

DAVID O. CALDER,  
EDITOR AND PUBLISHER.

## NEWS OF THE DAY.

**CAPTAIN GENERAL JOVELLANO**, by proclamation, has declared Cuba in a state of siege, and has organized a programme for the suppression of the rebellion in the island. For details see telegraphic columns.

James S. Mason, of Baltimore, has been fined \$500 and costs for removing the names of colored voters from the poll lists.

The Spanish Government has blocked the coast of Cuba, with the exception of two or three ports.

A New York millionaire, a manufacturer of matches, has been sent to the penitentiary for five years, for counterfeiting revenue stamps. Served him right.

Another official absconder, chief clerk of the Revenue Department, is reported from Lynchburg, Va.; the amount stolen is said to be \$100,000.

Unusually cold weather in Mexico, ten Indians frozen to death.

A duel between women, in which one was killed, lately took place in St. Louis.

A bill is being prepared by the Congressional Committee on Indian Affairs, to restore the management of the Indians to the War Department.

The deadlock between the Pacific and eastern railroads, in regard to freight rates, still continues.

The Acheensese chiefs are making a stand against the Dutch, by erecting forts in the interior of their country.

The British election returns still show Conservative gains and a majority of that party in the new House of Commons, and a Tory ministry with Disraeli at its head, are now regarded as certain.

A hundred thousand dollar fire in New York city this morning.

The famine in the East Indies has extended to the province of Nepal.

## "NO LEGAL GRAND JURIES."

OUR readers—the general public—have been pretty thoroughly advised from a perusal of past issues of the News, that no criminals have been brought to trial in the Third Judicial District of this Territory for some years past because its chief officer—Chief Justice McKean—maintains that, owing to the defective condition of the laws of Utah no grand jury can be legally impaneled. This cry has been persistently reiterated by the clique to which the gentleman we have just referred to belongs, and it is well known that two of his principal supporters, who may be termed his "right" and "left power," the United States district attorney, and that notorious applicant for Congressional honors, the redoubtable "general," are now in Washington working for special Congressional legislation in relation to the jury system of Utah. Perhaps nothing could better illustrate the absolute lack of foundation for this charge, and the utter shamelessness of those who make it than a circumstance which occurred in the House of Representatives of the Territorial Legislature on Friday last. On that day Hon. Z. Snow, Territorial Attorney General, presented a bill for the services of a grand jury of the district court, held in Beaver County, at the May term of 1873. A motion was made to refer the bill to a committee.

Mr. Taylor arose and asked, for information, how it was that a bill of that kind was presented to the Legislature; and whether it was for the services of a grand jury in a United States Court, held by a United States judge. If it was, he wished to know how such a circumstance could have transpired and the Governor of the Territory not know it, inasmuch as his Excellency (then present in the House), a day or two previously, in a message, had stated that there had been no legal grand jury impaneled in this Territory for the last three years; that it was impossible, under the present laws, to impanel one, and recommending the Legislature for not passing an efficient jury law.

Mr. Taylor said there seemed to be a conflict of opinion in regard to court matters, notwithstanding that Justice Bradley, of the Supreme Court of the United States, had stated, in his decision in the case of *Z. Snow vs. C. H. Hemphill*, that there was not necessarily a conflict between the courts of this Territory and those of the United States; and that Judge Boreman, Associate Justice of the Supreme Court of Utah, notwithstanding the bottom of the Chief Justice of that Court in refusing to bring criminals—murderers, burglars, highway robbers, &c.—to justice because a legal grand jury could not be impaneled under the law of the Territory, had held court and impaneled a grand jury, for whose services this bill was presented. Mr. Taylor said that notwithstanding the striking conflict in the opinions of these parties, and the fact that the Governor, in his veto message, had taken the liberty to challenge the Legislature for its views in relation to the jury question, and those of Justice Boreman seemed to coincide, and that he was paid, he was desirous to hear the House permitting, from the gentleman who presented it, Mr. Snow, who was then present,

whether the jury, for whose services payment was demanded, was a legal one, and whether it was a lawful court held by Judge Boreman at the time the services of said jury were called into requisition.

