

LOCAL AND OTHER MATTERS.

FROM THURSDAY'S DAILY, SEPT. 10.

Theatre.—There was a brilliant audience and a brilliant performance at the Theatre last night. The comedy of the "Eton Boy" was presented by Messrs. Chaplin and Margetts and Miss Walters and the company in excellent style, drawing large applause from the audience.

The piece of the evening, however, was the "Belles of the Kitchen" by the clever and versatile Vokes family. The play, though only a trifle, was admirably presented, the business being kept up with exceeding briskness and liveliness, and without any such thing as flagging. Songs and dance, opera and ballet, tragedy, comedy and burlesque are here all intermingled in inexplicable fashion, and everything is done with that promptness, fitness, neatness, and vivacious vim which thorough culture and perfect training alone insure. It was something revelatory only to sit and hear the spontaneous and irrepressible bursts and roars of laughter all over the house, even to such solemn and dreadfully utilitarian souls as have no humor in their composition, and who therefore can not for the world see what other people have to laugh at.

To our mind the "Belles of the Kitchen" was played in a still better style than on its first presentation here some weeks ago.

The performance of the Vokes' is something different to any other; it is *sui generis*. It is like French cookery—it is difficult to describe, and there is nothing of it substantially, yet the various dishes are among the most delicious things you ever tasted.

Naturalization.—Yesterday several applicants for naturalization appeared before Judge McKean, among whom was S. Sanders, a native of Norway, with whose religious convictions his honor was highly displeased, and after scolding him concerning them, in a very vinegary way, the Judge gave the following ruling:

"TERRITORY OF UTAH, }
Third District Court. }

"Adjourned March term, September 8, 1874.

"EX PARTE SANDRA SANDERS.

"McKEAN, CH. J. The petitioner, a native of Norway, applied to be admitted to citizenship. The Constitution (Art. 6, Sec. 2) provides that 'This Constitution, and the laws of the United States, which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.' The statute requires that it shall appear 'to the satisfaction of the Court,' that the applicant for citizenship has behaved as a man of good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same.' (2 Stat. at Large, 153-4.) In this Territory, therefore, where disobedience to federal authority is taught as a so-called religious duty, this Court deems it an imperative duty to subject applicants for naturalization to a more rigid examination than would be necessary under other circumstances. The petitioner, Sanders, was therefore interrogated touching his obedience to the law against polygamy, and with a manner bordering on insolence he replied—'I don't know any constitutional law against polygamy.' Here is an alien who comes from a country where polygamists are summarily and severely punished; who asks for the high privilege of American citizenship, and has the effrontery to deny, in the same breath, the constitutionality of one of the fundamental laws of all Christian civilization. He should be but too happy to be permitted to go at large in this country. His petition is rejected."

Correspondence.

The Tooele Mass.—A Tight Time.

TOOELE, Sept. 8, 1874.

Editor Deseret News:

The "Liberals" met in the Court house yesterday. When Judge Rowberry opened court the Liberals declared that they would have the seal and records or gut Tooele;

that was their watchword. There were some thirty men on the "Liberal" side, armed to the teeth, General Maxwell in command. We should probably have tried to defend ourselves. The General deserves credit for the policy he adopted, as he expressed himself to Judge Rowberry after court was adjourned. The General said, "Judge, I expected you and me to have been in another world by this time, as my men intended to pick you the first, and I know that I was the target for your men."

With men armed to the teeth, expecting some would die, the suspense was horrible.

The records and seal were not delivered over, and Tooele is not gutted, thanks to the Lord averting the conflict, for it seemed beyond human prevention.

Some lying scoundrel sent to Salt Lake City that threats had been made, and we were on the eve of a riot. I expect arrests to be made, but we want them done legally, not by mob force.

L. Brown, the would-be judge, left yesterday at half-past one, for the City.

General Maxwell lost his pistol in court yesterday, but it was returned to him. He lost it again, but as yet it has not been returned. There are sharpers here as well as in Salt Lake City. All is quiet as ever.

R.

The Tooele Court Proceedings.

TOOELE CITY, Sept. 8, 1874.

