

ary for the Territory? Judging by analogy, the apprehension that it will not, comes first. For it is notorious that judges of this class will find some kind of a flaw in the local officials, so as to reject their services, if it be possible, and a great many things are possible to an unjust judge. Unfortunately, Utah is not unacquainted with federal judges who will not do what is just and right of their own volition, nor will they do right by compulsion, if they can help it. This induces the supposition that no matter how precise and definite and rigid the lines may be which the United States Supreme Court draws concerning this Territory, an unjust judge will find some way of overriding the law.

In the absence of more definite and detailed information concerning the decision in question, we may say that in 1859 Mr. Z. Snow was elected Attorney General of the Territory for four years.

In September, 1870, an information was filed against him in the district court of the Third Judicial District, in the name of the United States, on the relation of Major Hempstead, Attorney of the United States for Utah. This information claimed that the United States Attorney was the lawful officer to attend to all business in the court, as well for the Territory as for the United States. Mr. Snow appeared to this information, and showed that he had been elected, by the joint vote of the Legislative Assembly, to the office of Attorney General, gave bonds, took the oath, held the commission as provided by the Territorial law, and claimed the right to attend to cases in behalf of the Territory. To this there was a general demurrer. The court here unanimously rendered judgment against Mr. Snow, and he appealed to the Supreme Court.

We understand that there was an agreement between Mr. Snow and Major Hempstead, that the United States and Territorial marshal question was to abide the decision in this case, that is, in the United States and Territorial attorney case. If so, and the agreement be respected, the Supreme Court has, in effect, reinstated the Territorial marshal by this decision.

THE NEW CHIEF JUSTICE AND ATTORNEY GENERAL.

THE Washington *Star* speaks thus of the nomination of Judge Williams—

The designation by the President of Attorney General Williams to the Supreme Bench will, from all indications, be well received by the country. Judge Williams stands well with the lawyers, and while in the Senate he took high rank as a statesman.

Of Col. Bristow, nominated for the consequently vacant Attorney Generalship, the *Star* talks as follows—

Col. B. H. Bristow, of Kentucky, who, it is understood, will be appointed Attorney General, was the first Solicitor General under the law establishing a department of Justice, and he resigned that office about a year ago. He is recognized by all who have come in contact with him as one of the finest legal minds in the country.

It appears by the dispatches to-day that the probabilities are against the confirmation of Mr. Williams as Chief Justice.

BECOMING REASONABLE.

ACCORDING to the telegrams the last few days public feeling in Havana has been of the most violent and excited character. The people have seemed determined to go to war with the United States rather than obey the orders of the home government and submit to the terms of the protocol recently concluded between Secretary Fish and Admiral Polo, the Spanish minister, in regard to the *Virginus* and its surviving prisoners. The Spaniards are proverbial for pride and valor, and under the circumstances there has been some excuse for the ebullitions of feeling on the part of the Spaniards of Cuba. The *Virginus* business, from first to last, has been an ugly affair, and in some respects discreditable to all parties concerned. The capture of the vessel under the circum-

stances was, we believe, justifiable by the Spanish authorities; their subsequent course, in so hastily and barbarously executing so many of those on board, while it may have been in accordance with the provisions of international law, was certainly lacking in the dignity which should have been manifested by the representatives and executive officers of a powerful nation.

As for the uproar that has been raised by the press and people of this country since the capture of the *Virginus* and the execution of her captain and part of her crew and passengers, we think it has been in great part uncalculated. It is a question yet undecided whether, although the vessel carried the American flag and papers, she was entitled to American protection. During the war she was a blockade runner, and since the insurrection in Cuba it is well known that she has been engaged in succoring the enemies of a power with which our government is on friendly terms. Such a vessel, regardless of the flag she carried, was liable to seizure, and those on board to capital punishment by the nation against which the offense was committed, and this is no more than the authorities of Cuba have done; and we believe that the law of nations will justify their course, even should it prove that the vessel rightfully carried the U. S. flag, seeing that the U. S. government failed to prevent a vessel fitted up in their ports, carrying their flag and owned by one of their citizens from engaging in making war upon or succoring the foes of a friendly power.

