

A defective piston was the cause of the detention.

Mrs. Lula Torrence, wife of John S. Torrence, of the California Theatre company, shot herself through the heart last night; domestic troubles are the cause of the suicide.

FOREIGN.

MADRID, 14.—A portion of the force engaged at the siege of Cartagena has marched against the Carlists.

The government forces, on entering Cartagena, found the fortifications and all the buildings badly damaged by the bombardment. One of the insurgent steamers, which attempted to escape, has been captured with a large number of refugees. The *Mendez Nunez*, with another party of insurgents, succeeded in reaching a port of France, into which she was pursued by a French man-of-war. The members of the Junta surrendered the iron clad *Numancia* to the French authorities at Meres El Mire, and the tri-color now floats over her.

BERLIN, 14.—Returns from all parts of the empire show, definitely, that 100 ultra-montanes and 26 ministerial liberals have been elected to the Reichstag.

LONDON, 14.—In the Tichborne case, Dr. Keneally, to-day, concluded his closing speech for the defense. He demanded a verdict for the claimant, declaring that the preponderance of unshaken evidence in his favor was overwhelming, and he maintained that the charges against Lady Radcliff had been proved true.

A special from Rome to the *Daily Telegraph* reports that Cardinal Antonelli is dangerously ill with gout in the stomach; the Pope has administered extreme unction to him.

The *Times* correspondent from Cartagena, writes that the government troops, on entering the city, shot eight insurgents who were trying to escape, the occupation of the town was otherwise bloodless. Five hundred refugees, among them Barcia, a prominent leader, were taken prisoners. Saez, commander of Fort Galleras, and Gutierrez, president of the Insurgent Junta, were on board the *Numancia*. A Spanish frigate has arrived at Mere el Kebera and demanded the surrender of the *Numancia*, but the French authorities refused until they have orders from Paris. The vessel is comparatively uninjured. The condition of the forts around Cartagena confirms the suspicions of treachery, and provisions were found to be fairly plentiful in the town.

LONDON, 15.—The Directors of the Bank of England, to-day, fixed the minimum of discount at 3½ per cent.

THE TERRITORIAL MARSHALSHIP.

SALT LAKE CITY,
January 14, 1874.

Editor Deseret News:

Sir—As there have been some obstacles in the way of executing the process of the District and Supreme Courts of the Territory, I deem it my duty to call attention to the fact and to respectfully request you to publish the following certified copy from the records of the Third Judicial District Court—

In the District Court of the Third Judicial District of the Territory of Utah, County of Salt Lake.

The United States of America, on the Relation of Joseph M. Orr, vs. J. D. T. McAllister.

Statement on Appeal.

Be it remembered that on the 17th day of March, 1870, the Relator filed his complaint in said Court against said Respondent in words and figures following to wit:

The United States of America, on relation of Joseph M. Orr,	In the Third District Court of Utah Territory.
vs.	Regular
J. D. T. McAllister.	March term, A. D. 1870, Hon. C. C. Wilson, Judge.

I, Joseph M. Orr, the above relator, being first duly sworn upon oath, say that U. S. Grant, President of the United States, by virtue of the authority conferred upon him by law, on the 28th day of September, A. D. 1869, suspended Josiah Hosmer from the office of Marshal of the United States for the Territory of Utah until the end of the next session of the Senate of

