

THE EVENING NEWS.

Wednesday, Feb. 25, 1873.

JURISDICTION OF PROBATE COURTS, ETC.

Opinion of Hon. Z. Mason, Territorial Attorney-General.

[CONTINUED.]

By reference to the record in the McAllister case, it will be seen that Marshall McAllister was ousted May 11, 1870. The case was taken to the Supreme Court of the Territory, where, in the fall of that year, the judgment was affirmed. Before the argument in the case, and in my case, in which the same principles were involved, it was agreed between the United States Attorney and myself, that both be argued together. Judgment in one to be given, and from that an appeal to be taken to the Supreme Court of the United States. The judgment in the other to abide the result of the appealed case. But when the case was rendered judgment, it did so in both cases. I then sought the papers in the McAllister case, with intent to appeal it, but could not find the files. They have not yet been found. I thereupon went to the District Court, and obtained copies of all I could there find. Reference to this record will be seen that on April 30th, 1872, Marshall McAllister and myself were again recognized as Territorial officers. I was by the District Judge in the District Court. This was informal. The judgment in the Supreme Court of the Territory in that case was reversed, though the principle governing it and upon which the court acted was overruled by the Supreme Court of the United States in the Clinton and Englebrecht case. This left the District Court without a ministerial officer, unless Marshall McAllister was recognized by virtue of this informal reinstatement. The Governor was not authorized to fill the vacancy. No method was found to fill it. It is this which is in the way of obtaining a jury.

From May 11th, 1870, to April 30th, 1872, the United States Marshal acted as the ministerial officer of the court. Since April 30th, 1872, there has not been any Legislative Assembly, so until now it has been impossible to correct this matter. It is a necessary evil that office, or legislative act, to remove the obstacle. It is a matter of no consequence where or how or what the action was that caused the state of affairs. We are in it, we must get out some way, and no branch of the government can help us out but the Governor and Legislative Assembly.

I sought to obtain a Grand Jury in the Third Judicial District, in September, 1872, in March and in September, 1873, but failed, and in with file a petition for removal of the matter at the September term, 1873, which I presume is correct.

"THIRD DISTRICT COURT, McKEAN, C. J., PRESIDING.

"Tuesday, Oct. 30, 1873. "Court met at 10 o'clock a.m. "Some ex parte motions were disposed of, after which the clerk called the names of the grand jurors. Fourteen answered, and as fifteen are required to complete the panel, one of the petit jurors was drawn under the statutes to fill the vacant place.

"Mr. William Cary, U. S. District Attorney for the Territory, submitted the following challenge to the array of the jury: "United States of America, Territory of Utah. "In the District Court of the Third Judicial District of said Territory.

"Now comes William Cary, United States Attorney for said Territory, before the swearing of the persons in the jury box, and challenges the panel of the so-called grand jury summoned to appear at the present term of this court, and now moves to quash the same, and for grounds of motion assigns as follows:

"First.—Because the laws of Utah have not been complied with in many respects in selecting said jurors, as will be seen by the court by reference to an exhibit of the laws, and the returns, certificates and documents accompanying the same.

"Second.—Because they were not summoned by the United States Marshal, and therefore cannot lawfully take cognizance of offenses against the United States.

"Third.—Because now in court were not summoned by any officer, but by John D. T. McAllister, a private citizen, the said McAllister having been ousted from the office of Territorial Marshal by the judgment of this court, rendered May 11th, 1870, the honorable Chief Justice of the said Territory, which judgment was afterwards affirmed by the Superior Court of the Territory, and has never been reversed.

"The challenge was argued briefly by Mr. Cary in support of his motion, and Territorial Attorney General Snow in reply for the people.

"McKean announced that he would render a decision at four o'clock in the afternoon.

"After making some preliminary remarks concerning the challenge to the array of the grand jury, entered in the morning, McKean delivered his decision thereon as follows, which in substance was as follows:

"It had been admitted by the counsel on both sides that two of the persons summoned to serve as jurors were incompetent, for that they were not citizens, having only received their first papers, but before discharging them from the jury, the judge would examine the question very thoroughly, and if they were entitled to become citizens he would probably admit them at once, and then do away with all objection. One of the U. S. District Attorney's objections was that the venire had not been issued thirty days prior to the term of court, but the provision of the statute the judge considered directory, and he would not sustain the challenge on that ground. Another point raised by the attorney was that the appointments of the jurors had not been given in the certificates of the clerks of the counties from which they had been drawn, but that he should also overrule. He was not disposed to decide on any of the points raised in the first cause of the challenge.

