

all actions at law in which the sum or value of the thing in controversy shall be three hundred dollars or upward, and in all controversies where the title, possession, or boundaries of land, or mines or mining-claims shall be in dispute, whatever their value, except in actions for forcible entry, or forcible and unlawful detainer; and they shall have jurisdiction in suits for divorce. Probate courts, in their respective counties, shall have jurisdiction in the settlement of the estates of decedents, and in matters of guardianship and other like matters; but otherwise they shall have no civil, chancery, or criminal jurisdiction whatever; they shall have jurisdiction of suits of divorce for statutory causes concurrently with the district courts; but any defendant in a suit for divorce commenced in a probate court shall be entitled, after appearance and before plea or answer, to have said suit removed to the district court having jurisdiction, when said suit shall proceed in like manner as if originally commenced in said district court. Nothing in this act shall be construed to impair the authority of the Probate Courts to enter land in transfer for the use and benefit of the occupants of towns in the various counties of the Territory of Utah according to the provisions of "an Act for the relief of the inhabitants of cities and towns upon public lands," approved March 2, 1867, and "an Act to amend an act entitled 'an Act for the relief of the inhabitants of cities and towns upon the public lands,'" approved June 8, 1868; or to discharge the duties assigned to the Probate Judges by an act of the Legislative Assembly of the Territory of Utah entitled "an Act prescribing rules and regulations for the execution of the trust arising under an act of Congress entitled 'an Act for the relief of the inhabitants of cities and towns upon the public lands.'" All judgments and decrees heretofore rendered by the probate courts which have been executed, and the time to appeal from which has by the existing laws of said Territory expired, are hereby validated and confirmed. The jurisdiction heretofore conferred upon justices of the peace by the organic act of said Territory is extended to all cases where the debt or sum claimed shall be less than three hundred dollars. From all final judgments of justices of the peace an appeal shall be allowed to the district courts of their respective districts, in the same manner as is now provided by the laws of said Territory for appeals to the probate courts; and from the judgments of the probate courts an appeal shall lie to the district court of the district embracing the county in which such probate court is held in such cases and in such manner as the supreme court of said Territory may, by general rules framed for that purpose, specify and designate, and such appeal shall vacate the judgment appealed from, and the case shall be tried de novo in the appellate court. Appeals may be taken from both justices and probate courts to the district court of their respective districts in cases where judgments have been heretofore rendered and remain unexecuted; but this provision shall not enlarge the time for taking an appeal beyond the periods now allowed by the existing laws of said Territory for taking appeals. A writ of error from the supreme court of the United States to the supreme court of the Territory shall lie in criminal cases, where the accused shall have been sentenced to capital punishment, or convicted of bigamy or polygamy. Whenever the condition of the business in the district court of any district is such that the judge of the district is unable to do the same, he may request the judge of either of the other districts to assist him, and, upon such request made, the judge so requested may hold the whole or part of any term, or any branch thereof, and his acts as such judge shall be of equal force as if he were duly assigned to hold the courts in such district.

Sec. 4. That within sixty days after the passage of this act, and in the month of January annually thereafter, the clerk of the district court in each judicial district, and the judge of probate of the county in which the district court is next to be held, shall prepare a jury-list from which grand and petit jurors shall be drawn, to serve in the district courts of such district, until a new list shall be made as herein provided. Said clerk and probate judge shall alternately select the name of a male citizen of the United States who has resided in the district for the period of six months next preceding, and who can read and write in the English language; and, as selected,

