

# THE DESERET NEWS.

TRUTH AND LIBERTY.

No. 13.

Salt Lake City, Wednesday, May 1, 1872.

Vol. XXI.

ESTABLISHED 1850.

## THE DESERET NEWS, WEEKLY

One copy one year.....\$5 00  
" six months..... 2 50  
" three months..... 1 25

## THE DESERET NEWS: SEMI-WEEKLY

One copy one year.....\$6 00  
" six months..... 3 00  
" three months..... 1 50

## THE DESERET EVENING NEWS

One copy one year.....\$10 00  
" six months..... 5 50  
" three months..... 2 50

GEORGE Q. CANNON,  
EDITOR AND PUBLISHER.

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## THE LEGAL WAR AGAINST THE MORMONS.

[Special Dispatch to the Journal of Commerce.]

WASHINGTON, April 15.

It has been ascertained that there is no money legally available to pay the expenses of these trials, and it is a question whether the United States Marshal will not have to foot the bills, which amount to \$30,000. W. P. C.

[To the Associate Press.]

WASHINGTON, April 15.

No. 379. *Clinton et al. vs. Englebrecht et al.*—Error to the Supreme Court of the Territory of Utah—This was a civil action for the recovery of a penalty for the destruction of property of the defendants, in error by the plaintiffs, who were officers of the Territory acting under a law thereof. The jury before whom the case was tried, were summoned from the body of the county at the discretion of the Marshal on an open venire directed to him by the Court. The array was challenged on the ground that the jurors had not been drawn by lot in accordance with a law of the Territory. The court below overruled the challenge, and the verdict upon the trial was for the plaintiffs below.

It is here held that the Court below erred in acting upon the theory that the Supreme and District courts of the Territory were courts of the United States, and that they were governed in the selection of jurors by the acts of Congress. The judges of the Supreme Court of the Territory are appointed by the President under the acts of Congress, but this does not make the courts they are authorized to hold courts of the United States. This was decided long ago in the American Insurance Company vs. Carter (1 Peters 546). The jurisdiction which they exercise is not part of the judicial power conferred by the Constitution on the general government. The courts are the legislative courts of the Territory, created in view of the clause which authorized Congress to make all needful rules and regulations respecting the Territories. The organic act authorizes the appointment of an attorney and a marshal for the Territory, who may, properly enough, be called the attorney and marshal of the United States for the Territory; for their duties in the courts have exclusive relation to cases arising under the laws and Constitution of the United States. The Territorial courts, when acting in such cases, are Circuit and District courts of the United States; but the making of the lists, and all matters connected with the designation of jurors, are subject to the regulation of Territorial law. The acts of Congress in respect of the summoning of

jurors do not apply to such a case as this. The challenge to the array should have been allowed. Judgment reversed. The Chief Justice delivered the opinion.—*New York Journal of Commerce*, April 18.

[SPECIAL TO THE DESERET NEWS.]

## By Telegraph.

### GENERAL.

SPRINGFIELD, Mass., 24.—The *Republican* to-morrow morning will contain the following—

CHARLES FRANCIS ADAMS AND THE CINCINNATI CONVENTION.

As arranged many weeks ago, Adams sailed on his return to Europe yesterday, with his wife, in order to be ready for meeting the Geneva Arbitration. Before he left, a gentleman interested in the Cincinnati convention and desiring that he should become its candidate, wrote him inquiring as to his views of the movement which it represented, and suggesting that there should be some one in attendance who could speak for him, in answer to which there came the following, with no restrictions as to publicity—

Boston, April 18. b, 1872.

