

CIVIL AND MILITARY JURISDICTION.

THE following correspondence between the Post Commander at Camp Cameron and the Justice of the Peace of Beaver is interesting and important, and clearly shows the nature of their respective jurisdictions, which are designed to be harmonious, not conflicting:

HEADQUARTERS,

FORT CAMERON, U. T.,

February 5th, 1878.

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

Sir.—Your favor of the 4th inst. was handed to me by Sheriff Coombs, referring to the sewing machine mentioned. I respectfully inform you that upon your statement of facts, as found in evidence and upon the man's statement, John Wink, Private, 14th Infantry, I am convinced that the "sewing machine in question is the property of the Singer Sewing Machine Co.," and I have directed that the machine be turned over either to you acting in behalf of said company or to the authorized agent of said company.

I deliver the machine in question to you, not in obedience to the mandate of your court nor to satisfy any legal process issuing therefrom, but simply as a matter of equity. I cannot acknowledge the jurisdiction of your court over this U. S. military reservation or anything in it. I therefore consider that the demand for the machine, the summons for Wink to appear and answer, the subsequent judgment and writ of execution, were not according to law, inasmuch as prior to action no reference of the facts was made to me as commanding officer of this Post, and in serving process I in my official capacity was utterly ignored by the court, and the sheriff proceeded to act without my knowledge or consent.

The action of the sheriff was not legal without my concurrent action as Post Commander. So far as jurisdiction is concerned he might with the same propriety go into the State of Nevada and seize property as Sheriff of Beaver county, without reference to the State or local authorities.

Taking the view as above expressed, I regret that I do not feel authorized to assist the sheriff in executing the mandate of the court. And cannot, as Post Commander, permit the sheriff to execute the judgment of the court on this reservation, the limits of which are distinctly defined.

I will state that after investigation, I am of the opinion that Wink purchased the machine in litigation in good faith, and has lost some money in the transaction; that he did not refuse to give the machine up. But even with this knowledge I should have cheerfully compelled the return of the machine to the proper owner, if their agent had conferred with me on the subject, instead of resorting to law to effect their purpose, which was unnecessary. As regards the man's failure to appear, I would not permit him to appear, as I deemed the summons illegally served, and his duties as a soldier had to be performed. I excused him from no duty; of course he was forcibly restrained from appearing.

I will send the machine to you as soon as the weather permits. Expressing regret that there should have been a conflict between the two jurisdictions,

I am, very respectfully,

Your obedient servant,

H. DOUGLAS,

Lieut. Col. 14th Infantry,

Commanding Post.

Justice's office, Beaver City,

U. T., February 12, 1878.

Henry Douglas, Lieutenant Col. 14th Infantry, Commanding Ft. Cameron.

Sir.—Your communication of February 5th, 1878, was duly received and carefully considered. But as to your opinion upon the subject of jurisdiction I beg to differ, and hope that a fair exposition of my legal views of jurisdiction of civil courts extending over military reservations in times of peace, will not be regarded as impertinent or arrogant.

My opinion, as derived from the few authorities within my reach is, that a soldier's equipage, and every article necessary to his condition as a soldier, are exempt from execution, such being property of the United States, and that his person is also exempt from arrest on exe-

cution process and attachment, in those States where the person can be imprisoned for debt under statutory provision. But that in cases of claim and delivery of personal property, which is a statutory provision for recovering personal property belonging to any person and unlawfully detained by another, and in reference to civil suits generally, such as summons, in civil cases, where the accoutrements of a soldier or property of the United States is not affected, subpoenas, &c., the soldier in times of peace is compelled to respond without notice to the commanding officer, as he is in no instance pertaining to the rights of a citizen, a judicial officer; for the reason that in the United States the military law is in no way subversive of the laws of the land, but is in harmony therewith. O'Brien says, "That the military law is an accumulative law; that the citizen, on becoming a soldier, does not merge his former character into the latter. With regard to civil powers and authorities, he stands in precisely the same position he formerly occupied, he remains subject to them, and is bound to assist and aid them, even in the apprehension of his military comrade." There is no principle more thoroughly incorporated in our military, as well as our civil code, than that the soldier does not cease to be a citizen, and cannot throw off his obligations and responsibilities as such.