This is undoubtedly the standpoint from which the Cuban authorities have acted, and from which the Spaniards and loyal portion of the inhabitants of Cuba have viewed the capture and subsequent proceedings in the *Virginus* case, and they have evidently felt that they were justified, and that in the eye of the law they had committed no overt act. They have, however, also been aware of the fact that a protocol had been agreed upon between the governments of the United States and Spain, looking to an amicable settlement of the difficulty, and their violent ebullitions of temper and feeling, and avowed intention to fight rather than submit to the terms agreed upon, have, to say the least, been in bad taste. It is very gratifying to learn, however, according to today's dispatches, that discretion and good sense are again resuming their sway over the people of Cuba. This change in public sentiment is fortunate for both Spain and Cuba. War would have caused the latter scenes of unutterable sorrow and woe, and in the end would have been almost certain to result in the annexation of the island to the United States, for however well and valiantly defended the "gem of the Antilles" might be, in case of a contest, neither Spain nor Cuba could hope to successfully cope with the United States. By the proposed amicable settlement of the dispute both these contingencies may be avoided and neither spot nor stain of an unendurable character be left upon the honor of either; and unpleasant as this Cuban business has been, one result in the interest of humanity will be likely to flow from it, and that is, in future events similar in character to that which has led to the present rum-pus, the captors will probably be induced to show more respect to the demands and usages of civilization while carrying out the decrees of law than the authorities of Cuba have done in the *Virginus* affair.

THE SWEARING IN.

THIS is how the Washington *Evening Star*, of Dec. 1, pictures the swearing in of the Utah Delegate at the bar of the House of Representatives—

Quite a turning of heads was occasioned in the House upon the swearing in of the good-looking Bishop Cannon, of Utah, his polygamistic status having been fully ventilated previous to his taking the oath, upon an objection to his being sworn in, made by Mr. Merriman (Merriam), of New York. Having been the subject of a few minutes' sharp debate, his presentation at the bar of the House to be sworn in provoked a general ripple of laughter, especially among the ladies in the gallery.

It augurs well to find the ladies in good humor over the affair.

—Mr. Boucicault, who some time ago announced himself as the author of 300 plays, seems as prolific as ever.

By Telegraph.

CONGRESSIONAL.

SENATE.

WASHINGTON, 8.—The Senate, in executive session, to-day, confirmed the nominations of Martin Welker, as district Judge of the Northern District of Ohio, in place of Sherman, resigned; Geo. R. Maxwell, Marshal of Utah; Alex. R. Sheppard, Governor of the District of Columbia, also a number of consuls, collectors of internal revenue, &c.

WASHINGTON, 9.—Ramsey introduced a bill to provide for the transmission of correspondence by telegraph; it is, in all substantial particulars, identical with the so-called Hibbard bill, for connecting the telegraph with the postal service.

Morrill, of Vermont, introduced a bill for the resumption of specie payments, and for free banking.

Ingalls introduced a bill to arm and equip the whole body of the militia of the United States. It provides that five hundred thousand dollars shall be appropriated annually for that purpose, and that all arms issued to the militia shall be of the same pattern as those adopted for the U. S. army.

WASHINGTON, 10.—In the Senate seven or eight petitions for the appointment of a committee to regulate the traffic in alcoholic liquors were presented, and reference was asked to the judiciary committee. Edmunds opposed the reference, as the committee which would report to Congress had nothing to do with the subject except in the District of Columbia and the Territories.

Logan presented a petition from the business men of Chicago, asking for the establishment of a branch mint in that city; referred to the committee on finance.

Sherman, from the committee on finance, reported favorably on the bill to authorize the organization of national banks without circulation; the report was placed on the calendar.

Ferry, of Mich., introduced a bill authorizing the Secretary of the Treasury to issue forty-four million of the reserve fund, and to make it part of the permanent circulation; referred to the committee on finance.

Sherman, from the finance committee, reported a resolution declaring it to be the duty of Congress at the present session to adopt measures to strengthen public credit, and directing said committee to report a bill providing for the issue of currency at all times redeemable in gold or its equivalent.

Bayard presented the views of the minority committee, directing the finance committee to report measures for a return to specie payment. The resolution was made a special order for Monday next.

Hamilton, of Md., submitted an amendment to the Constitution, declaring that the United States should make nothing but gold and silver coin legal tender for the payment of private debts.

HOUSE.

Among the bills introduced into the House to-day was one repealing all the taxes on whisky and tobacco.