the name and residence of each shall be entered upon the list, until the same shall contain two hundred names, when the same shall be duly certified by such clerk and probate judge; and the same shall be filed in the office of the clerk of such district court, and a duplicate copy shall be made and certified by such officers, and filed in the office of said probate judge. Whenever a grand or petit jury is to be drawn to serve at any term of a district court, the judge of such district shall give public notice of the time and place of the drawing of such jury, which shall be at least twelve days before the commencement of such term; and on the day and at the place thus fixed, the judge of such district shall hold an open session of his court, and shall preside at the drawing of such jury, and the clerk of such court shall write the name of each person on the jury-lists returned and filed in his office upon a separate slip of paper, as nearly as practicable of the same size and form, and all such slips shall, by the clerk in open court, be placed in a covered box, and thoroughly mixed and mingled; and thereupon the United States marshal, or his deputy, shall proceed to fairly draw by lot from said box such number of names as may have previously been directed by said judge; and if both a grand and petit jury are to be drawn, the grand jury shall be drawn first; and when the drawing shall have been concluded, the clerk of the district court shall issue a venire to the marshal or his deputy, directing him to summon the persons so drawn, and the same shall be duly served on each of the persons so drawn at least seven days before the commencement of the term at which they are to serve; and the jurors so drawn and summoned shall constitute the regular grand and petit juries for the term for all cases. And the names thus drawn from the box by the clerk shall not be returned to or again placed in said box until a new jury-list shall be made. If during any term of the district court any additional grand or petit jurors shall be necessary, the same shall be drawn from said box by the United States marshal in open court; but if the attendance of those drawn cannot be obtained in a reasonable time, other names may be drawn in the same manner. Each party, whether in civil or criminal cases, shall be allowed three peremptory challenges, except in capital cases, where the prosecution and the defence shall each be allowed fifteen challenges. In criminal cases, the court, and not the jury, shall pronounce the punishment under the limitation prescribed by law. The grand jury must enquire into the case of every person imprisoned within the district on a criminal charge and not indicted; into the condition and management of the public prisons within the district; and into the wilful and corrupt misconduct in office of public officers of every description within the district; and they are also entitled to free access, at all reasonable times, to the public prisons, and to the examination, without charge, of all public records within the district.

Sec. 5. That there shall be appointed by the governor of said Territory one or more notaries public for each organized county, whose term of office shall be two years and until their successors shall be appointed and qualified. The act of the legislative assembly of the Territory of Utah entitled "An act concerning notaries public," approved January seventeenth, eighteen hundred and sixty-six, is hereby approved except the first section thereof, which is hereby disapproved; *Provided*, That wherever, in said act, the words "probate judge," or "clerk of the probate court" are used; the words "secretary of the Territory" shall be substituted.

Sec. 6. That the supreme court of said Territory is hereby authorized to appoint commissioners of said court, who shall have and exercise all the duties of commissioners of the circuit courts of the United States, and to take acknowledgements of bail; and, in addition, they shall have the same authority as examining and committing magistrates in all cases arising under the laws of said Territory as is now possessed by justices of the peace in said Territory.

Sec. 7. That the act of the territorial legislature of the Territory of Utah entitled "An act in relation to marshals and attorneys," approved March third, eighteen hundred and fifty-two, and all laws of said Territory inconsistent with the provisions of this act, are hereby disapproved. The act of the Congress of the United States entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February twenty-sixth, eighteen hundred and fifty-three, is extended over and shall apply to the fees of like officers in said Territory of Utah. But the district attorney shall not, by fees and salary together, receive more than thirty-five hundred dollars per year; and all fees or moneys received by him above said amount shall be paid into the Treasury of the United States.

LOCAL AND OTHER MATTERS.

FROM THURSDAY'S DAILY, JULY 2.

Called.—Oscar F. Lyon, Esq., one of the editors and proprietors of the *Provo Times*, called to-day, being in this city for a day or two, in furtherance of the interests of his paper.

Hot Season.—Weather prophets state that the next ten days will be the hottest ever experienced in this part of the world, according to the memory of that venerable personage, "the oldest inhabitant."

Information Wanted of the whereabouts of George Wright, or

wife, who emigrated to Utah, from Leicester, about 20 years ago. Address, Mr. Wollerton, Tinman, High Street, Leicester, England.—*Millennial Star*, June 9.

From Pioche.—Mr. Nesbitt, of Pioche, called to-day, accompanied by Col. Peter Saxe. We understand Mr. N. was one of the principal projectors as well as engineer of the Pioche and Bullionville Railroad.

The Coal Question.—The feeling of the public against the Union Pacific Railroad Company, for so suddenly and unwarrantably raising the tariff on coal freight from Echo to Ogden, continues unabated.

For the Colorado.—To day an esteemed friend of ours, James Cronan, starts on a trip to El Dorado Canyon, on the Colorado river, in company with another old friend, Dr. Willard, formerly of White Pine and Austin. Mr. Cronan will make an examination of the mining region on the lower Colorado.—*Pioche Record*, June 27.

The Comet.—A large number of citizens were out comet gazing again last night. What is supposed to be the luminous body was seen last night, about nine o'clock, a short distance west of north and a short distance above the horizon, or not far, apparently, from the lower portion of what is called the "dipper." The tail points upwards, inclining a little to the east, and apparently about a yard long.

