

COURTS FOR COUNTIES.

Petition to Chief Justice McKean,
and Reply to the Same.

PETITION.

Hon. James B. McKean, Chief
Justice of the Supreme Court of
Utah Territory, and District
Judge of the Third Judicial
District;

Your petitioners, residents of Salt Lake County, respectfully call the attention of your Honor to a recent order of the County Court of Salt Lake County, appropriating the sum of "Five thousand dollars, or so much thereof as may be necessary, to pay the proper legal expenses of holding a District Court in and for said County," a copy of which is hereunto annexed.

It is a matter of regret to your petitioners that the Third Judicial District Court has been for so long a time and is now practically inoperative, while there is so much business pending, and we respectfully submit to your honor, that the way is now open for the holding of a court of competent jurisdiction for Salt Lake County, for all Territorial business arising in said county, as provided for by Congressional and Local legislation.

Praying your immediate action in the premises, that the administration of justice may no longer be impeded, we have the honor to subscribe ourselves.

Yours very respectfully,
Salt Lake City, U. T.,
March 16, 1874.

Daniel H. Wells,
Orson Pratt, Sr.,
L. S. Hills,
James Townsend,
Wm. Jennings,
Jas. W. Cummings,
Mark McKimmins,
C. E. Savage,
David Day,
S. W. Sears,
Albert Carrington,
John Needham,
Tosdel & Co.,
A. M. Musser,
Levi Wines,
Thos. P. Akers,
A. Dowe,
R. J. Golding,
Chas. E. Pomeroy,
John Sharp,
W. H. Hooper,
Edw. Hunter,
H. Dinwoodey,
J. H. Nichols,
H. B. Clawson,
Wm. Clayton,
John T. Caine,
Thos. G. Webber,
Thos. Taylor,
Dunford & Sons,
H. Wadsworth,
Thos. Williams,
D. McKenzie,
Geo. H. Knowlton,
M. L. Davis, M. D.,
N. Groesbeck,
A. C. Pyper,
C. C. Asmusen,
Bolivar Roberts,
D. Brastow,
David O. Calder.

REPLY OF CHIEF JUSTICE
MCKEAN.

SALT LAKE CITY,
March 20, 1874.

Messrs. Daniel H. Wells, Orson Pratt, Sen., James Townsend, Edward Hunter, H. B. Clawson, Wm. Clayton, Albert Carrington, A. M. Musser, Thomas P. Akers, John T. Caine, Thomas Taylor, D. McKenzie, David O. Calder, John Sharp and others.

GENTLEMEN—Your communication, dated the 16th of March inst., was delivered to me last evening. You therein call my attention to the fact that on the 11th day of March inst., the "County Court" of Salt Lake county appropriated "\$5,000, or so much thereof as may be necessary, to pay the proper legal expenses of holding a District Court in and for said county." You express your regret that the Third Judicial District Court has been for so long a time, and is now, practically inoperative; you "submit that the way is now open for the holding of a court of competent jurisdiction of all Territorial business for Salt Lake county;" and you pray for "immediate action in the premises, that the administration of the law may no longer remain impeded."

In answering your communication, gentlemen, I must explain some things which, as you are not legal practitioners, you may not know in fact, though you are presumed to know.

There are two regular terms of court in each year, in and for this district, commencing in March and September, and appointed in pursuance of Congressional legislation. They are for the trial of cases arising under the laws of Congress as well as cases arising under the laws of the Territory. They are not held for one county only, but for the whole district, consisting of nine counties. On the 9th day of March inst., such a regular term for the whole district commenced in this city. It now stands adjourned to the first Monday in April, at which time its sessions will be resumed. On the calendar are cases arising in other counties than this, and also cases in which the United States are a party. Mr. Hollister, Collector of Internal Revenue, has

reported to the Federal authorities about four hundred violations of the revenue laws of the United States. The offenders can be prosecuted only in a court held for a district and not for a county. The same is true of all cases, both civil and criminal, in which the United States are a party; and no case arising in another county, under the laws of the Territory, can be tried in this county, save at a term of court held for the whole district.

