

SAN FRANCISCO, 13.—Wm. Burke, alias Standish Bill, was arrested to-day for having stabbed and killed Mary Proxana Strickland, at the corner of Forsythe and Rivington Streets, in June, 1877. He is held for Superintendent Walling, New York.

FOREIGN.

LONDON, 12.—The story sent from Vienna on the 10th inst., of the marching of a force of Montenegrins on Gusinje, and the slaughter of Albanian Musselmans is unfounded.

A question left open in the treaty of alliance between the Balkan Principalities, is the admittance of the Porte to the alliance. The appointment of a Russian General as Commander-in-Chief of the allied force is considered possible.

The semi-official newspapers the *Journal de St. Petersburg* and the *Golos*, consider Beaconsfield's speech was more intended to produce an impression at home, in view of the approach of a general election, than abroad.

The *Journal de St. Petersburg* considers Beaconsfield's impressions afford a proof that the British public leans towards peace.

The *Golos* says, Beaconsfield's tone was lowered as to almost amount to a renunciation of all that he and Salisbury had previously said.

The *Novoe*, Vienna, says: Beaconsfield's silence on eastern affairs masks his failure at Constantinople.

The press generally remark upon Beaconsfield's abstention from attacking Russia, and the recent remarks of some friendly English newspapers.

LONDON, 13.—A telegram from Capetown, October 28th says: The Boers at Potchesbroom have repeated the Middleburg outrage. Commandant Raft left Middleburg in fear of his life. He reports the Boers determined to prevent the trial of the offenders, which was fixed for October 30th. The Colonial Secretary has held a conference with Mouroi, who refused to submit, and hostilities were accordingly resumed.

A dispatch from Berlin reports that the law sanctioning the purchase of private railways by the State has been referred to the committee of the Lower House of the Prussian Diet.

Aloka Pasha promises to visit Constantinople yearly to report the state of affairs in Eastern Roumelia.

The steamship *Minnesota* has arrived from New York, and has on board the crew of the bark *Royal Arch*, taken off when the vessel was in a sinking condition. The men had been at the pumps several days, and one had been washed overboard. The steamer sent a boat to the rescue, but the weather was so rough the men were compelled to jump into the sea and were hauled into the boat by a line.

An explosion of fire damp at Short Heath colliery, near Wolverhampton, caused the death of six men.

A dispatch from Cabul says: The brigade under General Baker, consisting of the 5th Punjab Cavalry and the 3rd Sikhs, with two guns, has gone on a mission of political importance. Its destination is kept strict secret.

A Liverpool dispatch says: There is exceedingly active demand for cotton at a general advance.

There is a strong tendency on the part of the Turkish cabinet to enter into an actual alliance with Russia. The Grand Vizier and Osman Pasha, minister of war, especially advocate a close understanding with Russia. It is said the Sultan has been gained over to their views. In this connection it is rumored that Osman Pasha will shortly go to Livadia on a special mission.

King Alfonso's marriage seems to be definitely fixed for the 27th inst. Arch Duchess Marie Christine will reach Paris on the 19th inst., whence she will start for Madrid on the 21st, and arrive at the latter place on the 24th. Admiral Jaureguiberry, French ambassador at Madrid, will represent Prest. Grevy at the marriage. This disposes of the apprehension that France would not be represented, owing to the rivalry among the French officials who desire to represent France.

The announcement of Gortschakoff's retirement from the Imperial Chancellorship has caused no sur-

prise in St. Petersburg. But for the German intrigue against him he would have retired sooner. His personal dignity required, despite his poor health, that he should retain his office until the attacks on him had ceased. The names of various persons are mentioned in connection with the probable successor. Even that of Gen. Ignatieff is hinted at. Count Schouvaloff does not seem to have any chance, as he is believed to be in complete disfavor, owing to the effects of a personage whose influence over the Czar is more or less strong from its being unacknowledged and exercised only in private. Palace intrigues are nearly as common in Russia as at Constantinople. The story of female enemies at the Russian court overthrowing Schouvaloff are freely circulated and generally believed in London.

A fire at Frarbach, Prussia, between Frier and Coblenz, destroyed sixty houses, among them the town hall building, dating from the 16th century.

