

People who serve on juries are generally very enduring. If they were not, they ought to be excused from serving.

**Snow at Kanab.**—"J. L. B." writes from Kanab, Jan. 7 as follows:

"The weather has been unusually cold this season. About the 10th of December last the rain began to fall, but it soon turned to snowing, which continued for several days, until it had fallen to a depth of about thirty inches. This, however, was soon reduced to eight or ten inches, and we indulged in sleighing for about two weeks for the first time in Kanab. The snow has not been near so deep since the winter in which Whitmore was killed by the Indians. Since New Year's the atmosphere has been very clear and the days warm. The snow is fast disappearing, and the ground southward will soon be bare again. We anticipate the coming season will be excellent for grain and grass. Our stock are doing well, and the health of the people is good."

**PERSONAL.**—John N. Neels, Esq., representing the firm of Benedict, Hall & Co., of New York, made a pleasant call today. He will remain on business in the city for a few days. Mr. Neels is always welcome.

**WRIT OF RESTITUTION.**—William Howard has sued out a writ of restitution for his premises on East Temple street, known as "Reid's Building." The tenant, Mr. Reid, having failed to pay the rent as provided in the lease. The officers are busy in removing the cigar boxes and other articles belonging to Mr. Wasserman, as we go to press.

**PROBATE COURT.**—In the case of the People vs. McLund, the argument closed and the case was given to the jury this afternoon.

In the case of the People vs. W. R. Keithly, the defendant made a motion to dismiss the case, for the reason that it was appealed from the Justice's Court in the name of the city of Salt Lake vs. W. R. Keithly. The court will hear the argument to-morrow forenoon at nine o'clock.

A civil suit, Johnson vs. Bruner, is now going on.

## POLAND'S UTAH "COURTS AND JUDICIAL OFFICERS" BILL.

In the House of Representatives,  
JANUARY 5, 1874.

Read twice, referred to the Committee on the Judiciary and ordered to be printed.

Mr. Poland, on leave, introduced the following Bill:

### A BILL IN RELATION TO COURTS AND JUDICIAL OFFICERS IN THE TERRITORY OF UTAH.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the United States marshal of the Territory of Utah, in person or by deputy, to attend all sessions of the supreme and district courts in said Territory, and to serve and execute all process and writs issued out of, and all orders, judgments, and decrees made by, said courts, or by any judge thereof, unless said court or judge shall otherwise order in any particular case. All process, writs, or other papers left with said marshal, or either of his deputies, shall be served without delay, and in the order in which they are received, upon payment or tender of his legal fees therefor; and it shall be unlawful for said marshal to demand or receive mileage for any greater distance than the actual distance by the usual routes from the county-seat of the county in which the service is to be made, or process executed, to the place of service or execution of process, writ, or other paper, except that when it shall be necessary to convey any person arrested by legal authority out of the county in which he is arrested, said marshal shall be entitled to mileage for the whole distance necessarily traveled in delivering the person so arrested before the court or officer ordering such arrest. Said marshal is hereby authorized to appoint as many deputies as may be necessary, each of whom shall have authority, in the name of said marshal, to perform any act with like effect and in like manner as said marshal. Such appointment shall not be complete until he shall give bond to said marshal, with sureties to be by him approved, in the penal sum of ten thousand dollars, conditioned for

the faithful discharge of his duties; and he shall also take and subscribe the same oath prescribed by law to be taken by said marshal; and said appointment, bond, and oath shall be filed and remain in the office of the clerk of the supreme court of said Territory. In actions brought against said marshal for the misfeasance or non-feasance of any deputy, it shall be lawful for the plaintiff, at his option, to join the said deputy and the sureties on his bond with said marshal and his sureties.

SEC. 2. That it shall be the duty of the United States attorney in said Territory, in person or by an assistant, to attend all the courts of record having jurisdiction of offences as well under the laws of said Territory as of the United States, and perform the duties of prosecuting officer in all criminal cases arising in said courts; and he is hereby authorized to appoint as many assistants as may be necessary, each of whom shall subscribe the same oath as is prescribed by law for said United States attorney, and the said appointment and oath shall be filed and remain in the office of the clerk of the supreme court of said Territory. The United States attorney shall be entitled to the same fees for services rendered by said assistants as he would be entitled to for the same services if rendered by himself.