In your communication to me, gentlemen, you seem to have, to some extent, a correct appreciation of the difficulties that beset the Federal Judges in their attempts to enforce the laws, and you propose as a remedy that I hold "a court in and for Salt Lake County." Are you aware, gentlemen, what compliance with your request implies? It implies that I abandon the regular term of my District Court, fixed by paramount law; that I strike from the calendar all cases in which the United States are a party, and permit no more such to be entered thereon; that I turn out of court all litigants who are now lawfully here from other counties; and that I virtually cease to try to discharge my duties as a Federal Judge, a District Judge, and practically become the County Judge of Salt Lake County.

I will not now discuss the legality of such a court as you ask me to hold. It is a noticeable fact, that not one practicing lawyer has signed your petition, and so far as I know, but one man who has ever even been a student of law? It is a well known fact, however, that many members of the bar have united in a memorial to Congress, representing that Federal legislation is absolutely necessary to relieve the courts from the otherwise inextricable embarrassments caused by local legislation in Utah.

Although it is true, as you seem well to know, gentlemen, that Federal authority is badly crippled in Utah, yet there is one important particular in which it is not paralyzed, and that is the equity side of the Federal Courts. It has been held that in equity cases those courts are above the control of the Territorial Legislature. Hence it is possible, in equity cases, to do equal justice to litigants. A few days since I decided many such cases, and many more are awaiting argument. If other classes of cases cannot be tried save by stipulation of counsel, the courts are not responsible. Some of you, gentlemen, have been members of the Territorial Legislature, and you well know the obstructive character of much of the legislation here. You and your legislative predecessors and colleagues, have, among other things, assumed to give to the Probate Judge who presided in the "County Court" which appropriated the said \$5,000, jurisdiction in all cases, civil and criminal, at law and in equity, arising under Territorial laws in this county; and in defiance of the Federal courts, he has persisted in exercising it.

Gentlemen, on the first Monday in April, proximo, I shall again preside in the regular term of the Third District Court for this whole district; that court will have, to use your language, "competent jurisdiction of all Territorial business for Salt Lake county," together with the larger jurisdiction described above. I shall, during the term, hear and determine equity cases, and such other matters as the state of the laws may enable me to dispose of. It will be your right to be present, personally and by counsel, with "all Territorial business for Salt Lake county," or any other county in the district, "at the opening of the court, or as soon thereafter as counsel can be heard."

I have the honor to be,

Very respectfully yours,
JAMES B. MCKEAN,
Chief Justice, &c.

THE LAWLESS-SNIVELY CASE.

By the courtesy of his Excellency Governor George L. Woods, we present the following petition to him from principal citizens of Tooele county—

"To His Excellency George Woods,
Governor of the Territory of
Utah:

"The undersigned residents of Tooele County, respectfully represent to your Excellency: That Nicholas Lawless was, on the 14th day of March, A. D. 1874, condemned by the Probate Court of Tooele

County, Territory of Utah, to an imprisonment of one year in the Penitentiary, and to pay a fine of \$100 and costs of suit. Which said sentence was found upon a verdict of the jury, for manslaughter, that tried said cause.

"Your petitioners further represent, that they were present at the trial of said cause, and heard all the evidence in the case, that said Lawless' private character was proved to be that of a quiet and peaceable citizen, and that the provocation under which he acted was of a gross and aggravated character, and that said Lawless had just grounds to fear that his life was in actual and imminent danger, and that he did not act in a spirit of revenge.

"Under the circumstances, we, your petitioners, would respectfully request that your Excellency extend a free pardon to said Lawless, from the penalty of said sentence of imprisonment, and that he may be discharged upon the payment of the fine assessed.

"In witness whereof, your petitioners have set their hands, this 19th day of March, A. D. 1874.

(Signed)

"John Rowberry, Probate Judge.

"L. Gee, Prosecuting Attorney.

"R. Warburton, Probate Clerk.

"W. H. Lee, Sheriff, Tooele county.

"A. Galloway, Mayor of Tooele city.

(Jurors)

"D. Spain, Philip de la Mare, W. H. Sager, Newton Dunyon, G. W. Kelsey, Thomas W. Morgan, Lyman Severe, William Moultrie, Charles H. Wright, W. C. Rydalah, Thomas Lee, Sen., Isaac Lee, H. P. Kimball, Geo. W. Bryan, R. E. Warburton, James Gillespie, Geo. Atkin, Sen., Thomas Atkins, Jun., Erastus Smith, Pastor M. E. church, John McLaws, Sen.," and others, to the total number of about 170.

As this case has been *habeas corpus*, by Chief Justice McKean, out of the Probate Court, and as Lawless has been placed under bonds to appear before the Third District Court, it is not likely that the Governor will take any action in the matter.