Editor Deseret News:

Yesterday being regular County Court day, the "Liberal" (prospective) Probate Judge having said he "would hold court or gut the town," as a natural consequence, everybody was on the *qui vive* to know how the matter would terminate. At 10 a.m. the would-be Judge Brown requested an interview with Judge Rowberry at the County Clerk's office, which, of course, Judge Rowberry agreed to. No persons were permitted to be present but Judge Rowberry, the County Clerk (R. Warburton), and the County Coroner (John Gillespie), on one side, and (prospective) Judge Brown, his clerk (bogus appointment) M. J. Chamberlin, and the irrepressible Gen. Maxwell on the other. During this interview Brown made a demand on Judge Rowberry for the office of Probate Judge, also the books, papers, &c., belonging to the Probate and County Courts. Judge Rowberry quietly but positively declined to deliver the same, giving for his reasons that a contest had commenced, the illegality of the election, &c. This select audience was enlivened from time to time by Brown's soul-cheering laughs, which must be heard to be appreciated. After Judge Rowberry had given his reasons, Gen. Max. chipped in and informed Judge R. that if he attempted to hold court, he (Max.) would be under the necessity of placing him under arrest. The Judge told him that he did not think it any of his (Max.)'s business. Max. then said, "Judge Rowberry, what would you do were you in my place?" The Judge answered, "Attend to my own business, and let others do the same."

At 11.20 the Court House door was opened by the Sheriff; the house was soon crowded by persons from all parts of the county, and a sprinkling from Salt Lake, conspicuous amongst whom were U. S. Marshal Maxwell, and two well known deputies, and how many unknown deputies there was no means of knowing, as I understand they are sworn in freely, and not of the choicest material.

Judge Rowberry called the Court to order. Roll was called; present, Judge Rowberry; selectmen, G. W. Bryan, George Atkin and Cyrus W. Bates; Sheriff W. H. Lee; R. Warburton, county clerk.

At this stage of the game, Brown rose and said he claimed to be a member of the Board and wanted his claim recognized. Judge Rowberry said, "In what way—as a select man?" Brown answered, "No; I claim a seat as Probate Judge of Tooele County." Votes were called and Mr. Brown was ruled out. At this time the imaginary Recorder came in sight, and threw on the Clerk's desk some papers which proved to be his official bond. On being asked if he had any other proofs of being Recorder, he produced a flimsy commission from the Ex-Governor of Oregon. Pending the approval of said bonds, Court adjourned until 2 p.m.

During adjournment Brown begged a ride with some travelers and took his way to your city to consult the habeas corpus chief and his legal lore in relation to the refractory judge of the "Republic of Tooele."

At 2.30 p.m. Court resumed its session; County Recorder R. Warburton produced his bonds as Recorder of Tooele County; the Court ordered that the case of Enoch F. Martin, claimant, and R. Warburton, contestant, be set for hearing on Monday, the 21st day of September, 1874, before the County Court.

There being no further business, the Court adjourned until September 21st at 10 a.m.

Every thing passed off quietly, the only person that was disarmed was the "General," his revolver slipping from his pocket and falling to the floor. Fortunately it did not discharge, and no one was hurt. The pistol was picked up by a person standing near and returned to the disarmed and harmless Marshal.

TOOELE.

BY TELEGRAPH.

AMERICAN.

NEW YORK, 8.—The market reports from Europe have not been received in consequence of the interruption of telegraphic communication, the French cable being interrupted between Duxbury and St. Pierre, and the lines in Newfoundland broken east of North Sydney.

A Panama letter, received to-day, contains a brief account of an attack by the Brazilian troops on the religious fanatics under the lead of Maurer; the troops numbered 400, and in the fight, which lasted two hours, they lost forty men, when the survivors fled, abandoning their artillery, which could not be used.

London papers, received to-day, contain a letter from the Marquis de Sefraga, *charge d'affaires* of the Carlists, regarding the shooting of some Republican prisoners in Olot. He says the Republican soldiers had previously shot and bayoneted Carlists wounded and dying in the hospitals at Olot. No one regrets the sanguinary character that the war is assuming more than his majesty Don Carlos, but when the enemy will not respect the ordinary usages of civilized warfare, there are no means left for the royalist generals to employ but retaliation.