The general law claims supreme and undoubted jurisdiction overall, and the military law puts forth no such pretensions. It aims to enforce on the soldier the additional duties he has assumed. These two systems of law, can in no case, come in collision, for the military code commences where the other ends; it finds a body of men, who besides being citizens, are soldiers also. (First Bishop on criminal law, sec. 46, 5th edition.)

In England the military law is subordinate to the civil and municipal law of the kingdom and they aid and co-operate with each other. (First McArthur courts-martial, 3rd edition pp. 33 and 34.)

The constitution of the United States provides, Congress shall have power to make rules and regulations for the government and regulation of the land and naval forces, and in pursuance of this constitutional power, Congress has, by legislative act established what are termed, "Articles of War," for the government of armies, and in pursuance of which, the War Department have drawn up, and under the sanction of the President of the United States promulgated regulations for the government of the armies in the field, etc., and to which may be added, orders issued by commanding officers; and this may be termed the written military law of the country, and there seems to be therewith connected an unwritten or common law, these, constituting our "Law military," but it is well to observe that this body of law contains more or less of directions concerning martial law.

It is true, that there is in the Constitution a special provision that the Congress shall have power over all places purchased by consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards and other needful buildings (Constitution of United States, art. 1, par. 8); over such localities the jurisdiction of municipal courts does not extend, except there is a special reservation in the act ceding such place. But the mere selection by the United States as a portion of her own territory already under and within the limits and jurisdiction of the territorial municipal organized courts, does not of itself oust jurisdiction and sovereignty of the State courts, nor in any way modify it; and I think the following authorities bear me out in this construction:

Crocker on Sheriffs, sec. 294; Laws of United States, act of May 11th, 1798; act of March 15th, 1799; and act of March 30th, 1802; Military Code, 1870, sec. 244 and secs. 256 and 257, and sec. 3753 United States Statutes at Large, and sec. 1237.

Sincerely regretting that the question of jurisdiction, which I sought to avoid by giving you a statement of the case, should be sprung,

I remain, respectfully,

D. TYLER,

Justice of the Peace for Beaver City and County.

LIST OF LETTERS

REMAINING in the Post Office at Salt Lake City, Feb. 21, 1878, which, if not called for within one month, will be sent to the Dead Letter Office.

LADIES' LIST.

Adams M A	Hatchman E	Quayle S
Alexander C	Hogan H	R
Armstrong M	Helstrom J	Rehnstrom P
Abraham M	Hammond M	Reckwell M
Bradley C	Hovey M L 2	Reed M
Bes J	Henderson M	Riley C
Bircumshaw Z	Hartwell M	Reeder B
Butler W	Jarve J	Rowley Mrs
Brower E	Jonasson W	Stoker A
Bergstead E	Jones W	Smith A
Brown L	Kinnison R L	Smith M
Buckley M A	Kelly L	Spiera A
Bocker P	Loel A	Simons B
Burnswood J	Lindberg T	Simpson H
Broberg H	Limberg V	Schwartz M
Carlington E	M	Staurt M
Carr H	Mathews Mrs	Smith M E
Debols S J	Mack n H	Timpson Mrs
Dickson L V	Miffin M	Thompson M J
Davis S H	Mokim L	Terdie O
E	Moss W	Taft T
Earl M H	Murrie M	V
Evans S A	Moody M	Vogel S A
F	Manning M E	W
Ford Z C	Northey A	Wright L A
Feigenson M	Pratt A A	Watts L
Fillmore R	Pratt A A	Winter J 2
Fuchsen S	Pratt A A	Whitaker E
G	Pratt A A	Wilkes E T
Gill E	Pickel H W	West A
Gammann S	Page L	Wittney Mrs
H	Powell M	Witherell A
Hanford A	Parker L	

GENTLEMEN'S LIST.