the United States, and on said day designated Joseph M. Orr to perform the duties of such suspended officer, in the meantime, and on the same day, a commission duly issued to the said relator, all of which is more fully shown by the exhibit hereunto attached, marked (A); that afterwards, but several months previous to the date hereof, said Relator duly qualified himself, according to law, to enter upon the duties aforesaid, by taking and subscribing the oath, a certified copy of which is hereto attached, marked exhibit (B), and filing the same with the Clerk of the Supreme Court of said Territory, and also forwarding a certified copy of the same to the Secretary of the Interior and also by executing the bond a certified copy of which is hereunto attached and marked exhibit (C), which bond was duly recorded in the office of the Secretary of said Territory; that by reason of the premises it became and still is the duty and right of the said Relator, under and by virtue of the laws of the United States, to execute all processes issuing out of the District and Supreme Courts of said Territory of Utah, or directed by any judge thereof, to do and perform all and singular the executive business of said courts, and to have and enjoy all and singular the fees and emoluments of the same; that one J. D. T. McAllister, as Territorial Marshal of Utah Territory at the present time, assumes to have the right and authority to do and perform a portion of the aforesaid duties, devolved, by reason of the premises, upon the said Relator, and to have and receive the fees and emoluments of the same; and the said J. D. T. McAllister, so assuming such right, has, for several months last past within the jurisdiction of this court, wrongfully, unlawfully and without any legal authority therefor, executed most of the process of this court, and has done and performed the executive business of the same in almost all cases in which the United States has not been a party, and has received to his own use almost all of the fees and emoluments pertaining to the same, in violation of the rights of the said Relator. And the said J. D. T. McAllister, still assuming said rights, still continues, within the jurisdiction of this court, wrongfully and unlawfully and without any warrant or authority of law, to execute most of the processes of this court, to do and perform almost all of the executive business of the same, and to receive to his own use the fees and emoluments pertaining to such service, in violation of the rights of the said Relator.

Wherefore said Relator prays that an information may be filed against the said J. D. T. McAllister, according to law, and that he may by the Court here be required to appear and show by what authority he does the matters and things above specified.

The Territory of Utah, } ss.
Salt Lake County. }

Joseph M. Orr, the aforesaid relator, being first duly sworn upon oath, says that the matters and things before stated, and to which he has subscribed his name, are true, as he verily believes.

(Signed) J. M. ORR.
Sworn to and subscribed before me, this 18th day of March, A. D. 1870.

S. A. MANN, Clerk.
(ENDORSED.)
Dist. Court 3rd Dist. Utah.

U. S. on relation of J. M. Orr ads. J. D. T. McAllister.

Affidavit of Relator and Commission.

Filed March 17th, 1870.

S. A. MANN, Clerk.

Afterwards, to wit, on the 24th day of March, A. D. 1870, defendant by his counsel appeared and filed, with the Clerk of said Court, his answer, which is in words and figures following, to wit—

The United States, by Charles H. Hempstead, Attorney of the United States in the Territory of Utah, on the relation of Joseph M. Orr,	Territory of Utah. Third Judicial District Court, March term 1870.
vs.	Hon. C. C. Wilson, Judge.

Now comes the above named John D. T. McAllister, in his own proper person, and says he admits that His Excellency U. S. Grant, at the time and in the manner mentioned in the relation herein filed, suspended Josiah Hosmer

from the office of Marshal of the United States in the Territory of Utah, as alleged, and that he designated and commissioned the said Joseph M. Orr to discharge the duties of that office for the time and in the manner set forth in the relation, and that the said Joseph M. Orr took the oath and gave the bond required by law, and did and performed all other things necessary to be performed to enable him to discharge the duties enjoined on him by law as such United States Marshal. But as to the legal conclusions drawn by the United States attorney for the District of Utah he refers the same to this Honorable Court, without himself admitting or denying them or any of them. To enable this Honorable Court to understand and be informed as to such legal conclusions and rights and duties of the said Relator and of himself, he herein states and informs the Court that pursuant to the Act entitled an Act in relation to Marshals and Attorneys, approved March 3d, 1852, and of the acts amendatory thereto, he, on the 5th day of January, 1869, was duly elected by the joint vote of the Legislative Assembly of the Territory of Utah, then in session, to the office of Territorial Marshal, and that between that day and the twenty-sixth day of the same month he took the oath and gave the bond required by law, and that, on the said 26th day of January, A. D. 1869, His Excellency Charles Durkie, then Governor of Utah Territory, issued to him a Commission as such Territorial Marshal, which oath, bond, and commission are now here to the Court shown. Afterwards on the same day he entered upon the duties of said office, and he has continued to discharge the duties and receive the fees and emoluments appertaining to the office of Territorial Marshal for Utah Territory.