My Dear Mr. Wells:

I have received your letter and will answer it promptly. I do not want nomination and could only be induced to consider it by the circumstances under which it might possibly be made. If the call on me were an unequivocal one, based on confidence in my character, earned in public life, and a belief that I would carry out in practice the principles which I professed, then indeed would come a test of my courage in an emergency, but if I am to be negotiated for and have assurances given that I am honest, you will be so kind as to draw me out of that crowd. With regard to what I understand to be a declaration of principles which has been made, it would be ridiculous in me to stand haggling over them. With a single exception of ambiguity, I see nothing which any honest Republican or Democrat would not accept. Indeed, I should wonder at any one who denied them. The difficulty is not in professions, it lies everywhere, only in the manner in which they are carried into practice. If I have succeeded in making myself understood you will perceive that I can give no authority to any one to act or to speak for me in the premises. I never had a moment's belief that when it came to the point any one so entirely isolated as I am from all political associations of any kind, could be made acceptable as a candidate for public office. I am so untucky as to value that independence more highly than elevation which is brought by sacrifice of it. This is not inconsistent with a sense of gratification at the very flattering estimates made of my services, in many and high quarters; but I cannot consent to peddle with them for power. If the good people who meet at Cincinnati really believe that they need such an anomalous being as I am, which I do not, they must express it in a manner to convince me of it, or all their labor will be thrown away. I am, with great respect, yours, etc.,

CHAS. FRANCIS ADAMS.

DAVID A. WELLS, Esq.,  
Norwich, Conn.

NEW YORK.—The chair in which John Adams sat when he signed the Declaration of Independence will be sent to Cincinnati for the use of the presiding officer of the Liberal Convention.

WASHINGTON, 24.—The President has nominated Elisha P. Terry, Governor of Washington Territory.

The President has signed the bill to create the Linkton Land district in Oregon.

BALTIMORE, 24.—In the circuit court at Annapolis yesterday, the case of Mrs. Wharton, charged with attempting the poisoning of Van Ness, was continued. Prisoner's counsel states that she was too ill to undergo the excitement of a new trial at present and it probably will be postponed till Oct.

HOLDEN, Mo., 24.—A mob of 75 or 100

armed men, some masked, stopped the eastward bound train on the Missouri and Kansas and Texas railway at Gunn City, Cass Co., this p.m., and murdered S. R. Cline, J. C. Stevenson, and S. F. Dutro. Stevenson was a member of the County Court and presiding Judge when the recent bond excitement was raised. Cline was the attorney implicated. Dutro was killed simply because he was in the company of the others. The mob threatened to kill any who thereafter identified them in court or elsewhere, and said they had just commenced their work of murder.

NEW YORK, 24.—The first of the new crop of India rice arrived yesterday, an unusually early arrival. It came via the Suez Canal, which saves nearly three months' time in transit.

CHICAGO.—The *Tribune's* Washington special says there are intimations that an effort is being made to secure the removal of Attorney General Williams, or at least there are some powerful influences at work in that direction. The same special has the following—

Attorney General Williams is considerably annoyed at the statements continually being made to the effect that he is going to Oregon for the purpose of looking after the senatorial election there in his interest. While he will go to Oregon to aid the securing of a Republican successor to Corbett, whose term expires this session, he purposes remaining in the cabinet and will not be a candidate for the Senate until Kelly's term expires.

NEW YORK.—The *World* yesterday came out in a leader, warmly endorsing the proposition to nominate Adams and declaring the belief that he would secure the entire Democratic vote. The gathering at Cincinnati has already commenced and all the hotels and many boarding houses are already engaged to their full capacity. The press of the country is already represented and by the end of this week many State delegations will be on the ground. One thousand Missouri politicians are announced to leave St. Louis on Monday and the delegation from that State, which will be the most numerous of any, have secured the entire St. James Hotel for their accommodation. The friends of the Administration are confident that there is a growing diversity of opinion among the supporters of the Cincinnati movement.

NEW YORK, 25.—A Washington special says Secretary Fish is willing to agree to the withdrawal of indirect claims if the principle of international law be accepted by both nations and made part of the treaty of Washington that no neutral shall be liable for consequential or indirect damage for injuries inflicted on the commerce of friendly powers at war with each other. It is doubtful however whether the President would consent to this view.

Sir Edward Thornton is expected to return to Washington to-day. The Secretary of State has especially requested him to return to confer upon an important matter, which is believed to be a proposition like the above. The subject has been informally broached to Sir Edward, who expressed his hearty acquiescence and said he had no doubt the British government would consent. A dispatch has been sent to Earl Granville. If a reply be received tomorrow, the whole question will be submitted to the cabinet. It now seems possible that the matter will be settled at an early day on a very satisfactory basis.