SEC. 3. That there shall be held in each year two terms of the supreme court of said Territory, and four terms of each district court at such times as the governor of the Territory may by proclamation fix. The district courts shall have exclusive original jurisdiction in all suits or proceedings in chancery, and in all actions at law in which the sum or value of the thing in controversy shall be three hundred dollars or upward, and in all controversies where the title, possession, or boundaries of land, or mines or mining-claims shall be in dispute, whatever their value, except in actions for forcible entry or forcible or unlawful detainer; and they shall have jurisdiction in suits for divorce. When a bill is filed by a woman to declare a marriage or pretended marriage void, on account of a previous subsisting marriage of the defendant to another woman, the court or judge thereof may grant such reasonable sum for alimony and counsel fees, as the circumstances of the case may justify, and may likewise, by final decree, make such allowance for the maintenance of the complainant and her children by the defendant as may be just and reasonable. Probate courts in their respective counties, shall have jurisdiction in the settlement of estates of decedents, and in matters of guardianship and other like matters; but otherwise they shall have no civil, chancery, or criminal jurisdiction whatever; they shall have jurisdiction of suits of divorce for statutory causes concurrently with the district courts; but any defendant in a suit for divorce commenced in a probate court shall be entitled, after appearance and before plea or answer, to have said suit removed to the district court having jurisdiction, when said suit shall proceed in like manner as if originally commenced in said district court. All judgments and decrees heretofore rendered by the probate courts which have been executed, and the time to appeal from which has by the existing laws of said Territory expired, are hereby validated and confirmed. The jurisdiction heretofore conferred upon justices of the peace by the organic act of said Territory is extended to all cases where the debt or sum claimed shall be less than three hundred dollars. From all final judgments of justices of the peace an appeal shall be allowed to the district courts of their respective districts, in the same manner as is now provided by the laws of said Territory for appeals to the probate courts; and from the judgments of the probate courts an appeal shall lie to the district court of the district embracing the county in which such probate court is held in such cases and in such manner as the supreme court of said Territory may, by general rules framed for that purpose, specify and designate. Appeals may be taken from both justices' and probate courts to the district court of their respective districts in cases where judgments have been heretofore rendered and remain unexecuted; but this provision shall not enlarge the time for taking an appeal beyond the periods now allowed by the existing laws of said Territory for taking appeals. Previous legislation of

said Territory abolishing the distinction between legal and equitable actions, so far as it relates to forms and modes of procedure, and allowing legal and equitable relief to be sought in the same action or proceeding, is hereby approved. And all judgments and decrees reviewable in the Supreme Court of the United States may be reviewed by said court on appeal, whatever the nature of the relief sought.

SEC. 4. That whenever a judge of any district court of said Territory shall determine that a grand or petit jury will be needed at a term of such court, the said judge, the clerk of such court, and the United States Marshal shall, without regard to the religious, political or social opinions of such citizens, make a list in writing of two hundred male citizens of the United States, above the age of twenty-one years, who shall have been residents in such district for a period of six months next previously, and shall affix thereto their certificate to the effect that the same is the list from which the grand and petit jurors are to be drawn for the terms of such court to be holden within the year next following, and shall cause the same to be filed in the office of the clerk of said court; and whenever the judge shall order the clerk to issue a venire, the clerk, in the presence of the said judge and marshal or his deputy, shall write the names contained in the said list each on a separate slip of paper, all the slips being of the same size and kind, and shall fold them uniformly so that the name written thereon shall be concealed, shall then place them in a covered box and thoroughly mix and mingle them, and shall then not select, but shall draw, as by lot, therefrom the requisite number of names. If a grand jury be required, it shall be drawn first, and consist of the number before provided. The number of petit jurors thus drawn shall be such as, in the opinion of such judge, is needful to discharge the entire jury-duty for such term, and so that there shall always be three more jurors than the number required for each separate panel, and the panel in each trial shall be twelve men. The clerk shall make a list in writing of the names of the persons so drawn, and the clerk and the marshal shall affix thereto their certificates of the time and place of such drawing, and file the same in the office of said clerk, who shall forthwith issue a venire to the said marshal, commanding him to summon the persons so drawn to attend and serve as such jurors at the time and place previously designated by the said judge, and such jurors shall constitute the regular jurors for such term of the court for all cases, whether arising under the laws of the United States or under the laws of said Territory. If at any time a talesman or talesmen shall be required, his or their names shall be drawn from said box by the clerk in open court, and if the attendance of such juror or jurors cannot be procured in a reasonable time other names shall be drawn, and so from time to time until the jury is obtained. No challenge shall be allowed on the ground that a juror had been summoned or had served at a previous term of court. Each party, whether in civil or criminal cases, shall be allowed three peremptory challenges. In criminal cases the court and not the jury shall pronounce the punishment under the limitation prescribed by law. The grand jury must inquire into the case of every person imprisoned within a district on a criminal charge and not indicted; into the condition and management of the public prisons within the district; and into the wilful and corrupt misconduct in office of public officers of every description within the district; and they are also entitled to free access, at all reasonable times, to the public prisons, and to the examination, without charge, of all public records within the district.