Mr. Joseph F. Smith arose and said he would like to hear from Mr. Snow, but he would prefer that his opinion should be given in writing. Mr. Taylor did not object to this, provided it was given, but he thought that it was proper, in view of the peculiar position that this matter had assumed, that the Legislature should hear, in some form, from the Attorney General, seeing that his name was appended to the bill and that he, Mr. Taylor, said, was their proper legal adviser.

Leave being granted, Mr. Snow arose and made a brief statement to the effect that a term of the district court was held by Judge Boreman in May, 1873, that a grand jury had been impaneled for said Court, several indictments found, including one for murder, one for adultery, one for house breaking, and one or more for larceny, and that some, if not all, of said parties had been tried, and one of them sentenced, to thirty years in the penitentiary.

Mr. Taylor then asked if any appeal in said cases had been taken to the Supreme Court of the Territory.

Mr. Snow replied, that so far as he was aware, no such step in any of said cases had been taken up to the present time.

## ANOTHER WORD ABOUT IT.

THAT very injudicious judicial letter, purporting to have been written by Chief Justice McKean, and apparently made public by his consent or connivance, concludes as follows:—

"When I shall be furnished with reliable officers and lawful juries; when I shall be clothed with adequate authority, I will cheerfully try to protect the innocent and punish the guilty. I shall then be enabled to take up a position in the front, between the federal troops and their persecutors. Until that distant day shall come, I shall remain in the rear, and the men of your command from outrage as best you may. I must make the humiliating admission that I am powerless to protect them or to redress their wrongs."

So far as we have learned his Honor has not disclaimed the authorship of the letter, nor the responsibility of allowing it to be made public. The common and reasonable inference, therefore, is that everybody knows, and that everybody writes the letter, that he at least permitted its publication, and that he wrote it designedly for political effect, and with the special view of prejudicing public opinion against the municipal and other local authorities, against a number of the principal citizens, and against the very decided majority of the community at large. It is almost impossible to look at this affair in any light more favorable to him.

New this is a very pretty thing for a judge, a chief justice, to do, is it not? A very proper man he must be to sit on a bench and judge a matter impartially, to be sure.

What does his honor say in the paragraph quoted?

That when he shall have officers, juries, and authority to his mind, he will try to protect the innocent and punish the guilty.

This does not mean that he will give anybody a legal and impartial trial, by no means, but he will protect certain persons and punish others, and he is good enough to indicate unmistakably which individuals he will protect, and which he will punish, in the particular cases referred to in his letter. Says his honor—

"I shall then be enabled to take up a position in the front, between the federal troops and their persecutors."

Until that, perhaps distant, day shall come, you, Colonel Morrow, will have to protect the men of your command from outrage as best you may.

I must make the humiliating admission that I am powerless to protect them or to redress their wrongs.

Now what is the meaning of the above. The plain, the indubitable meaning is—

1. That the Chief Justice has prejudged these cases between the city police and struggling soldiers from the camp.

2. That he decides in advance that the soldiers are the innocent "persecuted," and that the police are the guilty "persecutors."

3. That when he has his own kind of officers, juries, and authority, and enough of it, he will protect the soldiers and punish the police.

4. That meantime the commanding officer must protect his men from the police, because the latter commit outrages upon the former.

Is not this a most precious document for a chief justice to write? A jurymen is disqualified if he even have formed an opinion as to the guilt or innocence of parties in a case in court. But here a chief justice not only forms an opinion upon a case not yet in court before him, but he declares that opinion, he writes it in an unmistakable form, and he appears to cause or permits it to be spread before the wide world. He has heard one side of the case, he exhibits it, tells who are the guilty and who are the innocent, which he will punish and which he will protect, when he has power enough.

Is not this a most extraordinary and extraordinary proceeding? Is it not infamous? Or had his Honor put himself outside of one of his lapses of sanity at the time he wrote that letter?

As a side issue, we may say, who are the parties that his Honor sympathizes with so very decidedly? Are they the military officers? No. Are they the soldiers generally? No. Are they the well behaved portion of the soldiery? No. Then who are they? They are the few lawless soldiers who come down into the city and behave in such a turbulent, peace-breaking manner that the police have to take care of them; some of them, as we understand, coming to the city for the express purpose of creating a row and having a fuss. These are the

characters whom his Honor regrets he cannot protect from "persecution." Bah!