The *Times* publishes correspondence from St. Pierre, New Foundland, dated April 15th, giving intelligence of Hall's Arctic explorations up to the first of March. The *Polaris* had been compelled to return to Greenland in consequence of springing a leak, caused by collision with an iceberg about the middle of February. It required all the exertions of the crew and officers and all the members of the scientific party to keep the *Polaris* afloat. The health of all on board had been good.

SAN FRANCISCO, 24.—The decision of Judge McKinsley, in the Second street cut matter, is a sweeping one. It declares that the act of the legislature under which the property holders were ruined, is wholly unconstitutional, the assessment illegal, the claims for damages invalid, and the demands of the

contractor utterly worthless and uncollectable in any manner.

The American association for the advancement of science has definitely accepted the California academy of science, and will hold their annual meeting here in August next. Professors Tyndall and Hooker and a number of noted English savants will meet with the association.

We are notified by the Atlantic Cable Company that on and after May 1st, 1872, the ten word minimum on messages between the Western Union offices and Great Britain and Ireland will be abolished, and that messages of more or less than ten words may be taken, the tariff on which will be computed by multiplying the words by one tenth of the present rate for ten words. This does not apply to business destined for points beyond London. Our present rate to Great Britain and Ireland for 10 words is \$13. Taking the new regulation and computing the rate at \$1.30 per word, be the number of words more or less, for instance, a four word message would cost \$5.20, five words \$6.50. (Signed) JAS. GAMBLE, Gen'l. Superintendent.

LOS ANGELES, 23.—Extensive beds of peat, equal to the best eastern, have been discovered in the low lands along the line of the Los Angeles and San Pedro railroad, commencing at a point about ten miles below the city and extending to the sea.

LOS ANGELES, 24.—There was a shock of earthquake last night in this city and another in San Juan.

## FOREIGN.

PARIS, 24.—It is alleged that the trial of the murderers of the hostages in the prison of La Roquette during the Commune is ended. A woman named Gayart, the principal actor in the tragedy, has been sentenced to death, and 30 of her associates to imprisonment for various terms.

Evening.—It is believed here that the impending struggle with the government of Spain has begun. It is estimated that 10,000 insurgents are now in the field. Don Carlos' wife accompanies him. The recent appearance of Alphonso at Marseilles was the result of pre-arrangement by the Carlists to divert attention from Carlos.

The French government has placed a cordon of troops along the frontier, to arrest any Spanish refugees found on French soil.

The members of the Japanese Embassy, who recently came to Europe from the United States, are at Lyons.

LONDON.—The remains of Earl Mayo arrived at Kingstown, Ireland, on the Government steam yacht *Enchantress*. At the funeral to-day the Marquis of Lorne represents the Queen.

Count Von Arnim has arrived in the city. It is reported that he is instructed by his government to assure Thiers that the recent alarming reports in regard to the relations of France and Germany were groundless.

LONDON, 24.—At Epsom to-day the Metropolitan Stakes Handicap was won by M. Le Fevre's Dutch Skater, bred in France; Kingcraft second; St. Aubuque third. Ten started.

In the Commons to-day Fawcett asked Gladstone whether the government would regard an affirmative vote on the amendment of the Marquis of Harrington to the Dublin University bill as one of confidence in the government, also whether the government would fix a specific time for the consideration of the Dublin University bill. To both inquiries Gladstone replied no further than to state that it was the intention of the government to have the public business transacted by the house before it proceeded to the consideration of Fawcett's bill.

A thunder storm of unusual violence passed over the midland counties this morning, doing great damage. Houses were unroofed, churches injured, and some lives are reported lost.

In Salt Lake City, April 25th, of consumption and heart disease, AMELIA OWEN, wife of Edward Morris, late of Faversham, Kent, Eng. Born Jan. 28, 1813. Baptized in Jan., 1860. Emigrated to this city in the fall of 1871. She lived and died a faithful Latter-day Saint.