setter S
Cook S	Kelly J T	Singleton A
Cummings D	Keser N	Sales C
D	Kirk W F	Stacy J S
Dawsey E	L	Slate J
Dawley E	LeRey J	Sanders C
Davis S H	Lesham B S	Strong L
Danyey J	Latouche Mrs	Stater A R
Dearenort M	Larsen C	T
Decker S L	Louis E A	Thomas E G
Dallimore W	Lacey J O	Thomas E F
E	Linggreen S	Thompson M J
Edwards A J	Lewis J	Trudens M M
Edmonds A 2	M	Thomas J E
Bakins E	Moodv M	W
Earl I	McClrk M	Wiggle A H
Edwards J	Morgan M	Wheeler A H
Emely J C	McKay Mrs	W, or Mrs
Evans L J	Minkler P M	Wiggle A
Ellwood R	McKnight L	E 2
Edwards S	McGee M	Wahlstrom E
F	McKellly Mrs	Westwood J
Floge A	May Mrs	West S
Fry E	Moritz C	Williams V

GENTLEMEN'S LIST.

A	Hunter E B	P
Atwood A	Hodder F	Patten H
Allen J	Heath F	Petersen J
Augustspio L	Hadley G	Pratt J R
B	Hains H H	Phillips L A
Adamsen T	Hoyt H	Quibell G W
B	Hunter H C	R
Bingham B F	Harvey J E	Ross D J
Buel D E	Hill J M	Ramill J
Burdick E R	Hunter S	Riley J
C	Higham T S	Rhoades W
Buons H L	Hoggan J R	Reich L
Bullock J	Hawkins T	Ramsden W H
Barnes J	Hitchcock M	S
Beatty J	W	Smith S
Brely T	J	Smith M E
C	Jenkins C H	Smith R G
Camp R C	Jacobson C	Sawyer O G
Carlson I K	Jeffs W	Stevenson W
Carter J	Jones P	H
Cottle J	Jones J M	Sammers W
Cottam J	" B W	Svaabero W
Croud H C	K	Sweed W
Clark G	Kraus J J	Seaman W 3
Christi C A	Kimball J	Shelton T J
Cowan A	Kennedy D	Sorenson S
Childs A W	Kirkham R	Sorenson M
D	L	Shaeffer J
Devil S	Leveton W A	Savage J
Durfee J A	Leavers W M	Scott J M
Davis E W	Lee W	Schar H C
" D L	Linday W	Schonals E
Desmanschet O	Larsen T H	Sho. bridge E
E	Lake A T	Snider J
Edler L Q	Lax P M	Snider J
Ervin J	Longmore H E	Sharp G H
Evensen J	Leaker D W	Sheets G
Elliott G	Leggett J	T
Evans H S	Lamb J J	Tristhams G
Evans H S	Lundgren J	AThompson E B
Edwards H	Laine E P	Thomas J O
Ekmark E	Larsen C H L	Taylor J
F	Lewis C H	Thompson J C
Fox J	M	Tanzer L
Foster H	Moore D W	Tucker S S
Fur H	Miles C O	Taylor T C
Fraser DR	Mickeljohn D	V
Fraser G	Merrill H D	VanDukin J R
G	Morgan H W	Vessel L
Gange TE	Moore J A	Van Camp S M
Grant J	Miller J S	W
Gillis J	Mill R J	White E H
Graham J	Mase S B	Walters H
Grant J	Mawen R	Wells P
Gusterson J	Maxwell R	Wilson J H
Graham J H	N	Wardrobe J
Grinkenmeyr H	Navarre S	Ware J
H	Nowell W 2	Whitman R
Gardner A	O	Woodhouse D
Hedman A C	Osgathorpe J	Worthen C
		Wood H
		Winn E

Persons inquiring for the above letters are requested to state when advertised.

JNO. T. LYNCH,
POSTMASTER.

ESTRAY NOTICE.

I have in my possession the following described animal:
One red roan HEIFER, three years old, white tail and white belly, branded W on left hip, and under bit in right ear.
If not claimed by March 10, 1878, will be sold to the highest bidder, at 2 o'clock p.m.
E. R. YOUNG, Jun.,
District Poundkeeper.
Wanship, Summit Co., March 1, 1878.
ds&w

ESTRAY NOTICE.

I HAVE in my possession the following described animal:
One red and white STEER two years old, marked swallow fork in left and crop off right ear, no brands visible.
If not claimed by March 3d, 1878, will be sold to highest responsible bidder, at 2 o'clock p.m.
E. R. YOUNG, Jun.,
District Poundkeeper.
Wanship, Summit County,
Feb. 25, 1878.

LOST.