(TO BE CONTINUED.)

TO EVERYBODY.

We desire to call the attention of the public to our full and complete stock of Fall and Winter Clothing, consisting of the latest styles and patterns, all of our own manufacture. The immense facilities we have enabled us to sell from 15 to 20 per cent below the market value of this city. The trade will find it to their advantage to call on us at 34 North Main St., Salt Lake City, New York.

P. WILHELM POULSON, M. D., Homoeopathic Physician, Surgeon and Accoucheur.

NEW YORK TRADE.

LOCKWOOD & HANNINGTON, Wholesale Dealers in Looking Glasses, Looking Glass Plates, Mirrors, Both French and German. Also, PIER, MANTEL, and other kinds of FRAMES, to Order.

No. 315 Pearl St., New York. Our Goods are kept by Z. C. M. I. and all its Branch Stores throughout the Territory.

[CONTINUED.]

JAMES WILDE, Jr., & Co., Manufacturers and Jobbers of Men's and Boys' Clothing.

311 and 313 Broadway, New York.

Our Goods are kept by Z. C. M. I. and all its Branch Stores throughout the Territory.

Benedict, Hall & Co., Boots and Shoes.

No. 124 and 126 Grand St., New York.

Our Goods are kept by Z. C. M. I. and all its Branch Stores throughout the Territory.

Spool Cotton, and Milward's Helix Needles.

ARE THE BEST.

WILEY, WICKES & WING, Importers and Dealers in Foreign Fruit.

232 and 234 Washington St., New York.

Our Goods are kept by Z. C. M. I. and all its Branch Stores throughout the Territory.

RUSSELL & ERWIN MANUFACTURING CO., Manufacturers of BUILDERS' HARDWARE.

45 and 47 Chambers St., New York.

Our Goods are kept by Z. C. M. I. and all its Branch Stores throughout the Territory.

LeRoy W. Fairchild & Co., Manufacturers of GOLD PENS, Pen and Pencil Cases.

110 William St., New York.

Our Goods are kept by Z. C. M. I. and all its Branch Stores throughout the Territory.

THE DESBRET NEWS BOOK PRINTERY.

PAPER-RULING.

MANUFACTORY.

Is supplied with the most recent and improved machinery for the execution of the following classes of work:

RECORDS, REGISTERS, RAILROAD, BANK, MINING, LEGAL, COMMERCIAL, CORPORATION, COMPANY, COUNTY AND TERRITORIAL.

Blank Work.

Bound in Cloth or Leather, and the Best Style of Art.

Music, Magazines and Periodicals.

Bound in Cloth or Leather, and the Best Style of Art.

Pamphlets, Reports, By-Laws, Rules, Regulations, Catalogues, Price Lists, Etc., Etc.

Made up on the Shortest Notice.

THE PIONEER.

PAPER-RULING.

In the Rocky Mountains.

Mining Blanks, Pay Rolls, Wa.

Bills, Time Books, Ledgers, Registers and

Every other class of Ruled Blanks used by Mining, Railroad or Commercial Companies.

RULED TO ORDER.

OUR BOOK AND PAMPHLET DEPARTMENT.

Has also large facilities for the execution of this branch of business.

COMMERCIAL REPORTS, RULES AND REGULATIONS, BY-LAWS, CATALOGUES, PRICE LISTS, ETC., ETC.

Estimates given on any class of work required.

WARRANTED DRESS—most approved form, Cut, Cloth, Deeds, Mining Deeds, Townsite Deeds, Leases, Official Bonds, Incorporation Bonds, and other Blanks for sale at the News Office.

WARRANTED DRESS—most approved form, Cut, Cloth, Deeds, Mining Deeds, Townsite Deeds, Leases, Official Bonds, Incorporation Bonds, and other Blanks for sale at the News Office.

WARRANTED DRESS—most approved form, Cut, Cloth, Deeds, Mining Deeds, Townsite Deeds, Leases, Official Bonds, Incorporation Bonds, and other Blanks for sale at the News Office.