ST. LOUIS, 8.—The Republican State Central committee met here to-day, and after declaring that the republican party stands pledged to support any movement in this State looking to peace, prosperity, and good government for all, and as many independent democrats and many republicans have already united to put a non-partisan State ticket in the field, without interference with national or local questions, adopted a resolution calling a State convention, Sept. 23rd, at Jefferson city, to re-affirm the principles of the party and perpetuate its organization, and recommend to the republicans of the State that no State nominations shall be made, but leave the party free to support such a ticket as shall in their judgment best secure economy and good government for Missouri.

EGG HARBOR, N. J., 8.—The fire in the pine woods still rages, and has spread considerably since yesterday. At Elwood the flames have crossed the Atlantic Railroad and threaten the Atlantic cranberry meadow.

BUFFALO, 8.—At the running races to-day, "Katie Pease" won the third race, for all ages, in 1.42 3/4.

COLUMBIA, S. C., 8.—The Republican State Convention met here to-day. Postmaster McWider was elected temporary chairman, defeating Congressman Elliott. This is regarded as a break of the Chamberlain-Patterson-Elliott party. After the appointment of a committee on credentials the convention adjourned until to-morrow. A new man will likely be nominated for governor. Great excitement is manifested among the members.

PHILADELPHIA, 8.—Wool quiet but firm. Stock scarce. Colorado washed, 25 @ 35; Colorado unwashed 24 @ 26; extra and merino pulled 44 @ 45; No. 1 and super pulled 42 @ 45; Texas fine and medium 27 @ 35; do. coarse 21 @ 26; Cala, fine, and medium 33 @ 37; do coarse 25 @ 32.

LITTLE ROCK, 8.—The Democratic State Convention met here at noon to-day.

The constitutional convention has adjourned until Oct. 20th.

CHICAGO, 8.—Lieut. Gen. Sheridan received a dispatch from Gen. Pope commanding the district of Missouri, to-night, with the report of Col. Miles, from the camp on Red River, Aug. 31, via Fort Dodge, 8, of a decisive battle with about 500 confederate and hostile Indians the day before, Aug. 30th. Col. Miles' command had been in pursuit of these Indians ten days, over a terribly rough and almost impassable country. Before they could be brought to a stand the route was strewn with their stores, which they had thrown away to accelerate their flight. The troops fought splendidly, and the victory was complete. Some thirty Indians were killed and many more wounded, while the casualties to the troops were only three badly wounded. Col. Miles' command was, at the date of the dispatch, 193 miles from their base of supplies, and their supplies would be exhausted about the fifteenth, but Gen. Pope had ordered a supply train to be sent, which would reach them before that date.

WASHINGTON, 8.—Since the declaration of Gen. Sheridan, that no one would be allowed to visit the Black Hills without authority from the interior department, meaning its authorized agents, that department has been in receipt of a large number of letters asking permission to go there. Acting secretary of the interior, Cowan, has written a reply to Governor Pennington of Dakota, which is furnished for publication as a reply to all similar communications, in which he cites the provisions of the treaty of April, '68 with the Sioux, by which the Black Hill country was guaranteed to them, the boundaries of which are as follows: "Commencing on the east bank of the Missouri river at the 46th parallel of north latitude, thence along low water mark down said river bank, to a point opposite where the northern line of the State of Nebraska strikes the river, thence west across said river and along the northern line of Nebraska to the 104th degree of longitude west from Greenwich, thence north on the meridian to a point where the 46th parallel of north latitude intercepts the same, thence due east along said parallel to the place of beginning, and in addition thereto all existing reservations on the east bank of said river." From this territory the government is pledged to keep all persons except its authorized agents and employees. The Secretary says the only power to alter this provision is that which made the treaty, and then it must be done with the consent of the Indians. What is known as the late exploring expedition of General Custer was merely a military reconnaissance of the country for the purpose of ascertaining the best location if in future it should become necessary to establish there a military post. On the 2nd of June last, in letters to this department, the Honorable Secretary of War wrote on this subject as follows—

"It is well known to the department that, at various times, settlers in the adjacent country have contemplated an expedition to the Black Hills, and the department has uniformly discovered such movements; but it has now almost become a military necessity that an accurate knowledge should be possessed by the army as to this portion of our territory, and for that purpose only is the present expedition undertaken. The question of opening up this country to settlement rests with Congress, and until action has been taken by that body this department has no discretion in the matter, but is required and will endeavor to prevent any violation of any of the provisions of the treaty before mentioned. For the reasons herein set forth all applications for permission to visit the Black Hills country will be denied."