Ayers A T	Frund T	Miller W
Avery U D	Frund T	Nebecker J T
Anderson S W	Frund T	O
Atwood S	G	Olson I
Bearfrity B	Gardner A	Pomeroy A
Behlow E	Gardner A	Price E S
Burrows H	Gardner A	Patten H
Bird J	Gray J	Peterson G
Bonham J 2	Gray J	Picknell J H
Barney J	Gray J	Peterson J
Bough J	Gray J	Persen J
Boars J	Gray J	Persival & Co
Branyard J	Gray J	Petersen R
Brown J H	Gray J	Pitts W
Bransberg J	Gray J	Pollock W
Barnes J	Gray J	Price W P
Bellingsly M	Gray J	Quinn S W
Burrows P	Gray J	R
Baker S L	Gray J	Richman W
Byers W	Gray J	Rendos W
Burr W W	Gray J	Rosenberg N
Black W N	Gray J	Rees J W
Chartquist M	Gray J	Rose G
Christensen J	Gray J	Rogers G B
A M	Gray J	Russell G G
Cambell A	Gray J	Richards E S
Corbett D	Gray J	Ryan C D
Craver C H 2	Gray J	Smith M E
Callister E	Gray J	" W
Catchem G	Gray J	" L E
Chesbire G	Gray J	" F R
Chandler H H	Gray J	Smith &
Coulam J	Gray J	Cocheron
Cottam J	Gray J	Shaw J
Croft J	Gray J	Snider J
Cook M D	Gray J	Stewart J S
Ciancy P	Gray J	Seaman J W 2
Calr T	Gray J	Southworth H
Chambers P	Gray J	" H C
Campbell W	Gray J	Stanford H C
D vis H	Gray J	Taylor T D
Deney 2	Gray J	Malquist Geo
Duncanson D	Gray J	Miles C C
Dav S E	Gray J	Morgan F W
Dickson J	Gray J	Messor G
Davis L D	Gray J	Mitchell G
Dill L 2	Gray J	Myers J
Driver R P	Gray J	Miller J H
Davis W L	Gray J	Moch J A
E	Gray J	Moses J
Engbers E	Gray J	Mortensen N
Edwards H	Gray J	Mowrey M
Eaby J	Gray J	White A J
Edmunds J D	Gray J	
Evans W	Gray J	

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

JNO. T. LYNCH,

POSTMASTER.

ESTRAY NOTICE.

I HAVE in my possession:

One red and white spotted STEER, about three years old, banded on left hip and side, small notch in left ear.
One red HEIFER about three years old, a few white spots on belly, bush of tail white, branded C on right hip, and on left side.
One black COW eight or nine years old, white belly, white forehead and half of tail white, branded C on right hip and on left side, crop off left ear, and tips of horns cut off.
One black COW five years old, white spots on each flank, branded C on right hip and on left side.
If the above described animals are not claimed and taken away within 10 days from date they will be sold at public auction, Friday, March 1st, at one o'clock, at the Estray Pound, Coalville.

JOSIAH RHEAD,

District Poundkeeper.

Coalville, Feb. 19, 1878.

ESTRAY NOTICE.

I HAVE in my possession the following described animal:

One light red STEER, two years old, white spot in face, with same on shoulder and rump, white belly and bush of tail white, no brands visible.
One light red HEIFER, two years old, past, with slit in right ear, crop off left ear and slit in same, no brands visible.
If the above animals are not claimed before March 2nd, 1878, will be sold to highest responsible bidder, at 2 o'clock p.m.

E. R. YOUNG, Junr.

District Poundkeeper.

Wanship, Summit County,

Feb. 20, 1878.

ds&w

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.

GANG & SULKY PLOWS.

IMPROVEMENTS are constantly being made in all kinds of labor saving machines, and more especially in farm implements, and farmers are learning that the saving of time and labor can best be accomplished by using the best implements manufactured. In this connection we wish to speak more particularly of the

GANG & SULKY PLOW

made by Avery & Sons of Louisville, Ky., which we have recently examined at the sales-rooms of

J. W. LOWELL & CO.,

of this city. About 60 of these plows have been sold by them in the last few weeks, probably a larger number than has ever before been sold in this Territory since its first settlement. Farmers are getting tired of being jerked and twitched around all day by following the old style of plows, and find that by using the

AVERY GANG OR SULKY PLOW,

which is a beauty to look at, as neatly built as a carriage and about as comfortable to ride on, they can do their plowing with comfort, and even a child can handle it and do a man's work. We do not wonder that scarcely any other style of GANG OR SULKY PLOWS are sold in this market, for the Avery is unquestionably the BEST manufactured, as hundreds of the leading farmers of Utah will testify.