Some people think Aleko Pasha, Governor-General of Roumelia, has gone to Constantinople after repeatedly refusing to do so at the Sultan's request, because Prince Labanoff, Russian Ambassador at Constantinople has succeeded in convincing Turkey that Russia is the only friend who can effectually aid her in overcoming her difficulties in Eastern Roumelia.

The Porte has asked Minister Layard to explain the approaching movement of the British Channel squadron to Turkish waters. At a recent interview the Sultan told Minister Layard that his Ministers had submitted to him a proposition for the immediate introduction of reforms in the administration of Turkish affairs, but his authority over his subjects would suffer if he appeared to act under a pressure from the British Government. Minister Layard promised to communicate the declaration of the Sultan to Lord Salisbury. Under these circumstances the order to Admiral Hornby to sail eastward is declared at the Porte to be inexplicable.

At the next meeting of the Turco-Greek Frontier Commission, the Ottoman commissioners will present a certificate of several eminent French engineers, to the effect that the line of frontier proposed by the Greek Commissioners is 8,000 metres in advance of the northern frontier indicated by the thirteenth peace treaty of Berlin. The Porte will not propose any other lines, but will offer to discuss point by point the frontier indicated by the treaty of Berlin.

The resignation of Gen. Cialdini as Italian Minister to France, has been gazetted.

The *Diritto* states he has been instructed to proceed to Madrid, to represent the King at the marriage of King Alphonso.

The Czarowitz and Czarina and the King and Queen of Denmark have arrived at Vienna. They were warmly received by the Emperor.

La France denies the report of Marshal Canrobert's dismissal. *Le Soir* says that the Marshal sent in his resignation voluntarily.

Henri Martin was to-day received by the French Academy as the successor of Thiers.

General Aymard, Governor of Paris, succeeds Marshal Canrobert as president of the commission for the officers in the French army.

LONDON, 14.—A dispatch from Malta announces that the British fleet is ready to sail at a moment's notice.

A Cape Town dispatch, October 28th, says: The embassy from Chief Zecocoeni came to Webster saying Zecocoeni desired peace and to be under English rule. An embassy was sent back with the official conditions of peace. A week has since elapsed without an answer from Zecocoeni.

At a meeting of the Russian Society in St. Petersburg, a lecture was delivered on the subject of fitting out of four famous Russian cruisers in the United States. The lecturer especially referred to the sympathy and co-operation which all had received from the American people. Six men, he said, deserted from the expedition, who preferred to remain on the free soil of America, but they were Germans from the Baltic provinces, not Russians.

The *Agence Russe* contradicts the statement published in several foreign newspapers that Lord Dufferin, British ambassador to Russia, has been instructed to submit a plan for *modus vivendi* between the two governments in regard to Central Asia, and declares that Lord

Dufferin was absent from St. Petersburg at the time the alleged instructions were stated to have been sent him.

The *Liverpool Post* says: The government has information from New York that American fenians are offering money and arms to the Irish tenant farmers to enable them to resist evictions. The correspondent adds the Irish executive fully credits the statement that such offers are made, but does not believe anything will result therefrom; nevertheless he will be on his guard against insurrectionary movements.

The *Liverpool Courier* says: Sir Austin Layard, British ambassador to Turkey, has been instructed to hold no further communications with the Porte regarding Asia Minor, but to send for the British fleet so that it may anchor in Turkish waters by Sunday or Monday. Subsequent proceedings will depend on whether the Turks proceed to the fulfillment of their promises.

Advices from Scotland apparently afford ground for belief that the American demand for iron has temporarily slackened.

A dispatch from Candahar says: Sir Richard Temple, superintendent of Boleu line of Sukkur Dadru railway, has arrived here. He held a brilliant levee, the Afghan Governor of Candahar being present as well as the chiefs of the city and surrounding districts.

AN ILLEGAL GRAND JURY.

THE INDICTMENT AGAINST JOHN FOWLER, VOID.

MOTION TO SET ASIDE.