By Telegraph.

AMERICAN.

NEW YORK, 17.—St. Patrick's day was honored here by a pontifical mass in the cathedral, and high mass in most of the churches. The customary march of the Irish societies took place, notwithstanding the increasing rain; the start was deferred until two o'clock. Brooklyn, Jersey City, and the neighboring towns have processions also, but the rain plays havoc with their glitter and show. Dispatches from New England, tell of processions and rain there.

Dispatches from the principal cities and towns in the middle, eastern and southern States report that St. Patrick's Day was observed with more than ordinary enthusiasm. At Baltimore two colored societies formed part of the procession. The day was universally free from unpleasant features of any kind, excepting the weather. In Pittsburg nearly six thousand men joined in the celebration of St. Patrick's day.

WASHINGTON, 17.—J. F. Wilson and several other governing directors of the Union Pacific railroad, had a conference with the committee of the House on Pacific railroads, yesterday, on the government's interest in the road. The House committee will, without legislation if possible, protect the government's interest. The new directors appear to desire an amicable arrangement with the government directors. A dispatch from the president of the road says the company has taken possession of the Wyoming coal mines, and will hereafter own them. A bill has been offered in the House to compel the Union Pacific railroad to *pro rata* freights with the Kansas Pacific road, which was shown to be impossible, as the western part of the Union Pacific road cost twice as much per mile as the eastern. The committee will soon call on the Secretary of the Interior to confer in regard to the time fixed for declaring the completion of the road. At present the road lands are exempt from taxation, though not patentable. While the government officers are not pleased with the change in the management, they concede that the new officers seem disposed to act fairly, and to enhance the value of the road.

The bill for the reduction of the army abolishes the offices of regimental adjutant and quartermaster, and makes one major in all cavalry and artillery regiments; the permanent staff is reduced in the several corps, and provision is made for filling the lower grades from the line. The engineer and medical corps, the Bureau of Military Justice and the pay department, are excepted from the details. Detailed staff officers are to serve four years, the object being to select the best material for staff duty, and promotion in all branches is to be opened. Regiments are to be consolidated and officers assigned to staff or line duties, or, if unworthy, to be mustered out by a Board. Those of over thirty years' service are to be thus put out, to go on the retired list. No officer is to go out or to be put out by reason of the mere reduction of the force, but to continue in the service unless he resigns or is removed by the Board. Provision is made for the payment of the troops by drafts, at convenient posts, as pensions are now paid.

LAFAYETTE, Ind., 17.—The committee from the ladies, who waited on the council with a petition asking the enforcement of the temperance laws, was contemptuously treated; the petition was placed on file and no action taken.

SAN FRANCISCO, 17.—The snow blockade is again raised, and trains are moving each way; the storm in the mountains seems to have spent its fury.

NEW YORK, 18.—Frederick A. Bailey, principal bookkeeper of Badeau, Lockwood & Co., importers of and wholesale dealers in fruit, is a defaulter, and has absconded; the amount of the defalcation is thought to reach \$160,000. Pending the investigation of the books they have deemed it proper to suspend; the firm claim to be solvent.

The wife of Francis Bidwell was found at her residence in Brooklyn, yesterday, with her throat cut from ear to ear with a razor; Bidwell reported it to be a case of suicide, but the police are investigating the affair.

A special from Salisbury, N. C., says that one report, from a scientific source, states that the internal noises heard in Bald Mountain resemble those heard in Mount Etna preparatory to an eruption; throughout the entire country, and for a distance of sixteen miles, extending into the adjoining counties, these sounds are not only heard, but a trembling and reverberation of the earth is periodically felt. No signs of fire or lava have been discovered.

SAN FRANCISCO, 17.—Prince Kalakaua has been elected king of Hawaii, to succeed Lunalilo; the elections were quiet.

There was a serious riot threatened at Honolulu when the election of Kalakaua was made known. A mob attacked the Court-house, but the men from the U. S. steamer *Tuscarora* and other war vessels landed and quiet was soon restored; no bloodshed is reported.

Advices by correspondents from Honolulu to March 8th, later than the published reports, show that the riot by the mob of Queen Emma's adherents was more serious than at first stated. When the announcement of her defeat was made a mob attacked the House of Assembly, and beat several of its members, one of whom afterwards died; they tore up the seats and desks and were preparing to set fire to the house, when the United States and British marines landed and dispersed the mob. W. L. Green, minister of foreign affairs, tendered the thanks of the government for the timely interference. The king is still threatened with assassination.