ALBANY, 8.—The city is full of Democratic and Liberal politicians, in attendance upon to-morrow's convention. Senator Fenton was serenaded to-night and made a brief speech in reply, but he did not discuss any important topic. There is a large number of Democrats from all sections of the State, and they seem certain that no ticket will be nominated. The Liberals are very reticent and say that nothing definite has been agreed upon, and will not be until this convention meets.

OMAHA, 8.—The Independent State Convention met at Lincoln this afternoon; the attendance was small, and the committee on plat-

form not having reported up to 10 p.m. the Convention adjourned until to-morrow without making any nominations.

PORTLAND, Me., 8.—The great temperance camp meeting began to-day. The weather was fine and there was a fair attendance. Governor Digby opened the meeting with a speech of welcome.

NEW YORK, 9.—Three men were arrested here yesterday, on a charge of forging deeds representing one hundred thousand dollars; one of the men, Charles Sacia, is implicated in extensive forgeries of Harlem bank stock, of which Van Etten, who recently committed suicide, was accused as the principal.

A cargo of tea, valued at forty thousand dollars, has been seized by the collector on a charge of an attempt to defraud the revenue.

Specific charges have been filed in the United States circuit court against commissioner Jno. I. Davenport, on the ground of his arbitrary partisan conduct at the election, as chief supervisor of election as well as U. S. Commissioner.

Chas. Disner was arrested last night for selling his daughter, aged 13 years, to Peter Hallock, keeper of a disreputable house; Hallock was arrested while taking the girl to his house. Disner is said to have disposed of two other daughters in the same way.

MEMPHIS, 9.—Governor Brown is here for the purpose of obtaining an additional detective force to discover the murderers of the negro prisoners taken from Trenton jail. Nelson McGhee, one of the prisoners taken from the jail at the time, and the acknowledged leader of the negroes in their organization, has written a letter to his wife from Hickman, Ky. From this fact it is believed that the nine others escaped likewise, as no trace of their bodies has ever been found. The grand jury at Trenton are using every exertion, Governor Brown says, to ascertain who the men were who took the prisoners out and murdered some of them.

CINCINNATI, 9.—The car repair shop of the Marietta and Cincinnati railroad, at Zaleski, Ohio, were burned early this morning, with about 25 freight cars; estimated loss \$75,000.

NASHVILLE, Tenn., 9.—It is rumored here that Gen. A. W. Campbell, one of the most prominent lawyers of Tennessee, has been retained at a fee of \$30,000, to defend certain parties, in an expected trial, in the event that they are arrested. Genl. Campbell has been heard to remark that there are two sides to a question, and that when the facts are known, husbands, fathers and brothers throughout the country, north and south, whose blood would curdle at the thought of their wives, daughters and sisters being held, coerced, in the embrace of the black lustful brutes, will regret the sheet iron thunder which they imagine was the occasion of and has justified the preliminary trial of Pat Lyons and Bowen Saunders, the alleged murderers of Julia Hayden, the colored school teacher in Truesdale county, now in progress at Lebanon, Tenn.

CHICAGO, 9.—A Washington special says it is rumored that the Democratic Executive Committee are in consultation with leading southern democrats, with a view to calling a convention somewhere in the South, to disclaim all sympathy on the part of the democrats with the recent outrages. Such men as Jeff Davis, General Forrest and Gov. Brown are mentioned in this connection.

SAN FRANCISCO, 9.—The Pioneers' Celebration opened to-day, and will continue three days. Business generally is suspended. Large delegations are present from the interior towns and cities. There were literary and other exercises at Woodward's gardens to-day.

WASHINGTON, 9.—Copp's *Western Land Owner* for July contains the following rulings from the General Land Office:

"An applicant for a patent under the mining laws may abandon, from his application, a portion adversely claimed by another party, and after a survey receive a patent for the part not in controversy."

"The examination of an application for a patent under the mining laws should proceed beyond the papers filed in the case, and into those general records of the General Land Office, which are evidence of the final disposition made of the public domain, and if it is found that any part of the premises applied for have been previously disposed of an express exemption thereof