OUR readers are aware that the Grand Jury of the present term found an indictment against John Fowler, of Ogden, for bigamy; and that his talented attorneys, Richards and Williams, also of Ogden, demurred to the indictment. The following motion to set it aside on the substantial grounds clearly presented, has been prepared by those gentlemen, and from the well known facts in the case, it will be a difficult matter to dispute successfully the reasons advanced in this document. We advise our readers to peruse it carefully, when it will need no explanation, and to note how those who are so anxious to prove the "Mormons" criminals, violate the law themselves in their eagerness to pick jurors whom they think likely to act according to their wishes, and reject jurors whom they imagine would not be rabid on one particular indictable offense. We hope the points herein set forth will receive from the Court the consideration to which they are entitled:

In the Third District Court for the Third Judicial District of Utah Territory:

The United States }
vs.
John Fowler.

MOTION TO SET ASIDE INDICTMENT FOR BIGAMY.

Now comes the defendant into Court and moves the Court to set aside the indictment against him herein—he not having been held to answer before the findings thereof—for the following reasons, namely:

Because said indictment was not found, indorsed and presented, as prescribed by law, by a legally constituted grand jury—the panel of the grand jury that found and presented said indictment being illegal for the following reasons:

First—Because the notice of the drawing of said grand jury was not given in the manner provided by law.

1. Because said notice shows upon its face that it was given as "In the Third District Court of Utah," dated at Salt Lake City, July 24, 1879, and signed Philip H. Emerson, Judge, but nowhere in said notice does it appear that the grand jury to be drawn was for the District Court for the Third Judicial District of Utah Territory, nor does it appear in what county said notice was given, nor that said Philip H. Emerson was the Judge of said District Court for the Third Judicial District of said Utah Territory.

2. Because said notice states that "18 names will be drawn from the jury box from which to form a

grand jury at the September term, 1879, of said Court," when the law provides that the jurors so drawn and summoned shall constitute the regular grand jury, and only 15 jurors could be legally drawn, or could legally constitute the regular grand jury, or the panel thereof.

3. Because nine of the names of the jurors on the panel of said grand jury that found said indictment were drawn from the jury box without any notice whatever, to-wit: John P. Lawson, S. J. Nathan, J. F. Bradley, C. M. Gilberston, Alexander Majors, L. B. Mattison, Boliver Roberts, James M. Barlow and James Turner.

Second—Because the requisite number of ballots was not drawn from the jury box to constitute the regular panel of the grand jury for the September term, 1879, of said Court.

1. Because the requisite number of 15 ballots was not drawn from the jury box, but instead thereof, 18 names were drawn from the jury box for such grand jury.

2. Because 15 of the 18 jurors whose names were so drawn from the jury box were eligible and competent to serve as grand jurors for said term of said court, yet they were not impanelled as the grand jury.

3. Because the eighteen jurors whose names were so drawn from the jury box did not and could not legally constitute the panel of the grand jury for said term of said court, although each and every one of them had been legally qualified to act as such grand jurors for said term of this court.

4. Because eight of the jurors whose names were so drawn from the jury box were illegally excluded from serving on said grand jury, when they, and each of them, possessed all the statutory qualifications and were eligible and competent to serve as grand jurors, to-wit: R. D. Clark was excused at his own request because he was the superintendent of the Stewart Mines and Mills, he not being a miller, nor disqualified in any way whatever; John Barton, O. D. Hendrickson, Samuel A. Woolley, David E. Browning, Thomas W. Lee, A. L. Fuller and Frederick Goss—each of whom possessed all the statutory qualifications, and was eligible and competent to serve as a grand juror, and was not under any statutory disability—were challenged, by Phillip T. Van Zile, Esq., United States District Attorney for Utah Territory, or by Mr. Beatty, his assistant; but not for any cause known to the statutes of the United States, or the Territory of Utah, and said challenges were not authorized by law, yet they were sustained by the court, and said persons were illegally excluded from the panel of the grand jury for said term of said court.

5. Because Thompson Ritter was accepted and impanelled on said grand jury instead of Thompkins Ritter whose name was on the jury list and was drawn from the jury box, when no such name as Thompson Ritter was on the jury list of this court, or was drawn from the jury box.

6. Because after six grand jurors had been accepted, including said Thompson Ritter, and all the others of the eighteen names on the original list so drawn for the panel of said grand jury, had been rejected, the court ordered that twenty additional names be drawn from the jury box, and summoned, which was done, when it only required nine jurors to complete the panel.