ON SATURDAY, MARCH 2, on the State Road, a red morocco-covered Memoranda Book. Please leave at Daynes & Son's Music Store, and oblige C. B. DURST.

THE STEINAU JEWELRY CO.'S FOR ONE DOLLAR IMPERIAL CASKET.

And New Illustrated Catalogue, with instructions how to become Agents.



OUR IMPERIAL CASKET CONTAINS THE FOLLOWING ARTICLES:

1 Lady's Roman Neckchain & Loquet. 1 Pair Lady's Fine Gold-plate Bracelets. 1 Fine Gold-plate Cameo Ring.
1 Lady's Fine Gold-plate Set. 1 Set Fine Studs. 1 Fine Gold-plate Ring, engr'd "Friendship."
1 Pair Fine Gold-plate Sleeve Buttons. 1 Fine Gold-plate Collar Button. 1 Fine Gold-plate Plain Ring.
We warrant to be exactly as represented by the engravings, and to stand the test of solid gold.
On receipt of One Dollar we will send this grand array of elegant jewelry, securely packed in a beautiful morocco casket, to any address, by mail or express, free.
Having one of the Imperial Caskets in our possession we must say the articles are very pretty, each particular piece being equally as good as are sold in the city jewelry stores.—Editors Home and Farm.
When we say the articles of jewelry contained in the Imperial Casket are beautiful, and marvelous at the price, we speak from actual knowledge.—Cincinnati Times.
The most wonderful collection of jewelry we have ever beheld for \$1.—Boston Globe.
An honorable house, entitled to the confidence of their patrons.—Christian Advocate.
The responsibility and standing of the Steinau Jewelry Co. is unquestionable.—TAPPAN, McKILLOP & Co.
STEINAU JEWELRY COMPANY, No. 5 Arcade, CINCINNATI, O.

MOUNTAIN WARBLE!

HERE being several hundred copies of the above Song Book remaining unsold, they can be obtained at the Deseret News Office for 25 cents per copy.
WM. WILLES,
S. L. City, March 31st, 1876.

\$66 a week in your own town. Terms and \$5 on fit free. Address H. HALLETT & Co., Portland, Maine.

H. B. CLAWSON.

DEALER IN

Hides, Wool, Furs, Agricultural Implements, Studebaker Wagons, Platform Wagons, Reapers and Mowers, Thrashers, Sulky Rakes, Machine Extras, Railroad Plows, Scrapers, Wagon Timber, Team Harness, Horse Collars, Etc., Etc.

HIDES, WOOL, FURS & TALLOW, Etc.

Begs to inform his patrons and the public that he is paying CASH for hides, Wool, Furs, and Tallow, and keeps for sale a superior quality of Plasterer's Hair.

WOOL ON COMMISSION

While on an extended trip to the East and with a view of entering into the business, he thoroughly investigated the mode of Grading and Handling Wools; and is now prepared, with the aid of experienced graders, together with the most ample facilities for Baling, to ship, on commission, in first class style, at the lowest possible terms.

WAGONS

AND AGRICULTURAL IMPLEMENTS, Etc.

To meet the wants of the public, keeps the celebrated Studebaker Farm and Spring Wagons in complete assortment. Very superior and highly finished Platform Wagons. Mowing Machines of well known superiority, Wagon Timber well seasoned, of the best quality, selected especially for this climate, together with agricultural implements in great variety.

Extras for a number of Standard Mowing Machines kept on hand; also Team Harness and the celebrated Main and Winchester Horse Collars in all kinds and prices.

Goods That Are Not Kept in Stock, Ordered on Commission.

Long experience in handling all classes of goods affords him facilities for ordering various kinds of merchandise not kept in stock, and he is now ready to take all orders and purchase any article desired, on reasonable terms.

Call and examine our stock at the old stand of Z. C. M. I. Wagon and Commission and Hide and Wool Dept., opposite the Temple block, and opposite Z. C. M. I. Main Street, Salt Lake City.

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N. W. SPAULDING & BROS.,

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Saws of every description, Saw Mill Machinery, Belting, Lace Leather, Upsets, Files, and Emery Wheels.
Send for Illustrated Catalogues.

FILES.

Utah Central R. R. Co's
Machine Shop,
Salt Lake City, Feb. 25 1878.

To Whom it May Concern:

S. HARTLE & CO, have recut files for this Company, and we have found them good in every respect, and with confidence recommend them to any one requiring their services.

JNO. SHARP Supt.
HENRY BRUGH,
Master Mechanic.

ORDERS WILL RECEIVE

PROMPT ATTENTION.

Work at Church Blacksmith Shop,

ONE BLOCK EAST OF TEMPLE BL CK,
JORDAN STREET.

S. HARTLE & CO.