Fire-Cracker Nuisance.—We are requested to warn boys of all ages against shooting off fire-crackers, pistols, guns or any kind of fireworks or fire-arms within the city limits during this Fourth of July time, as the police intend arresting those who thus commit breaches of the ordinance in relation to such matters. It is necessary for the quiet, good order and safety of the city that the fire-cracker nuisance should be stopped.

The British Mission.—Elder Henry Leigh, writing of the Liverpool Conference, June 3, as published in the *Millennial Star*, says that the Conference numbered about 315 members; that the baptisms during the year almost equalled the number of Saints who had emigrated in the same time; that a few more, he expected, would shortly be baptized; and that the prospects for emigration during the present season were very encouraging, as upwards of forty persons anticipated leaving England for Utah.

Caution.—In these hot days, when the thermometer approaches a hundred in the shade, people should avoid as much as possible exposing themselves to the sun's rays, especially persons who are inclined to be sickly. We have heard of one case of sunstroke, said to have occurred yesterday. Parents should see that their little ones are kept as much as possible in the shade, as sickness has, we understand, been superinduced lately in several instances by exposure of children to the heat.

A Veteran Gone.—By a dispatch, by Deseret Telegraph Line, from Logan, we learn that Father Kington, whose name was associated with the ministry of Elder W. Woodruff in the early days of the Church in England, died at Wells-ville yesterday, and was buried to-day.

Father Kington was an honest man and a faithful Latter-day Saint. At the time he was baptized, in Herefordshire, by Elder Woodruff, he was a local sectarian preacher, and nearly his entire flock joined the Church at the same time he did.

The Street Supervisorship.—Mr. William Hyde has been appointed temporarily to fill the position of supervisor of streets for the City, and commenced operations this morning, with a gang of prison hands. He has begun some alterations and improvements in the prison yard, from which some small out-buildings are being removed and a large cesspool, which is to be completely covered with earth, is being dug. Conducting pipes will be laid from the City Hall to that place for the purpose of conveying the refuse water from the building. Other beneficial and necessary changes will be made in the vicinity of the City Hall.

Pole-land.—This is the sort of weather that breeds North Pole expeditions. If there is anything under the sun that would lead a man to wander off among the ice-

bergs in pursuit of Sir John Franklin, it is the present painfully elevated state of the thermometer. The bare thought of sitting sipping ice cream on the summit of one of those floating icebergs with one's summer clothes on is a luxury. It must be an ice place to spend the summer months "summers" up there. Who will not start a cheap excursion? What would not the Pole itself accomplish in lowering the temperature when even *Pole-land's* Bill has had such a cooling effect!

Meetings at Alpine City.—R. T. Booth sends a report of two days' meetings at Alpine City, Utah County, June 20 and 21. Present on the occasion, Bishop A. O. Smoot, President of the Stake, Bishops L. E. Harrington, T. J. McCullough, W. Bringham, David Evans, and John B. Own, and a large number of presiding Elders from various parts of the county.

The new and commodious meeting house was much too small to contain the people who assembled. The congregations were addressed by the above named and other Elders upon the subject of unity. The people expressed themselves as highly pleased with the instructions given. The choirs of the different settlements, conjointly, ably executed a number of beautiful pieces of music during the meetings.

Delegate Cannon.—Delegate George Q. Cannon returned quietly to this City last evening, having faithfully served his constituents through a session of Congress when their liberties were determinedly assailed and threatened. He has been most successful in combating the efforts of the enemies of the people he represented to place the lives, liberties and most sacred rights of an overwhelming majority into the hands of a bigoted, malignant and unscrupulous minority. True, the serpent was born, but so emasculated of its venomous fangs as to cause as much disappointment to the enemies of the Territory as if no measure inimical to the "Mormon" population had been passed at all. In fact, we have no idea that the Poland bill will, in the end, prove other than advantageous to those against whose best interests it was originally and directly aimed.

In conjunction with the many thousands of his constituents we congratulate Delegate Cannon on the success that has thus far crowned his congressional labors, and bid him a hearty welcome home. He returns in good health and spirits. On learning that he would reach here last evening, Presidents Brigham Young and George A. Smith and a number of other gentlemen took train to Ogden, met him there, and escorted him to this City.