ABOUT MATTER THE ENGLISH.—The Omaha Herald has the following:—

In reply to the charge of Golden Smith that the Americans as a people "hate the English as a people, the World asks and answers the question in an article of a column or more.—"Do we hate the English?" "The World," says the World. Just to the extent of the tolerance of Americans of what they owe England do they "hate" the people of the great nation over the seas, who, therefore, laws and literature, are the light of the English-speaking world.

## WASHINGTON NOTES.

The Washington Star of Feb. 2 has the following:—

"The House Committee on Public Lands, in a recent report state that, although the number of unsurveyed sections in the public lands is estimated at 1,500,000, nearly three-fourths of the whole amount being in mountains, swamps, &c., is unavailable for settlement. The committee urge great care in the disposal of the balance."

The following are from the same paper of Feb. 3:—

"A Washington letter calls attention to the note-worthy fact that not a dollar has ever been missing from the department of the treasury, the roller of the currency, where women exclusively are employed as clerks."

"The House Judiciary Committee, this morning agreed to report a bill concerning the practice in Territorial courts and appeals therefrom, which provides substantially that the appellate jurisdiction of the Supreme Court of the United States over the judgments and decrees of territorial courts in cases of trial by jury shall be extended by writ of error, and in all other cases by appeal according to such rules and regulations as to form and modes of proceeding as the Supreme Court may prescribe."

"Mr. Frye, of Maine, has introduced in the House of Representatives a bill providing that no person shall be prosecuted, tried, or punished in any court of the United States for any offense not capital or for any fine or forfeiture under any penal statute unless the indictment or information on which the case shall be found or instituted within five years from the committing of the offense or incurring the fine or forfeiture, the provision not to extend to any case in which the offense was committed by a person under color of authority of the United States by a fine not exceeding \$500 or imprisonment not exceeding one year according to the aggravation of the offense."

The Washington Capital, of Feb. 1, has the following:—

"We have seven bills pending before Congress concerning the affairs of Utah. They are variously worded and widely arranged, but all have one object in view, and that is, to circumvent the Constitution and the Supreme Court, and deprive the Mormons of their rights without infringing on our own. The right of trial by jury, the writ of habeas corpus, the fallow-box, are to be taken from the Mormons, while they are in the hands of the Methodist, or any other denomination not possessed of silver mines and a plurality of wives. Now how to do this is the question that agitates the congressional mind. "We wait with curiosity for the result."

The Woman's Journal, of Jan. 31, says:—

"Hon. T. M. Wilson, of Indiana, has offered in the House, a bill which would practically establish military rule in Utah and also repeal the right of trial by jury for women. Such a law would establish positive despotism and deprive both men and women of the ordinary rights of citizenship."

In the U. S. Senate, Feb. 3, Mr. Buckingham introduced a bill for the restoration to market of certain lands in Utah reserved to the United States. The bill provides that the Secretary of the Interior, the Spanish Fork, Corn Creek, Deep Creek and San Pedro reservations in said Territory.

In the U. S. House of Representatives, Feb. 2, the following bills were presented:

By Mr. Mellish (N. Y.)—Bill to relieve the women of Utah of their disabilities.

By Mr. Hazleton (N. J.)—A bill to secure minority representation in the Territorial Legislature from authorizing towns to issue bonds in aid of railroads.

## RUSH VALLEY MILITARY RESERVATION, UTAH.

## LETTER FROM THE SECRETARY OF WAR.

The Department of the Interior, in relation to the Rush Valley Military Reservation, Utah Territory.

January 25, 1874.—Referred to the Committee on Military Affairs and ordered to be printed.

The Secretary of War has the honor to invite the attention of the House of Representatives to his letter of March 6, 1869, recommending that, as the Rush Valley military reservation, Utah Territory, "is no longer required for military purposes, its disposition of the said reservation has not as yet been authorized, a copy of a letter from the commanding General, Department of the Interior, relative to the matter, is herewith transmitted, and the recommendation contained in the letter above referred to is again made."

WM. W. BELKNAP, Secretary of War. War Department, Jan. 8, 1874.