Maynard, from the committee on rules, reported a general amnesty bill, and substituting for the iron-clad modified oath now administered to rehabilitated citizens. Some question as to the right of the committee on rules to report such an act of general legislation was raised, and the Speaker expressed a doubt as to their right, but finally the objection was waived, and the bill passed 141 to 29. Maynard explained, in answer to a question, Jeff. Davis may now be elected to either House of Congress if the people choose.

Hale, of Maine, from the select committee on the salary question, reported a bill, the points of which were sent in the dispatches several days ago. It repeals all the increase made by the so-called grab bill except the increase to the President, and places the pay where it was before, except that only the actual individual traveling expenses to and from the present session are allowed instead of mileage, and it also requires the secretary of the treasury to cover into the treasury all the returned and undrawn increased pay.

Slosson submitted a minority report, signed by himself and Jewett, declaring their objections to the

bill reported by the majority, as not going far enough. They desire the bill to cover all members who participated in the benefits of the bill, and they also want the President's salary reduced after this term, as it could not lawfully be diminished during the current term, but it could be reduced thereafter. The minority, however, deem it necessary to reduce the incidental allowances of the Presidential office, as far as compatible with the care and safety of public property, and they recommend that all compensations increased by the act of the 3rd of March, 1873, be re-established at their former rates, subject to constitutional exceptions, excepting also the franking privilege.

Maynard gave notice of an amendment suspending the increase of salary bill during the forty-third Congress instead of repealing it.

WASHINGTON, 9.—At the expiration of the morning hour the House took up the bill to repeal the increase of salary act.

The House, after considerable discussion, passed a bill authorizing the temporary increase of the navy from 8,500 to 10,000 men, and then resumed the debate on the salary question.

LOCAL AND OTHER MATTERS.

FROM TUESDAY'S DAILY, DEC. 9.

The U. S. Marshalship.—As will be seen by our dispatches, the Senate has confirmed the nomination of Geo. R. Maxwell as U. S. Marshal for Utah. Any sort of stuff will do to make a marshal of.

Still Dull.—The only cases before the police court to-day were that of Pat. Mooney, a soldier, who imbibed so freely last night that he took to indulging in the pastime of smashing windows, and that of another inebriate.

Heavy Snow on the C. P. R. R.—Mr. Smith, of the firm of Dunbar & Co., of Philadelphia, accompanied by two other gentlemen, called in this afternoon, having reached this city this morning from California. They report the snow very deep on portions of the C. P. R. R. On Sunday, the train on which they were passengers had to be hauled to Colfax with five engines, the depth of snow rendering its progress impossible without this additional aid; they had also to have the same number of engines on a portion of the road yesterday, owing to obstruction by the same cause.

Attempted Murder in Montana.—The *Helena Gazette* of Dec. 2 says that James Thompson and E. Everett have been arrested for a deadly assault, growing out of mining difficulties, upon William Erwin, near Springfield, Jefferson County, who resided alone in his cabin on his mining claim, the assault occurring about 1 o'clock on Sunday morning, Nov. 30. Erwin received a pistol shot in his right arm, six buckshot wounds in his left arm, and two shots in his right thigh. Seven shots were fired by the ruffians, who then retired, probably thinking their victim dead. He crawled to the house of Fred. Tiek-ele, where he was taken care of. An attempt was subsequently made to burn his cabin. Erwin is well respected in that section.

American Cyclopaedia.—The first volume of a new and improved edition of this most valuable work is before us. It is edited by George Ripley and Charles A. Dana, and published by D. Appleton and Co., New York. Mr. Trescott is agent for the work in Utah, and it is sold by subscription only. It would be difficult to over-estimate the value of this work, containing as it will, when completed, a panorama of all human knowledge, so far as it can be condensed in sixteen volumes of about 800 pages each. It will comprise a library of itself. Occasions arise when persons desire direct information on various matters, to obtain which they might have to examine and ponder over any number of books, whereas, if the encyclopaedia were at hand they could be enlightened at once without any trouble whatever, the work being so precisely arranged that any subject desired can be found without difficulty.

—Old Gent—"You don't mean to tell me, waiter, that you can't give me a toothpick." Waiter—"Well, sir, we used to keep 'em, but the gents always invariably took 'em away when they'd done with 'em."

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