EVENING NEWS. PUBLISHED DAILY, SUNDAYS EXCEPTED AT FOUR O'CLOCK. DAVID C. CALDER. EDITOR AND PUBLISHER · · June 19, 1875.

exists.

NEWS OF THE DAY.

at Chicago yesterday. --- The most destructive rain storm ever known in St. Louis oc-

ed in Illinois, yesterday.

----President Grant has inspect-ed the Centennial grounds and buildings at Philadelphia.

-A London telegram says that the King of Burmah has yielded on all the points in dispute between him and the Anglo-Indian government.

and hats. \$500,000.

both in its theory and in its action;" and in speaking, in the same case, of the Judiciary Act of 1789, he says, "The regulations of that Act in regard to the selection of jurors have no reference whataver to Ter-riteries. They were tramed with reference to the States and can-not without violence to the rules of the construction be made to apply to Territories of the United States. For similar reasons no act of Con-EMERSON, J.—The only doubt in my mind in connection with this case was in reference to the consti-tution of the grand jury, but upon

to Territories of the United States. For similar reasons no act of Con-gress respecting juries in Unit-ed States Courts, enacted sub-sequent to the act of 1789, could be made to apply te the Territorial Courts, unless by some express pro-vision to that effect. It is not shown, nor do we believe that it is claimed, that any such provision exists. a more critical examination of the subject, I very cheerfully concur in the result arrived at.

By Telegraph. PER WESTERN UNION TELBORAPH LINE.

War of Extermination Probable.

 The most destructive fails storm ever known in St. Louis occurred yesterday morning.
 A war of extermination is taiked of in Texas between Texans and Mexicans.
 Sixty-five thousand dollars is asid that the U. S. Treasury Department has contraoted of in the subsequent case of Horn-sury Department has contraoted worth of silver buillon from the Consolidated Virginia mine.
 General Sherman has been visiting Judge Hoar, at Concord, Mass. .
 A defalcation of sixty-six thousand dollars is said to have been discovered in the accounts of a U. S. naval paymaster.
 Two murderers were executed in Illinois, yesterday.
 President Grant has inspect. to Territorial Courts. The ques-tion then arises, did this Act of Congress change the rule? It cer-tainly changed the rule so far as the two acts are incensistent. It cannot be said that that Act, how-ever, fixes the number necessary to constitute a grand jury. If the number drawn upon the order of the Judge fixes the number, then it likewise fixes the number of the petit jury. The language is alike

ment.
— Retween six and seven hundred, so have the number of the same bird likewise form basements, so have the likewise form basements, so have form ba

floating whiskey in pails, dippers and hats. The loss is estimated at 5,000 Casks of Liquer and 35 Hou

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FERNINES.

Five thousand casks of liquor and thirty-five houses were destroyed by the fire last night.

FRANCE. An Impostor Convicted.

PARIS, 19.—Fireman, an Ameri-can spiritualist who professes to photograph deceased persons, has been convicted of swin iling; and sentanced to six months imprison-ment. Mr. Sullivan, formerly of the American embassy in Madrid, was a witness for the defense.

SPAIN. Crossed the Ebro.

MADRID, 19. - Gen. Martine

MADRID, 19. — Gen. Martinez Campos has succeeded in crossing the river Elbro, notwithstanding the heavy fire kept up by the Carl-ists. By this movement he has established communication with General Jovellar, commander of the army of the Center.



War of Extermination Probable. CHICAGO, 19.—A grand compli-mentary dinner was given to Post-mentary dinner was given to Post-base mentary dinner was given to Post-mentary dinner was that of posterilay morning. In the lower portions of the city, cellars and basements, and, in some instances, the first story of many houses were completely flooded, damaging fur-niture and merchandise in the neighborhood of Twentieth and Sallsbury Streets. The occupants of the houses were aroused by the feet deep. The ishabitants were compelled to run out without put-ting on their clothes in order to save their lives. Several men were campelled to swim in order to reach a place of safety. Engines and pumps have been all day numptions and the U.S. man of war Palos and the British war ship Thalion

85 Union Con. 6;

720 Kossuth,

20 Seg R I, 1 200 Andes, 34; 8; 300 Mint, 4 130 Dayton, 21 739 R Island, 9; 8

170 N Y Con, 2

110 Occidental, 8 50 Am Flat, 31

95 L Washn, 1] 300 N Carson, 4

TOCKS.

sing elsewhere





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WM. JENNINGS, SONS & SADLER. S. P. TEASDEL

Thomas Patent Soap, Walnut Oll Shaving, ULA



Secory.

Main SL.

in the Black Hills and Big Horn country.