He further informs this Honorable Court that on the 16th day of February, A. D. 1870, he was re-elected to said office by the joint vote of the Legislative Assembly of the Territory of Utah then in joint session. And that afterward, on the 17th day of February, A. D. 1870, he took the oath required by him before William Clayton, a notary public, and filed the bond also required by law with William Clayton, Auditor of Public Accounts, and that afterward, on the 21st day of February, in the same year, His Excellency S. A. Mann, Acting Governor of Utah Territory, issued a Commission to him as such Territorial Marshal, which is still in full force and virtue; which oath, bond and commission is now here to the Court shown. From that time until the filing of this relation, he has discharged the executive duties of this Honorable Court and served the process issued by it—as he lawfully may do—when this Honorable Court has been exercising its jurisdiction in cases not arising under the Constitution and laws of the United States, and when it has not been exercising its jurisdiction as a Circuit and District Court of the United States. And he further says he denies the allegations in relation that he, the defendant, herein assumes at this time, or at any other time he has assumed, to have the right or authority to do and perform any portion whatever of the duties devolved on the relator by reason of the premises set forth in the relation, or to receive any of the fees or emoluments of the office of the United States Marshal of the Territory of Utah. And he denies the allegation that he, this defendant, is now, or that he heretofore has been, in the exercise of any executive duty of this Honorable Court, or of the Supreme Court of this Territory, or served any process whatever which has been issued by either of said Courts or any Judge thereof, that could lawfully be served, or the duty could lawfully be discharged by the relator as United States Marshal for Utah Territory.

And that he now herein disclaims, and at all times heretofore he has disclaimed, all right in himself as such Territorial Marshal to act as the executive officer of the Supreme or District Court when such Supreme or District Court is exercising its jurisdiction as District or Circuit Court of the United States, or when they are exercising the jurisdiction in cases arising under the Constitution and laws of the United States.

But he claims, as it is his right and duty to claim, that by virtue of the Laws of the United States and of the laws of Utah, and by virtue of the election, oath, bond and

commission aforesaid, he has the right and it is his duty to act as Territorial Marshal of Utah Territory, and as such to be the executive officer both of the Supreme and District Courts when such Courts are not exercising their jurisdiction as Circuit or District Courts of the United States, nor in cases not arising under the Constitution and laws of the United States.

He herein denies that he now executes or at any time heretofore he has executed any executive duty of either of said Courts, or served any process whatever, wrongfully, unlawfully or without legal authority. And, if, as alleged, he performs most all of the executive duties of said Courts and serves most all of the processes, it is for the reason that by law it is his duty so to do; and now, having fully answered and set forth his warrant, he prays to be adjudged to continue in said office.

(Signed) JOHN D. T. McALLISTER.
Z. SNOW,
Attorney-General
for Utah Territory.

TERRITORY OF UTAH,
Third Judicial District Court
sitting as a Circuit Court of
the United States.
Hon. C. C. WILSON, Judge.

The above named John D. T. McAllister makes oath and says that he has heard the foregoing answer read and knows the contents thereof, and that so much thereof as is set forth therein from his own knowledge is true and that which is therein set forth from information of others he believes to be true.

JOHN D. T. McALLISTER.
Subscribed and sworn to before me, this 24th day of March, 1870.

S. A. MANN, Clerk.
(ENDORSED.)

The United States on the relation of J. M. Orr, vs. John D. T. McAllister.

ANSWER.
Filed March 24, 1870.

S. A. MANN, Clerk.
Z. SNOW, Attorney General.

Afterwards, to wit, on the 11th day of May, A. D. 1870, during other proceedings of the court the following appears of record, which is in words following, to wit:

In the relation of J. M. Orr, against J. D. T. McAllister.	Demurrer of Plaintiff Sustained.
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Afterwards to wit, on May 12th, 1870, during proceedings of Court, the following appears of record, which is in words following is, to wit:

In the relation of J. M. Orr, against J. D. T. McAllister.	Judgment of Ouster Entered.
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And ordered by the Court that said Respondent turn over within ten days to the relator all processes or other papers of this court now in his hands, as well as property now in his possession, by virtue of any process or order of this Court.

Afterwards, to wit, on April 30, 1872, during proceedings of the Court, the following appeared of record, which is in words following, to wit:

TUESDAY, April 30, 1872.

Court met pursuant to adjournment.
Present Hon. O. F. Strickland, Judge.

J. L. High, Dept. U. S. Atty.

A. S. Patrick, Dept. U. S. Marshal.

J. D. T. McAllister, Territorial Marshal.

R. W. McAllister, Deputy Territorial Marshal.

Wm. S. Walker, Clerk.