We give below a letter from Mr. John Rouse, of Goshen, known as one of the Oldest settlers and leading farmers of this Territory, who has tested the AVERY PLOW and knows its merits.

GOSHEN, Utah,
Feb. 19, 1878.

J. W. Lowell & Co.,

Gentlemen.—A twelve year old son of mine plowed 60 acres last fall with the Avery Gang and Sulky Plow, eight acres of which were plowed 12 inches deep and laid leveler and better than any other plowing I have seen since I left England; and I consider myself a judge of such work. My boy can handle the plow with ease. As for the draft, three horses can handle it readily in breaking with the sulky plow, and the same team is sufficient for the 12 inch gang plow in old land. I am well pleased with the plow, and do not know where it can be improved.

Yours respectfully,
JOHN ROUSE.

The Centaur Liniments are of two kinds. The White is for the human family; the Yellow is for horses, sheep, and other animals. Testimonials of the effects produced by these remarkable Preparations are wrapped around every bottle, and may be procured of any druggist, or by mail from the Office of THE CENTAUR COMPANY, 46 Dey Street, New York City. w49 ly

Popular Favorite.

The Floral Riches Cologne Water, Alista Bouquet and Pet Rose handkerchief extracts, made by Dr. Price, are becoming popular favorites. Dr. Price's Floral Riches is the finest Cologne or toilet water made, and is in high repute among clergymen, public speakers and invalids, for its fine, agreeable and refreshing fragrance. 3

ADMINISTRATOR'S NOTICE.

ALL persons having claims against the Estate of the late Wm. G. Thompson or knowing themselves indebted to said Estate are hereby requested to present the same for settlement within ten months from date.

O. HATCH,

Administrator.

Wood's Cross, Feb. 14, 1878.

ESTRAY NOTICE.

I HAVE in my possession the following described animal:
One red and white brindle HEIFER, 1 year old, white spot in forehead, no brands visible.
One light roan HEIFER, 2 years old, under-bit in right ear, no brands visible.
One light red HEIFER, 2 years old, white spot in forehead, branded on left hip.
If the above described animals are not claimed and taken away within ten days from date, they will be sold at public auction, on Friday, March 4, 1878 at one o'clock, at the Estray Pound, Coalville.

JOSIAH RHEAD,

District Poundkeeper.

Feb. 22, 1878. ds&w

FARM FOR SALE.

I OFFER the following for sale: Twenty-two acres of farming land, twelve of meadow, fenced; a house of four rooms, rock cellar and good granary, stable, cow stable, sheds, corral, stack-yard, and other small buildings, also a fine young orchard, 75 fruit trees bearing. Good water privilege.

TIMOTHY GILBERT,

South Jordan, Salt Lake County. w3t

ELECTION NOTICE.

THE Taxpayers of School District No. 39 are hereby notified that a meeting will be held at the District School House, on Thursday, February 28, 1878, at 6:30 p.m., for the purpose of electing three Trustees.

JNO. A. HILL,

JOSEPH CORNWALL,

JNO. P. WRIGHT,

Trustees.

"Y DRYCH."

(The Mirror.)

Newyddiadur Cenedlaethol y Cymry yn America.

YN Cynwys Newyddion Americanaidd a Phrydeinig ac Helyntion y Byd

Pris \$2.50 y flwyddyn.

(POST PAID).

Cyhoeddir yn wythnosol gan

T. J. GRIFFITHS, Utica, N. Y.

AGENTS IN SALT LAKE.—Dawson

weich elchion at Miller & Co., New

dealers, opposite Theatre, Salt Lake City.

Utica, ryddir blaeddul, ac fe gewch Llyfr

Newydd Gwerthfawr, 224 o du-daewod

pr euw "Y TRYSOR TRULUDD,"

yn wobwr.

HENDERSON'S COMBINED CATALOGUE OF EVERYTHING FOR THE GARDEN

Numbering 175 pages, with Colored Plate sent free to customers of past years, and to all purchasers of our books, either Gardening for Profit, Practical Floriculture or Gardening for Pleasure (price \$1.50 each, prepaid, by mail). To others, on receipt of 25c. Plain Plant and Seed Catalogues, without Plate, free to all.

PETER HENDERSON & CO.

Seedsman, Market Gardeners, and Florists

35 Cortlandt Street, New York.