SEC. 5. That there shall be appointed by the governor of said Territory one or more notaries public for each organized county, whose term of office shall be two years, and until their successors shall be appointed and qualified. The act of the governor and legislative assembly of the Territory of Utah entitled, "An act concerning notaries public," approved January seventeenth, eighteen hundred and sixty-six, is hereby approved, except the first section thereof, which is hereby disapproved. Provided, That wherever, in said act, the words "probate judge" or "clerk of

the probate court" are used, the words "secretary of the Territory" shall be substituted.

SEC. 6. That the supreme court of said Territory is hereby authorized to appoint commissioners of said court, who shall have and exercise all the duties of commissioners of the circuit courts of the United States, and to take acknowledgment of bail, and so forth; and, in addition, they shall have the same authority as examining and committing magistrates in all cases arising under the laws of said Territory as is now possessed by justices of the peace in said Territory.

SEC. 7. That the common law of England, as the same is defined and modified by the courts of last resort in those States of the United States where the common law prevails, shall be the rule of decision in all the courts of said Territory, so far as it is not repugnant to or inconsistent with the Constitution and laws of the United States and the existing statutes of said Territory.

SEC. 8. That the act of the Governor and Territorial legislature of the Territory of Utah entitled "An act in relation to marshals and attorneys," approved March third, eighteen hundred and fifty-two, and all laws of said Territory inconsistent with the provisions of this act, are hereby disapproved. The act of the Congress of the United States entitled, "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February twenty-sixth, eighteen hundred and fifty-three, is extended over and shall apply to the fees of like officers in said Territory of Utah.

### Prayer and Healing.

WITTON GILBERT, Durham.

Nov. 26, 1873.

Dear Brother Gowans:—I write to inform you that since you last saw me, I have met with an accident through a large stone falling on me. I was declared by those who waited on me at the time of the occurrence to be dead, but my brother William prayed to the Lord, asking him to restore me to life, and He heard and answered my brother's prayer. I was restored to life by the power of God. I met with the accident on Friday, the 21st inst. I thank the Lord for his mercy.

I wish you, brother, if you can make it convenient, to come to this place and take down the items, which I would like to have published to the world, through the *Millennial Star*, as a miracle of God's power.

I remain your brother in the Gospel of peace, love and union,

JOHN SIMPSON, jun.

DURHAM, Dec. 12, 1873.

Pres. L. J. Herrick:

Dear Brother,—According to the request contained in the enclosed letter, I visited brother Simpson, and learned that while he was working in the pit at Witton Gilbert, a large stone, nearly five feet square and from five to seven inches thick, fell upon him, directly across his body, and crushed him to the ground. His brother, who was working close by, could render him no assistance; but he dispatched a boy, with all haste, for help. In the mean time his brother, who was an Elder in the Church, laid his hands upon him and prayed that God would preserve his life. When help came, it required about six men to remove the stone from off his body, and when brother John Simpson was taken up and examined by one of the overmen of the pit, he said life was extinct, but the brother again prayed for him and he was restored to life and to his friends. He is now able to resume his work.

We acknowledge the hand of the Lord in this matter.

Your Brother,

H. S. GOWANS.

—*Millennial Star*, Dec. 23.

FORNEY AND THE GOVERNMENT.—Instead of admiring the policy dictated by the idea that a country can't be governed too much, Col. Forney seems to be of the opinion that this country is getting along tolerably well, not so much by the aid of profuse and meddling government, as in spite of it, as wit-

ness the following from a Western paper:

"New York, Jan. 14.