HEADQUARTERS DEPARTMENT OF THE INTERIOR, Omaha, Neb., Dec. 20, 1873.

Sir—I have the honor to enclose a plat of Rush Lake military reservation. I learned while in Utah, from the register of the land office, that the lands of this reservation had not been open to sale or hold; but private parties informed me that several mills and other buildings had been erected thereon, and that the water-courses and lakes were of great value to settlers and millers, and that the reservation was of no use of the land and exercise no control over it, so far as I know, I think it should be transferred to the Department of the Interior, for sale or settlement under the law.

I am, very respectfully, your obedient servant.

E. O. C. O'NEAL, Brigadier-General, Commanding.

THE ADJUTANT-GENERAL, U. S. A., Washington, D. C.

(Through headquarters Military division of the Missouri, Chicago, Ill.)

P. S.—I have to add that the great value of a portion of this reservation will induce—if it has not already induced—interested parties to try and secure a large share of it without having a due regard to the interests of all concerned, and after a careful survey and division of the water-privileges into small lots.

I am, sir, respectfully, your obedient servant, E. O. C. O'NEAL, Brigadier-General.

[ist indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI, Chicago, Dec. 27, 1873.

Respectfully forwarded for the action of competent authority.

The Rush Valley reservation was established by troops from the Pacific coast. I am not familiar with its present status, and can only say we have no troops stationed thereon.

Available for settlement.

Lieut-General Commanding.

[2nd indorsement.]

HEADQUARTERS OF THE ARMY, DIVISION OF THE MISSOURI, Chicago, Dec. 2, 1873.

Respectfully forwarded to the Secretary of War.

W. T. SHERMAN, General.

[3rd indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, Washington, Jan. 7, 1874.

Respectfully submitted to the Secretary of War with the following report:—

The United States military reservation at Rush Lake Valley, Utah Territory, was declared by the President February 4, 1855.

The subject of the abandonment of this reservation was laid before the House of Representatives by the Secretary of War, in letter of March 6, 1869, with recommendation that, as it was no longer required for military purposes, its disposition be authorized by law, upon such terms and in such manner as might be deemed most advantageous to the United States.

By War Department letter of July 29, 1873, the attention of the Secretary of the Interior was invited in this connection to the opinion of the Attorney-General of May 24, 1873, relative to the Fort Reading military reservation, California, from which it appears that the consent of Congress is necessary to the relinquishment and sale of military reservations; and such consent not having been given in this case, he was informed that the custody of the Rush Lake Valley reservation must be retained by the War Department until its sale was authorized by Congress.

E. D. TOWNSEND, Adjutant-General.

## RUSH VALLEY RESERVATION BILL.

In the House of Representatives, JANUARY 26, 1874.

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

Mr. Burrows, on leave, introduced the following BILL:

A BILL TO RESTORE THE RUSH VALLEY MILITARY RESERVATION, IN UTAH TERRITORY, TO THE PUBLIC LANDS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized to transfer to the custody and control of the Secretary of the Interior, to be restored to the public lands, the abandoned military reservation at Rush Lake, in the Territory of Utah, and the Secretary of the Interior shall cause the same to be surveyed and offered for sale in legal subdivisions, at one dollar and twenty-five cents per acre: Provided, That the improvements owned by individuals on the lands hereby restored, before the passage of this act, shall be the sole property of such individuals, who shall have priority of right to purchase not exceeding three hundred and twenty acres of land in adjacent quarter-sections containing and adjoining said improvements; and all of said lands shall be sold and disposed of for cash only, and within the local land office having jurisdiction of the lands hereby restored.

## BY TELEGRAPH.

## To-Day's Dispatches.

## EASTERN.

## \$100,000 Fire.

NEW YORK, 8.—A fire, early this morning, at 37 Broadway, occupied by C. D. Ross, dry goods auctioneer, destroyed the premises, and caused a loss of \$100,000.

\$25,000 Fire—Committed for Murder.

ST. ALBANS, Vt., 8.—Martin & Moore's tannery, at Seaton, Vt., was burned yesterday, losing \$25,000. James Wynn has been committed to Woodstock jail, charged with the murder of William Donohue. Wynn and Donohue were neighbors and farmers.