7. Because of the twenty names so drawn and summoned to serve on the panel of said grand jury, the following eight persons, to-wit: William Salkield, Robert Patrick, William Kidd, Samuel Bringham, Jr., George Coulam, H. W. Hannibal, William P. Affleck and J. Hyrum Grant were challenged by said United States District Attorney, or his said assistant, for causes unknown to and unauthorized by law, and said challenges were sustained by the court, and said jurors rejected; notwithstanding each and all of them were legally qualified and eligible to serve as grand jurors for said term of said court, and possessed all the statutory qualifications of grand jurors, and none of them were under any statutory or legal disability whatever.

8. Because after accepting four jurors from said list of 20 additional names, and rejecting the others, the court ordered that nine additional names be drawn from the jury box, to serve on said panel of the grand jury, which was done, when only

five jurors were wanting to fill the panel of said grand jury. And on the same day, and before the nine persons whose names had been so drawn were summoned or examined on their *voir dire*, the court ordered that eight additional names be drawn from the jury box to serve on said grand jury, which was done, and from those seventeen names the remainder of the panel for said grand jury was made.

9. Because the following named persons, to-wit: John Barton, O. D. Hendrickson, Samuel A. Woolley, David E. Browning, Thos. W. Lee, A. L. Fuller, Frederick Goss, Wm. Salkield, Robert Patrick, Wm. Kidd, Samuel Bringham, Jr., George Coulam, H. W. Hannibal, Wm. P. Affleck and J. Hyrum Grant were each and all illegally rejected from said panel of said grand jury, because they believed that polygamy was authorized by the divine laws of God, although they stated on their *voir dire* that they would, if on the grand jury, find indictments under the United States statute against polygamy or bigamy, if the evidence before them showed that any person had violated said statute and was liable to prosecution under it.

10. Because the legal, proper and requisite number of names was not drawn from the jury box to constitute a legal panel of the Grand Jury for the September term, A. D. 1879, of the District Court for the Third Judicial District of Utah Territory, in any or all of said drawings, but each and all of said drawings were unauthorized, illegal and void.

Third—The defendant also assigns as further and additional reasons why said indictment should be set aside.

1. That Thompson Ritter, a member of the Grand Jury that found said indictment was not, at the time said jury was impanelled, nor when said indictment was found, an eligible juror as provided by law, because his name was not on the jury list prepared by the Probate Judge and the clerk of this court, for the year 1879, nor on the jury list for any other year, and his name was not drawn from the jury box of this court.

2. Because Alexander Majors a member of said grand jury, was not at the time said jury was impaneled, nor when said indictment was found, an eligible juror as provided by law, because he had not resided in this Third Judicial District six months next preceding the time when he was selected, by the Probate Judge and the clerk of the District Court of said District, to serve as a juror; and because he was not then, and has not since been, a tax payer in this Territory; and because he had served in this Court as a petit juror within two years next preceding the impanelling of said Grand Jury and the finding of said indictment, to-wit, at the April term, 1879, of said Court, as appears from the record thereof; and his name was illegally returned to the jury box and drawn again as grand juror for the September term, 1879, of this Court.

3. Because C. M. Gilberston, a member of the said grand jury that found and presented said indictment, was not at the time said jury was empaneled, nor when said indictment was found, an eligible juror as provided by law, because he had served as a petit juror in this court, within two years next preceding the impanelling of said jury and the finding of said indictment, to-wit: at the April term, 1879, of said Court, as appears from the record thereof; and his name was illegally returned to the jury box and again drawn therefrom as a grand juror for the September term, 1879, of this court.

4. Because Boliver Roberts, Jas. M. Barlow, L. Goldberg, L. B. Mattison and J. F. Bradley were neither of them, at the time said grand jury was empaneled, which found and presented said indictment, nor when said indictment was found, eligible jurors as provided by law, because their names had been drawn from the jury box during the April term, 1879, of this court, as appears from the record thereof, and they were summoned to serve as petit jurors at said term, and were in attendance upon the court as such, but their names were illegally returned to the jury box and were again drawn therefrom as grand jurors for the September term, 1879, and they were members of the grand jury that found and presented said indictment.

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