WARRANTED DRESS—most approved form, Cut, Cloth, Deeds, Mining Deeds, Townsite Deeds, Leases, Official Bonds, Incorporation Bonds, and other Blanks for sale at the News Office.

WARRANTED DRESS—most approved form, Cut, Cloth, Deeds, Mining Deeds, Townsite Deeds, Leases, Official Bonds, Incorporation Bonds, and other Blanks for sale at the News Office.

WARRANTED DRESS—most approved form, Cut, Cloth, Deeds, Mining Deeds, Townsite Deeds, Leases, Official Bonds, Incorporation Bonds, and other Blanks for sale at the News Office.

WARRANTED DRESS—most approved form, Cut, Cloth, Deeds, Mining Deeds, Townsite Deeds, Leases, Official Bonds, Incorporation Bonds, and other Blanks for sale at the News Office.

WARRANTED DRESS—most approved form, Cut, Cloth, Deeds, Mining Deeds, Townsite Deeds, Leases, Official Bonds, Incorporation Bonds, and other Blanks for sale at the News Office.

WARRANTED DRESS—most approved form, Cut, Cloth, Deeds, Mining Deeds, Townsite Deeds, Leases, Official Bonds, Incorporation Bonds, and other Blanks for sale at the News Office.

WARRANTED DRESS—most approved form, Cut, Cloth, Deeds, Mining Deeds, Townsite Deeds, Leases, Official Bonds, Incorporation Bonds, and other Blanks for sale at the News Office.

WARRANTED DRESS—most approved form, Cut, Cloth, Deeds, Mining Deeds, Townsite Deeds, Leases, Official Bonds, Incorporation Bonds, and other Blanks for sale at the News Office.

WARRANTED DRESS—most approved form, Cut, Cloth, Deeds, Mining Deeds, Townsite Deeds, Leases, Official Bonds, Incorporation Bonds, and other Blanks for sale at the News Office.

WARRANTED DRESS—most approved form, Cut, Cloth, Deeds, Mining Deeds, Townsite Deeds, Leases, Official Bonds, Incorporation Bonds, and other Blanks for sale at the News Office.

WARRANTED DRESS—most approved form, Cut, Cloth, Deeds, Mining Deeds, Townsite Deeds, Leases, Official Bonds, Incorporation Bonds, and other Blanks for sale at the News Office.

WARRANTED DRESS—most approved form, Cut, Cloth, Deeds, Mining Deeds, Townsite Deeds, Leases, Official Bonds, Incorporation Bonds, and other Blanks for sale at the News Office.

WARRANTED DRESS—most approved form, Cut, Cloth, Deeds, Mining Deeds, Townsite Deeds, Leases, Official Bonds, Incorporation Bonds, and other Blanks for sale at the News Office.

WARRANTED DRESS—most approved form, Cut, Cloth, Deeds, Mining Deeds, Townsite Deeds, Leases, Official Bonds, Incorporation Bonds, and other Blanks for sale at the News Office.

WARRANTED DRESS—most approved form, Cut, Cloth, Deeds, Mining Deeds, Townsite Deeds, Leases, Official Bonds, Incorporation Bonds, and other Blanks for sale at the News Office.

WARRANTED DRESS—most approved form, Cut, Cloth, Deeds, Mining Deeds, Townsite Deeds, Leases, Official Bonds, Incorporation Bonds, and other Blanks for sale at the News Office.

WARRANTED DRESS—most approved form, Cut, Cloth, Deeds, Mining Deeds, Townsite Deeds, Leases, Official Bonds, Incorporation Bonds, and other Blanks for sale at the News Office.

WARRANTED DRESS—most approved form, Cut, Cloth, Deeds, Mining Deeds, Townsite Deeds, Leases, Official Bonds, Incorporation Bonds, and other Blanks for sale at the News Office.

WARRANTED DRESS—most approved form, Cut, Cloth, Deeds, Mining Deeds, Townsite Deeds, Leases, Official Bonds, Incorporation Bonds, and other Blanks for sale at the News Office.

WARRANTED DRESS—most approved form, Cut, Cloth, Deeds, Mining Deeds, Townsite Deeds, Leases, Official Bonds, Incorporation Bonds, and other Blanks for sale at the News Office.

