[CONTINUED.] "It must be confessed that this practice exhibits somewhat of an anomaly. Strictly speaking, there is no sovereignty in a territory of the United States but that of the United States itself. Crimes committed therein are committed against the government and dignity of the United States. It would should regularly be in the name of the United States, and that the attorney of the United States was the proper officer to prosecute all offences. But the practice has been otherwise, not only in Utah, but in other territories organized upon the same type. The question is whether this practice is legal, or in other words, whether the act of the terririal legislature was authorized by the organic act. If it was, the plaintiff in error in this case was erroneously ousted from performing the duties of his office of attorney

general of the Territory. The power given to the legisla ture is extremely broad. It extends to all rightful subjects of legislation ALL KINDS OF CASTING TO ORDER consistent with the Constitution and the organic act itself. And there seems to be nothing in either conflicts with the territorial law. If there is any inconsistency at all it is in that part of the arganic act which provides for the appointment by the President of an attorney for the territory. But is that necessa rily an inconsistency." The proper business of that attorney may be regarded as relating to cases in which the government of the United States is concerned. The analogous case of the marshal, and the separation of the business of the courts as to government and territorial cases, seem to give some countenance to this idea. At all events, it has sufficient basis for its support to establish the conclusion that there is no necessary conflict between the organic and the territorial laws. The organic act is susceptible of a construction that will avoid such conflict. And that construction is supported by long usage CASTINGS in this and other territories. Under these circumstances it is the duty of the court to adopt it, and to declare the territorial act valid. In any event, no great inconvenience Machiner Y can arise, because the entire matter is subject to the control and regulation of Congress. "The judgment of the Supreme

C. S. C. U. S. The act of the Governor and Legislative Assembly of this Territory, approved March 3, 1852, has the

Court of Utah must be reversed.

"D. W. MIDDLETON.

"In Act in relation to Marshals and Attorneys.

"SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utali: That a Marshal shall be elected by a joint vote of both Houses of the Legisla-tive Assembly, whose term of office shall be one year, unless sooner re-moved by the Legislative Assembly, or until his successor is elected and qualified. Said Marshal shall, before entering upon the duties of his office, take an oath of office, and file bonds in the penal sum of - not exceeding twenty thousand dollars, conditioned for the faithful discharge of his duties, which bond with securities is to be approved by the Secretary of the Ter-ritory, and filed in his office.

"Sec. 2. Said Marshal shall have

power to appoint one or more Dep-uty Marshals in each judicial distriet of the Territory, as the necessity of the case may require, whose term of office shall expire with that of the Marshal; but they may at any time be removed at his discre-

"SEC. 3. It shall be the duty of the Marshal, or any of his deputies, to execute all orders or processes of the Supreme or District Court, in all cases arising under the laws of the Territory, and such other duties as the Executive may direct, or may be required by law pertaining to the duties of his office."

From the date of this Act till the present time, this officer has been elected as provided in this statute, and, until the case of the United States vs. McAllister arose in 1870, he has been recognized as being the legal ministerial officer of the court, in the cases named in the act, by every governor, every legislature, and every judge on the bench, without an exception. True, some have claimed that,

under the 7th section of the Organic Act, which is as follows: SEC. 7. And be it further enacted: That all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the Governor and Legislative Assembly of the Territory of Utah. The Governor shall nominate, and, by and with the advice and consent of the Legislative Council, appoint all officers not herein otherwise provided for; and in the first instance the Governor alone may appoint all said officers, who shall hold their offices until the end of the first session of the Legislative Assembly, and shall lay off the necessary districts for members of the Council and House of Representatives, and all other officers."

(TO BE CONTINUED.)

# NOTICE.

A MEETING of the Tax-payers of the lith School District will be held on Saturday, Feb. 21st, at 7 o'clock p.m., at the School-house, at which a financial report will be presented, also to take into consideration the raising of a tax to finish the house now in progress of erection. NATHAN DAVIS, M. H. PECK, G. B. WALLACE,

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١-	Trains leave Salt Lake Little Cottonw'd Junction	A.M. 7 00 7 25 7 32	6 10		50	1 2
,	Arrive at Sandy Leave Sandy Draper Lehl. American Fork. Pleasant Grove.	8 55 9 20			1 00 1 25 1 75 1 90 2 00	1 77 2 04 2 77 3 04 3 0
	Arrive at Provo	10 30			2 50	4 00
	3	No. 2. Mfred.	No. 4. Freight.	No. 6.		
11 11	Trains leave Provo Pleasant Grove. American Fork. Lehi	1 15 1 40			50 80 75	10

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