ST. LOUIS, 18.—It is reported from Sedalia that a party of detectives, in search of the Goungers band of railroad robbers, came upon them in St. Clair County, and a fight ensued, in which two of the detectives were killed.

CHICAGO, 18.—A committee of ladies waited on the mayor this morning, requesting him to veto the ordinance passed by the common council on Monday night, allowing the saloons to keep open on Sunday; the mayor, however, refused, stating that he had pledged himself to favor the repeal of the ordinance closing the saloons on Sunday, and that he was elected on that issue.

BUFFALO, 18.—A committee of the ladies of the Temperance Union, visited the exise commissioners to-day, requesting them to revoke the saloon licenses; the commissioners replied that the saloons were

in their power now, but the abolition of the licenses would only make the condition worse.

CAIRO, Ills., 18.—A terrific hurricane visited this city this morning, unroofing a number of business houses and dwellings, which were flooded with rain, the wind blowing one or two shanties into the pond, the inmates being rescued by boats. So far no lives are reported.

Telegrams received from adjacent points report that no damage was done by the storm this morning, indicating that it was limited in area. Eight houses were unroofed here, with a total loss of from \$3,000 to \$5,000. The river men took advantage of a hint from the U. S. signal office, and made everything secure before the hurricane came, thus escaping damage to the shipping.

PITTSBURG, Pa., 19.—At Modoc City, yesterday, an oil tank was struck by lightning, and burst, throwing burning oil in all directions, setting fire to and destroying several store house tanks and a large quantity of oil; loss \$32,000.

A summary of the Japanese news just received, says that some of those who made the attempt on the life of Iwakura have been discovered and were arrested toward the end of January, while others still remain at large; it is understood that their motive was one of political hostility, which is felt toward Iwakura by many persons of various degrees of rank. There is no suspicion, however, that the assault was sanctioned by any of the real leaders of the antagonistic parties. These leaders made a much more formidable demonstration against the government of which Iwakura is the most important member early this month, by means of a memorial to the Mikado, attacking the administration in violent terms, and proposing radical and immediate reforms, chiefly in the establishment of the national legislative body. The intemperate tone of this document would have deprived it of all weight had it not been signed by some of the most powerful and popular names in the country.

CITY OF MEXICO, 15.—A Catholic mob, on the night of March 7th, attacked the Protestants in Puebla, smashed windows and furniture, destroyed Bibles and stoned the pastor, the Rev. Antonio Corral.

CLEVELAND, O., 19.—The lady crusaders, to-day, met with such rude treatment from the mob who followed them, that they were obliged to give up part of the programme, and concluded the day's work by services in front of the Young Men's Christian Association rooms.

LEAVENWORTH, Ks., 19.—The temperance movement is active; the ladies, to-day, visited a number of saloons and prayed and sang. An immense crowd followed, but offered no violence.

SAN FRANCISCO, 19.—There was an immense mass meeting at Union Hall to-night, under the lead of the Woman's Temperance Union; probably four thousand people were present. Eloquent speeches were made and great enthusiasm was manifested. Strong resolutions were adopted in favor of an ordinance prohibiting the sale of liquor by groceries. During the voyage of the *Great Republic* from Hong Kong to Yokohama, Lieut. G. E. of the United States Navy, committed suicide by jumping overboard; the cause of the suicide is unknown.

PORTLAND, Me., 20.—Shaw's block at Biddeford, containing fifteen stores, a billiard hall and a number of offices, was burned this morning; loss unknown.

FOREIGN.

LONDON, 16.—A hundred and seventeen pilgrims from Mecca, were washed from the deck of the steamship *Laconia* and drowned, during a terrific gale in the Mediterranean.

General Wolseley will go to Malta or Aden, to meet the remains of Livingstone, accompanying them to England.

There was a great crowd of French people at Chislehurst to-day, to celebrate the eighteenth birthday of Prince Louis Napoleon. Six thousand cards of admission, exclusively to French citizens, were issued. In the morning mass and thanksgiving services were celebrated, when the Duke of Padua addressed the Prince in the name of the people of France, congratulating him on obtaining his majority. The Prince, in reply, thanked his countrymen for their faithful remembrance of the late Emperor,