UTAH CENTRAL RAILROAD.

Pioneer Line of Utah.

ON AND AFTER JANUARY 1st, 1874.

Daily Trains.

Trains leave Salt Lake City for Ogden, 6:00 a.m. and 6:30 p.m.

Trains leave Ogden for Salt Lake City, 6:15 a.m. and 6:45 p.m.

Trains leave Salt Lake City for Provo, 6:30 a.m. and 7:00 p.m.

Trains leave Provo for Salt Lake City, 6:45 a.m. and 7:15 p.m.

Trains leave Salt Lake City for Panguitch, 7:00 a.m. and 7:30 p.m.

Trains leave Panguitch for Salt Lake City, 7:15 a.m. and 7:45 p.m.

Trains leave Salt Lake City for Hatch, 7:30 a.m. and 8:00 p.m.

Trains leave Hatch for Salt Lake City, 7:45 a.m. and 8:15 p.m.

Trains leave Salt Lake City for Tropic, 7:45 a.m. and 8:15 p.m.

Trains leave Tropic for Salt Lake City, 8:00 a.m. and 8:30 p.m.

Trains leave Salt Lake City for Alton, 8:00 a.m. and 8:30 p.m.

Trains leave Alton for Salt Lake City, 8:15 a.m. and 8:45 p.m.

Trains leave Salt Lake City for Big Water, 8:30 a.m. and 9:00 p.m.

Trains leave Big Water for Salt Lake City, 8:45 a.m. and 9:15 p.m.

Trains leave Salt Lake City for Cannonville, 8:45 a.m. and 9:15 p.m.

Trains leave Cannonville for Salt Lake City, 9:00 a.m. and 9:30 p.m.

Trains leave Salt Lake City for Henrieville, 9:00 a.m. and 9:30 p.m.

Trains leave Henrieville for Salt Lake City, 9:15 a.m. and 9:45 p.m.

Trains leave Salt Lake City for Panguitch, 9:15 a.m. and 9:45 p.m.

Trains leave Panguitch for Salt Lake City, 9:30 a.m. and 10:00 p.m.

Trains leave Salt Lake City for Hatch, 9:30 a.m. and 10:00 p.m.

Trains leave Hatch for Salt Lake City, 9:45 a.m. and 10:15 p.m.

Trains leave Salt Lake City for Tropic, 9:45 a.m. and 10:15 p.m.

Trains leave Tropic for Salt Lake City, 10:00 a.m. and 10:30 p.m.

Trains leave Salt Lake City for Alton, 10:00 a.m. and 10:30 p.m.

Trains leave Alton for Salt Lake City, 10:15 a.m. and 10:45 p.m.

Trains leave Salt Lake City for Big Water, 10:15 a.m. and 10:45 p.m.

Trains leave Big Water for Salt Lake City, 10:30 a.m. and 11:00 p.m.

Trains leave Salt Lake City for Cannonville, 10:30 a.m. and 11:00 p.m.

Trains leave Cannonville for Salt Lake City, 10:45 a.m. and 11:15 p.m.

Trains leave Salt Lake City for Henrieville, 10:45 a.m. and 11:15 p.m.

Trains leave Henrieville for Salt Lake City, 11:00 a.m. and 11:30 p.m.

Trains leave Salt Lake City for Panguitch, 11:00 a.m. and 11:30 p.m.

Trains leave Panguitch for Salt Lake City, 11:15 a.m. and 11:45 p.m.

Trains leave Salt Lake City for Hatch, 11:15 a.m. and 11:45 p.m.

Trains leave Hatch for Salt Lake City, 11:30 a.m. and 12:00 p.m.

Trains leave Salt Lake City for Tropic, 11:30 a.m. and 12:00 p.m.

Trains leave Tropic for Salt Lake City, 11:45 a.m. and 12:15 p.m.

Trains leave Salt Lake City for Alton, 11:45 a.m. and 12:15 p.m.

Trains leave Alton for Salt Lake City, 12:00 p.m. and 12:30 p.m.

Trains leave Salt Lake City for Big Water, 12:00 p.m. and 12:30 p.m.

Trains leave Big Water for Salt Lake City, 12:15 p.m. and 12:45 p.m.

Trains leave Salt Lake City for Cannonville, 12:15 p.m. and 12:45 p.m.