Z. Snow, Terr'l Atty General.

Court opened by the Territorial Marshal.

Whereupon the Court announced that the Territorial Marshal and Territorial Attorney-General would be recognized as Executive Officers of this Court for all Territorial business.

On motion of Jas. L. High, Esq., Deputy U. S. Atty. Ordered that a *writ prosequi* be and hereby is entered as to all indictments found by the grand jurors of this Court at and since the Sept. term, 1870, thereof, and that all prisoners held under such indictments be discharged. And that all prisoners held under preliminary examination be transferred by the U. S. Marshal to the Territorial Marshal.

Territory of Utah, } ss.
County of Salt Lake. }
I, Jos. F. Nounnan, Clerk of Third

Judicial District Court of Utah Territory, do hereby certify that the foregoing is a full, true and correct copy of the original Complaint, Answer and Court proceedings in the above entitled action on file and of record in my office.

Witness my hand and the seal of said Court, at Salt Lake City this 23rd day of October, A. D. 1873.

JOS. F. NOUNNAN, Clerk.
By EDW. B. MCKEAN,
Deputy Clerk.

By the above you see the Territorial Marshal at the suit of the United States was ousted from office on the 11th day of May, 1870, and the U. S. Marshal placed in his office, and that, on the 30th day of April, 1872, the Territorial Marshal was informally reinstated. This has been a great obstacle in the way of justice. But as the Legislature is now in session, we confidently expect some action will be taken to remedy this inconvenience.

Yours truly,
Z. SNOW.

WESTERN NOTES.

¶ In San Francisco, last year, 523 divorces were granted and 2,000 marriage licenses issued.

A Chinaman, with small-pox, entered a North Beach and Mission car yesterday morning. The stench from him was fearful, and the pustules could be plainly seen upon his face. A panic ensued, and amid the screaming of the ladies, all the white passengers were soon upon the street, and the Chinaman was in sole possession.—*S. F. Chronicle*, Jan. 7.

There are a greater number of robbery cases to be tried before the Municipal Criminal Court at this term, says the *San Francisco Alta* of January 6, than ever before since the establishment of the court. What looks fearfully ominous is that three or four of these cases were robberies by garroting. Judge Lake had about done away with this species of crime when he left the bench. Is it again reviving?

There are no less than twenty-two "glass" widows living in Truckee who have completed their days of mourning for absent and uncongenial husbands. Every available bachelor in the town and vicinity, it is claimed, has been spotted and canvassed by these "widows" with a view to a matrimonial raid upon them the first opportunity that offers.

Burke Phillips asked a witness in the police court yesterday, "What is a hoodlum? The witness replied: "An animal that runs up and down the streets, yelling and cussing and annoying the neighborhood generally." Judge Louderback thought the definition pretty good, and everybody but the witness and the hoodlum particularly referred to smiled.—*S. F. Chronicle*, Jan. 6.

The Board of Education have acted sensibly in cutting off the study of other languages than English in all but four schools, and in those leaving it optional with parents as to what language their children should learn, if any. The little folks were unnecessarily crowded, and it is well to relieve them. Time enough to learn languages after they pass the common schools if they want to.—*S. F. Chronicle*.

The January term of the District Court opens (for the first time in the history of the county) without a criminal calendar—not a case appears. This would seem to speak well for the godliness of our people, and almost would it persuade us that we are turning the cold shoulder to crime; yet we have now in our county jail fifteen prisoners, nine of whom are waiting the action of the Grand Jury of Storey county, and three who are to have an examination before the United States Grand Jury.—*Virginia, Nev., Enterprise*, Jan. 6.

MARRIED.

At Toquerville, Dec. 25th, 1873, by Elder George Spilsbury, MR. WILLIS M. MAR-MON and MISS KATIE SPILSBURY, both of Toquerville.

At Toquerville, Dec. 31, 1873, by Elder John S. Higbee, MR. DAVID HAIGHT, of Cedar City, and MISS CHARLOTTE J. HAIGER, of Toquerville.

At Toquerville, Jan. 1st, 1874, by Elder George Spilsbury, MR. GEORGE M. SPILSBURY and MISS ROSELIA J. HAIGHT, both of Toquerville.