## FOREIGN.

GREAT BRITAIN. Conservatives Elected.—The famine in India.

LONDON, 8.—Parliamentary returns, announced up to this date, show that seventy-five Conservatives have been elected to seats for the first time by Liberals, and that twenty-eight Liberals have been chosen in place of the Conservatives.

Special to the Times reports that the famine has extended to Nepal.

## MINING STOCKS.

## MORNING BOARD.

San Francisco, Feb. 2.

1240 Ophir, 35; 251; 36; 33; 250 G. C., 23; 23; 23; 23; 123 Savage, 115; 115; 115; 115; 83; 115 B. & E.

345 Overman, 100; 99; 97; 96; 95; 94; 93; 92; 91; 90; 89; 88; 87; 86; 85; 84; 83; 82; 81; 80; 79; 78; 77; 76; 75; 74; 73; 72; 71; 70; 69; 68; 67; 66; 65; 64; 63; 62; 61; 60; 59; 58; 57; 56; 55; 54; 53; 52; 51; 50; 49; 48; 47; 46; 45; 44; 43; 42; 41; 40; 39; 38; 37; 36; 35; 34; 33; 32; 31; 30; 29; 28; 27; 26; 25; 24; 23; 22; 21; 20; 19; 18; 17; 16; 15; 14; 13; 12; 11; 10; 9; 8; 7; 6; 5; 4; 3; 2; 1; 0.

## SALT LAKE CITY AND UTAH TERRITORY.

## A WORK OF THE CHARACTER INDICATED BY THE ABOVE TITLE IS URGENTLY DEMANDED BY PUBLIC NECESSITY.

A twelve-month ago, when the undersigned the public, and they immediately withdrew their advertisement. There being no prospect of publishing a Directory from any other quarter at present, and the importance of Salt Lake with the growing industry of the Territory calling for one, they propose to issue, as early as possible, the first of April, a

## DIRECTORY OF SALT LAKE CITY AND UTAH TERRITORY.

Compiled and arranged by

EDWARD L. SLOAN,

Whose former DIRECTORY of Salt Lake gave so much satisfaction.

The DIRECTORY OF SALT LAKE CITY AND UTAH TERRITORY FOR 1874, will contain

A General Directory of Salt Lake City and Utah Territory, a description of the various Mining Districts, with much interesting and reliable information relative to the leading mines and their development and to the Agricultural, Manufacturing and Industrial resources of the Territory.

An Official Directory of every County and Municipality in Utah.

Canvassers soliciting Subscriptions and Advertisements will call upon business men and others in a few days.

It is respectfully requested that every facility be extended to the canvassers for the general and business directory by furnishing them correct information as to names and residences.

Salt Lake Herald Publishing Co.

## NEW ADVERTISEMENTS.

## SALT LAKE THEATRE!

Salt Lake Theatre Corporation, Proprietors.

CLARK, CARNE & WILLIAMS, Managers.

JAMES H. WILSON, Stage Manager.

## FIRST APPEARANCE

This season of the Favorite Salt Lake Comedian.

MR. P. MARGETTS.

Monday Eve, Feb. 9, 1874.

Will be presented, the Romantic Drama of

## NIGHT OF PERIL

Scenarios by MR. PHIL MARGETTS

Julius, MR. JEAN CLARA WALTER

To conclude with

## FAMILY JARS!

Dolph, MR. P. MARGETTS

Lady Larrigan, MISS J. C. WALTERS

Saturday Afternoon, Feb. 14.

## GRAND MATINEE!!

PRICES OF ADMISSION:

Parquet, Parquet Circle and First Circle, \$1.00

Second Circle, 50c

Third Circle, 25c

Private Boxes, from \$7 to \$15 each

Reserved Seats, 10c additional.

Doors open at 7 o'clock. Performance commences at 8 o'clock.

Box Office open for sale of tickets every morning at 10 o'clock.

## ESTRAY NOTICE.

I HAVE in my possession the following described animals:

One red and white horse, five years old, under saddle in left ear, some white on body, hind legs and tail broken.

One brown HORSE, about seven years old, some white on head, branded with a cross (X) on left hip.

One black and white HORSE, about six years old, branded with a cross (X) on left hip.

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