Trains leave Cannonville for Salt Lake City, 12:30 p.m. and 1:00 p.m.

Trains leave Salt Lake City for Henrieville, 12:30 p.m. and 1:00 p.m.

Trains leave Henrieville for Salt Lake City, 12:45 p.m. and 1:15 p.m.

Trains leave Salt Lake City for Panguitch, 12:45 p.m. and 1:15 p.m.

Trains leave Panguitch for Salt Lake City, 1:00 p.m. and 1:30 p.m.

Trains leave Salt Lake City for Hatch, 1:00 p.m. and 1:30 p.m.

Trains leave Hatch for Salt Lake City, 1:15 p.m. and 1:45 p.m.

Trains leave Salt Lake City for Tropic, 1:15 p.m. and 1:45 p.m.

Trains leave Tropic for Salt Lake City, 1:30 p.m. and 2:00 p.m.

Trains leave Salt Lake City for Alton, 1:30 p.m. and 2:00 p.m.

Trains leave Alton for Salt Lake City, 1:45 p.m. and 2:15 p.m.

Trains leave Salt Lake City for Big Water, 1:45 p.m. and 2:15 p.m.

Trains leave Big Water for Salt Lake City, 2:00 p.m. and 2:30 p.m.

Trains leave Salt Lake City for Cannonville, 2:00 p.m. and 2:30 p.m.

Trains leave Cannonville for Salt Lake City, 2:15 p.m. and 2:45 p.m.

Trains leave Salt Lake City for Henrieville, 2:15 p.m. and 2:45 p.m.

Trains leave Henrieville for Salt Lake City, 2:30 p.m. and 3:00 p.m.

Trains leave Salt Lake City for Panguitch, 2:30 p.m. and 3:00 p.m.

Trains leave Panguitch for Salt Lake City, 2:45 p.m. and 3:15 p.m.

Trains leave Salt Lake City for Hatch, 2:45 p.m. and 3:15 p.m.

Trains leave Hatch for Salt Lake City, 3:00 p.m. and 3:30 p.m.

AMES, SHERMAN, & CO., HATS, CAPS, FURS, ROBES, BUCK GOODS, UMBRELLAS.

CHICAGO.

Our Goods are kept by Z. C. M. I. and all its Branch Stores throughout the Territory.

DAMON TEMPLE & CO., Manufacturers of GENTS' NECK WEAR, LINEN & PAPER COLLARS, Cuffs, Jewelry, &c.

Our Goods are kept by Z. C. M. I. and all its Branch Stores throughout the Territory.

CHICAGO.

Our Goods are kept by Z. C. M. I. and all its Branch Stores throughout the Territory.

CHICAGO.

Our Goods are kept by Z. C. M. I. and all its Branch Stores throughout the Territory.

CHICAGO.

Our Goods are kept by Z. C. M. I. and all its Branch Stores throughout the Territory.

CHICAGO.

Our Goods are kept by Z. C. M. I. and all its Branch Stores throughout the Territory.

CHICAGO.

Our Goods are kept by Z. C. M. I. and all its Branch Stores throughout the Territory.

CHICAGO.

Our Goods are kept by Z. C. M. I. and all its Branch Stores throughout the Territory.

CHICAGO.

Our Goods are kept by Z. C. M. I. and all its Branch Stores throughout the Territory.

CHICAGO.

Our Goods are kept by Z. C. M. I. and all its Branch Stores throughout the Territory.

CHICAGO.

Our Goods are kept by Z. C. M. I. and all its Branch Stores throughout the Territory.

CHICAGO.

Our Goods are kept by Z. C. M. I. and all its Branch Stores throughout the Territory.

CHICAGO.

Our Goods are kept by Z. C. M. I. and all its Branch Stores throughout the Territory.

CHICAGO.

Our Goods are kept by Z. C. M. I. and all its Branch Stores throughout the Territory.

CHICAGO.

Our Goods are kept by Z. C. M. I. and all its Branch Stores throughout the Territory.

CHICAGO.

Our Goods are kept by Z. C. M. I. and all its Branch Stores throughout the Territory.

CHICAGO.

Our Goods are kept by Z. C. M. I. and all its Branch Stores throughout the Territory.

CHICAGO.

Our Goods are kept by