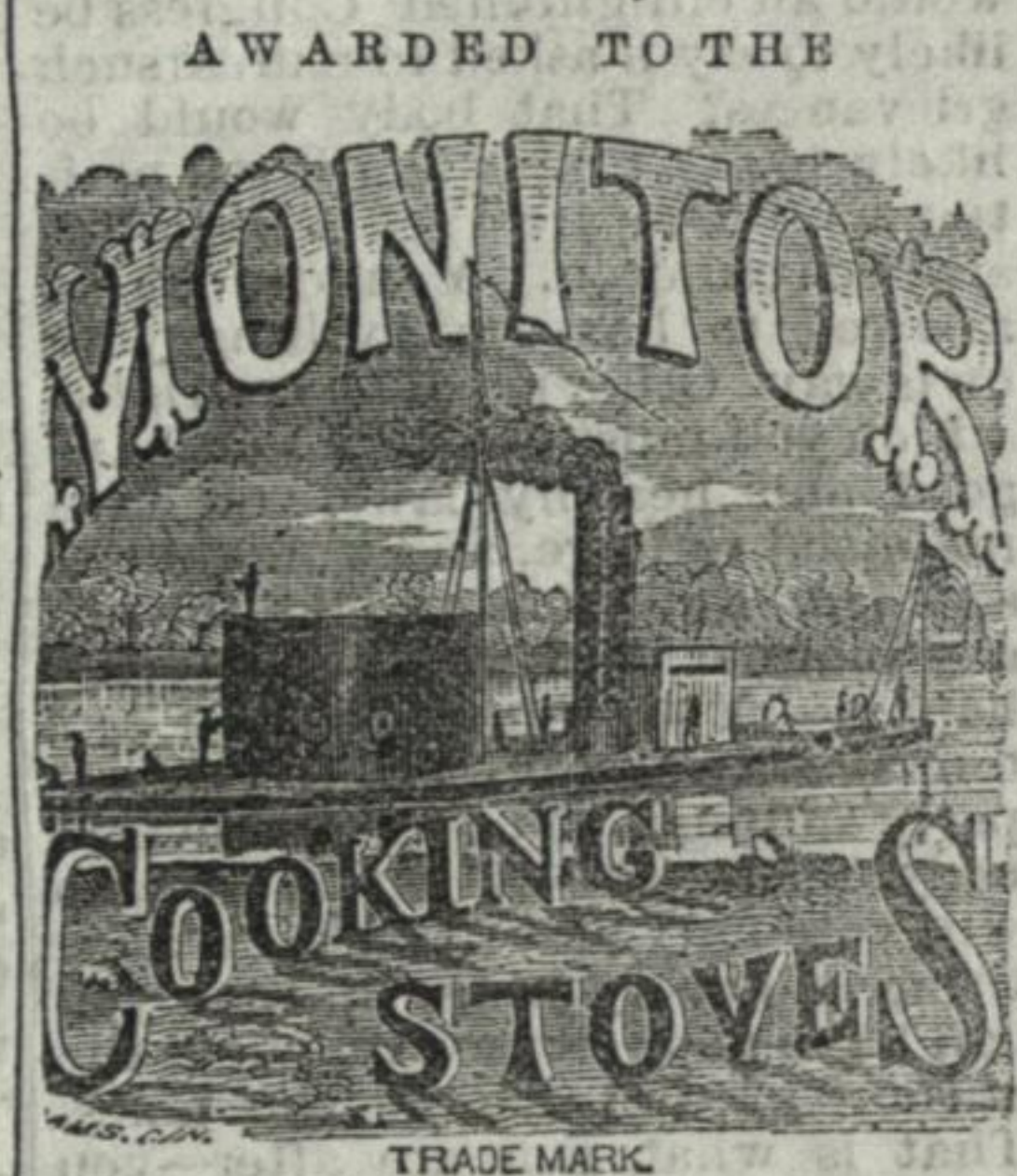
"John W. Forney, in a lecture last night on 'Public Life,' said of Grant:—'He takes his own counsel and follows his own counsel, and he seems to think that, having been called to the presidency as a reward for his great military services, he can do precisely as he pleases, and no one doubts that he is doing it. (Applause and laughter.) The main questions of the day have nearly all been settled. Both parties are uniting quietly on the same general platform, and we are beginning to realize that there is such a thing as a great people prospering without the government. The whole plan of adjustment, whether we consider the war itself, the subsequent disbandment of the armies of both sections, the emancipation of the slaves, the suffrage of the colored men, the success of our paper currency, the settlement of our difficulties with England, the manner in which we have survived the panic—all these are unquestionably the product of the admirable workings of our free institutions more than the result of any statesmanlike sagacity.'"

PAMPHLETS, Catalogues and Price lists printed at the NEWS Office.

### ESTRAY NOTICE.

I HAVE in my possession:  
One yellow STEER, about eighteen months old, white spot in forehead and rump, white belly, swallowfork in right ear.  
One red and white-spotted HEIFER, about eighteen months old, crop off and underbit in right ear.  
One brindle HEIFER CALF, about ten months old.  
One red BULL CALF, about ten months old, small white spot in forehead.  
If said animals be not claimed, they will be sold to the highest responsible bidder, at the District Pound, South Cottonwood, on Saturday, January 31st, 1874, at 10 a.m.  
J. R. MILLER, Poundkeeper.  
South Cottonwood, Utah, Jan. 19, 1874.  
ds&wle

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