The Mulberry.—The mulberry, besides being useful for feeding silkworms, has a fine appearance and makes an excellent shade tree. Those who have planted them out in front of their lots are now in tribulation, however, the cause of which being that mischievous and saucy boys, and girls too, climb upon them to get the berries. In doing so they break down the branches, mutilate and otherwise disfigure and even destroy the trees. Sometimes, instead of climbing, those youngsters throw large rocks into the trees to bring the berries down, peeling the bark, and making themselves generally obnoxious. This practice is being carried on to such an extent that the owners of trees of this kind, planted outside their lots, are getting a little discouraged.

The culture of silk is bound to become one of the most important among the manufactures of Utah, and the demand for fodder for the worms will increase with its growth, and it is therefore of some moment that the trees already growing should be protected. It appears that the only feasible way to accomplish this would be to make examples of some of those destructive youths.

A friend at our elbow, who has some of these shade trees in front of his lot, says his family have been so much annoyed and insulted by mischievous urchins who go for the mulberries, that he has almost come to the conclusion to cut his trees down, and plant others less attractive to youngsters.

FROM FRIDAY'S DAILY, JULY 3.

Hotter.—The weather gets hotter every day, and the tail of the comet gets longer.

Protection.—A fresh cabbage leaf placed inside the crown of the hat, is an excellent protection for the head against the fierce rays of old Sol, who is making his influence powerfully felt now-a-days. If a leaf is not enough, take a whole cabbage.

Religious Edifice.—A new Presbyterian church is in course of erection, on Second East Street. The building will be frame, with rock foundation, and of goodly proportions. The skeleton or framework of the edifice is nearly completed.

Unfounded.—The report that the son of Mr. James A. Little had been shot at Bingham the other day, appears to be without foundation, as no word has yet been received here from that place, that would indicate in any way its correctness.

Emigrants.—The *Nevada* company of emigrants, under the presidency of Elder Joseph Birch, arrived in this City last evening, all well, after a pleasant and prosperous passage across the Atlantic and overland.

Alta.—Deputy Sheriff Florida, of Alta, was in town yesterday. He says the difference between the temperature of that place and this is quite remarkable. There stout woolen clothing can be worn with comfort; here but little is required beyond a shirt collar and a pair of garters.

Obstruction.—Comet gazers were annoyed last night by intervening clouds. Astronomers state that the luminous body, head and tail, will be seen the most clearly on the 3d of August.

Soothsayers and astrologers predict a train of human ills to follow in the wake of the comet.

Beecher's Shearman.—It is Shearman, clerk of Plymouth Church, who has the honor of charging the scandal against Mr. Henry Ward Beecher to the vagaries of Mrs. Theodore Tilton, who is said to have "mediumistic fits." But, then, Tilton compelled him to retract the slander in the presence of Mr. Beecher himself, if Mr. Tilton may be believed.—*Omaha Herald*.

An Eight Dollar Hog.—Two men, says a Portland, Or., paper, were on trial two days for "capturing a hog worth about \$8." It required twenty-four jurymen, twenty-seven witnesses, eight lawyers, two bailiffs, clerk, judge and other officers of the court to find the defendants "Not guilty." The eight-dollar hog has cost somebody \$1,000.

Codling Moth Again.—The following, from Josephine Ursenbach, was handed in this morning—

"If the owners of orchards will put rags around their fruit trees, they may save yet the apples that are not injured by the codling moth. Now is the time to destroy the worms which nest in the rags. I have caught a great many of them in this manner. The rags should be examined and the moths destroyed about every alternate day."

The Fourth.—To-morrow is the anniversary of Independence Day of the United States. There will be no special public demonstration or celebration, but, so far as we can learn, it is the intention of all classes of citizens to cease from labor and commemorate the great occasion by taking a holiday. Excursions and picnic parties are the order of the day, so that Salt Lake will be deserted for a few hours by a large portion of her inhabitants.

Pickles.—Since Mr. Shipp has taken the initiatory in the matter of the canning of fruit and vegetables, who will now make a start in the manufacture of pickles? Most of the imported pickles are deleterious to health, being mixed with poisonous substances to cause them to retain a bright green color and make them inviting to the eye. Nothing like a pure, genuine article, independent of the color. Let us have home-made pickles, by all means.

Board of Examination.—In accordance with a provision in the Territorial school law, O. H. Riggs, Territorial School Superintendent, Dr. Park, principal of the Deseret University, and Dr. H. I. Doremus, have been appointed, by the County Court, a Board of Examination to test the qualifications of school teachers in Salt Lake County. This is good for the cause of education, for it is safe to presume that none but competent persons will hereafter be able to obtain a position as schoolmaster in this county.