-Two U. S. deputy marshals in Texas have been indicted for allowing a notorious counterfeiter to escape

-The U. S. Consul and wife, at Chin Kiang, China, have been insulted by native soldiery; the British and American Consuls at Shanghae, and an American and a British war ship are going to invostigate.

THE REYNOLDS INDICTMENT OUASHED.

OPINION OF THE SUPREME COURT

In the Supreme Court of Utal Territory, June term, 1875.

The United States, Respondent, Opinion of the vs. George Reynolds, Appellant. Court.

Appeal from the 3rd District Court. Boreman, Justice, delivered the opinion of the Court.

The appellant was convicted of lolation of the statute of the Unitviolation of the statute of the Unit-ed States of 1862 against polygamy. The appellant assigns as error the rejection of evidence offered by him to show that plural or polygamous marriage was part of his religion. This objection of the appellant, is, as we conceive, based upon neither reason, justice nor law, and there-fore we diamiss it without further notice

notice. The principal difficulties in the case arise in reference to the constitution of the grand jury which found the indictment which this conviction was upon had. The most important of objections to the grand these these objections to the grand jury was that which had reference to the number necessary to consti-tute a legal grand jury. This in-dictment was found by a grand jury consisting of twenty-three men. The appellant assigns this for error and claims that fifteen was the proper number to constitute

that body. that body. The Act of Congress entitled an Act in relation to Courts and judi-cial officers in the Territory of Utah," approved June 23ad, 1874, and which is commonly styled the "Poland Bill," provides (in sec. 4.) for the making once a year of a jury list of two hundred names, from which the grand and petit juries for the District Court shall be drawn; and it requires that when he was continued for cause, the challenge sustained and the party discharged and not sworn upon the grand jury. This action of the Court, in excluding this party from the jury, is assigned as error.

Trom which the grand and petitives for the Disk the grand in the indicement was the same first cover the first

sede Cortina is not believed to have been made in good faith. Nearly all the inhabitants upon the border ncompatible enaciments. We mable to perceive any incon-ncy or incompatibility between sistency or inco the Territorial statute fixing the number of the grand jury and this

the Territorial statute fixing the number of the grand jury and this Act of Congress. The Territorial statute seems rather to fill and sup-ply a place not covered by the Act of Congress. A law which declares the number necessary to constitute a grand jury is not inconsistent with a law which merely tells us how to get the number of jurors out of which to compose the jury. The laws are entirely reconcluble and consistent, and it is the duty of the consistent, and it is the duty of the

Court to declare that both of them shall stand. So far as the Act of Cengress goes it becomes exclusive as to all that it properly embraces, and if Con-gress is to be considered as having

300 N Carson, 4 250 Niagara, 70c 200 Cosmop, 40c 200 Prospect, 44, s 50 120 Maryland, 7 100 W Fargo, 18c 75 M Valley, 6 80 Ely, 42; 414 210 Eu Con. 56; 55

So far as the Act of Congress goes it becomes exclusive as to all that it properly embraces, and if Congress is to be considered as having in this Act legislated upon the number of the grand jury, then, of course the territorial legislature is irrectuded from doing so. If that act supersedes the territorial law mow on the statute book as to the number of the jury, it would like where exclusive any future legislation upon the subject by the territorial legislature. But the supersed as the subject by the territorial legislature by the "Organic Act." We cannot say, therefore, that this positive autherity given by the "Organic Act." We cannot say, therefore, that this positive autherity given by the territorial legislature by the "Organic Act." We cannot say, therefore, that this positive autherity given by the conclusion that we must restruction, therefore, we are forced to the conclusion that we must restruction, therefore, we are forced to the conclusion that we must restruction, therefore, we are forced to the conclusion that we must restruction, therefore, we are forced to the conclusion that we must restruction the proper number of any other number. The grand jury which found the furtherior agrand jury which found the furtherior and jury other number. The grand jury which found the furtherior members instead of i twenty-three members instead of i future.

requires, and by not being proper-ing as grand jury mathe law requires, and by not being proper-ly constituted, its action became vitinted. There are some minor points in the case which perhaps we should notice. One of the parties appear-ing as grand jury stated, upon his voir dire, in answer to a question by the prosecution, that he had conscientions somples against in-dicting persons for violation of the haw of the United States of 1862 against polygamy. On that ground he was challenge sustained and the party to invite them to a grand council. The commissioners are enjoined as to the necessity of great care in the interpretation of their interview, so as to avoid mistakes and any sus-pleton on the part of the Indians that they are not fairly reported. The commission are also reminded that they are appointed to repre-sent the Indians and their interests not less than there of the commis-

sent the Indians and their interests not less than those of the govern-ment. They are instructed to as-sure the Shoux of the hindly inten-tion of the President and the go-vernment towards them, and that the proposed negotiations originate solely in a desire for continued peace. The Indians are plainly to understand that any negotiation

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