

THE DESERET NEWS.

ELIAS SMITH, EDITOR AND PUBLISHER.

Wednesday, May 4, 1859.

Assumption of Power by Courts.

The *Bulletin*, and other Californian papers are down on the Judges of the Supreme Court of that State, in consequence of certain decisions that have recently been made, savoring, as is alleged, of absolute power.

The three judges are accused of setting themselves up as a triumvirate in whom is to center all power, and that they have declared their intention to not be interfered with by either Governor or Legislature.

This innovation by the Supreme Court of that State has aroused the indignation of many of its citizens, but what is passing strange, the very individuals who so keenly feel this assumption of power by men who are the creatures of law, speak in laudatory terms of the course taken of late by a judge of the Supreme Court of the United States for this Territory, and feel assured that since there has been a union formed between the "ermine" and the "lace" that the citizens of Utah will have justice meted out to them.

We do not wish our neighbors any ill will, but would like for the sake of variety that those fellows who thus express themselves might feel the pleasure of being incarcerated in a military prison and guarded by soldiers who owe no allegiance to the government of the United States beyond the term of their enlistment. They might learn something.

From the States.

The eastern mail arrived on Saturday morning, April 30, by which we received dates from New York to the 6th and from Washington and Philadelphia to the 5th ult.

From advices received from Monte Video to the 16th of February at New York, the difficulty between the United States and Paraguay appears to have been settled through the friendly intervention of General Urquiza, President of the Argentine Confederation. It is also stated that the Emperor of Brazil, through his resident minister in Paraguay, Senor Amaral, aided in bringing about an amicable adjustment of the difficulties that threatened to involve the two nations in war.

The particulars of the arrangement made between Mr. Bowlin, the American Commissioner, and President Lopez were not fully made known, but it was understood that an indemnity of \$10,000 was to be made to the family of the person who was killed on board the *Water Witch*, in the conflict with the fort of Itapiru; and \$25,000 to the company that was represented by Mr. Hopkins.

Affairs in Nicaragua at latest dates were in an unsettled state, with a fair prospect of their remaining so for a time to come.

Matters and things in the States were progressing about as usual. No material change for the better.

The weather was unusually cold at New York, and on the 4th and 5th of April, there was a severe gale from the north-west, the thermometer fell below the freezing point and ice was formed in several places along the Hudson. Considerable quantities of snow fell, and it was feared that the fruit trees were materially injured.

The prospects for war in Europe remained, at latest dates, about the same as heretofore. Different and various opinions were entertained by politicians as to the result of the proceedings and movements of those nations most interested in the adjustment of pending difficulties.

The following extracts will give our readers some idea of the views that are taken of the subject by the press in the States:—

"Whether Louis Napoleon really intended war when he, three months ago, addressed his menace to Austria through M. Hubner, or meant only to exalt his prestige by calling the world to witness Austria recoiling and humbling herself before him, is no longer material. Suffice it that Austria is not a Portugal, and neither her pride nor her policy is consistent with the role which the French usurper has assigned her. In full view of her heterogeneous populations, abasement is suicide; she can better endure an Asteritz. Austria will concede nothing—not even though Russia on the East is known to be the secret ally and instigator of France on the West. She will not recoil, but she will fight; and now Louis Napoleon has thrown back upon him the choice which he set before her—to be disgraced or go to war. And there can be no doubt as to his choice—though cowardly as Parolles, he must fight; since his throne is supported on bayonets which would desert him if he were to seem recreant. Thus, events march toward a grand conflagration with luxuriant strides, and June will probably see the plains of Lombardy red with the blood of thousands of the dying and the dead. But whether war come sooner or later, it can only be prevented by the intervening downfall of Napoleon. If he lives and reigns, a collision is inevitable." [N. Y. Tribune.]

"Sardinia, restive to dash in upon her old enemy Austria, eight times her size. France ostensibly backing her, and quarrel of regular style for fight, yet all the while talking about it in such an ambiguous style as to completely puzzle every one about her real intentions—her

ally, England, afraid that France is in earnest, and yet more afraid to interfere—Austria, planting herself in the best possible attitude to receive the shock, yet visibly shaking in the knees, and beginning to talk about yielding a point or two. Prussia standing by her cousin German, but afraid to stir—and the giant Russia, himself lately thrashed so soundly, looking on very good naturedly, and quite disposed to think it a very pretty quarrel as it stands." This tableau of course cannot last long. It is a very awkward posture for the parties themselves, and besides, keeps the world in a state of painful suspense. The affair must take a new turn soon, yet nobody is sure what. The general feeling, however, is that warm work may be expected. [N. Y. Courier.]

The New York Herald of the 6th ult., says:

"According to the news received yesterday by the New York, the war question begins to wear a less threatening aspect. There are hopes that the difficulties that have led to it may find a diplomatic solution. Austria has agreed to submit them to a conference, and by this concession something may have been gained to the cause of peace. A quarrel postponed is often a quarrel settled, and we are not surprised to find the moneyed interests of Europe rejoicing over this welcome announcement."

If the matters of difference between France and Austria relative to Italy, are submitted to a European Congress, they may be settled for the time being, and postpone the horrors of war for a season, but time will disclose how long peace can be maintained by such intervention.

Speaking of the prospects for a settlement of the Italian question by a Congress the *Herald* adds:—

"If France be justified in entering into an offensive and defensive alliance with Sardinia, then is Austria justified in forming similar treaties with the Duchies. Although the one is a consequence of the other, neither can be said to be a violation of established precedents. The question, therefore, if it comes before the Congress, will be surrounded by so much difficulty that nothing but a compromise can solve it. Austria will never consent to abandon her treaties with the Italian States unless France, on her side, is willing to renounce the offensive alliance she has formed with Sardinia. To do so would be madness, for she would then be exposing her Lombardo-Venetian provinces to the double risk of Sardinian invasion and revolution."

The trial of D. E. Sickles, at Washington city, for the murder of Key, commenced on Monday, April 4. Much interest was manifested among all classes of citizens, in the progress of the proceedings, and in relation to the final result of the trial.

Of the regular panel, only five were adjudged competent to serve as jurors, the others having expressed opinions relative to the innocence or guilt of the prisoner, or were otherwise deemed ineligible by the court, for various reasons, some not having the necessary property qualification, that is, being worth eight hundred dollars, and some not being twenty five years of age.

After the panel was exhausted, the court issued an order to the marshal to summons seventy five talismen to appear the next morning, from whom the remaining number of jurors might be selected.

On the meeting of the court the next morning, April 5, the clerk commenced drawing and calling the names of those summoned and, in the course of the day, three more out of the seventy five were selected and sworn, making eight, and the court directed the marshal to summons seventy five more talismen to appear the next morning.

The court room was crowded both days, and it was thought that the trial would occupy at least two weeks. The Judge seemed to act impartially, but there was some feeling manifested in consequence of the Prosecuting Attorney insisting so strenuously on the property qualification of the jurors, which they thought would have a tendency to limit the jury to the more aristocratic class.

ANOTHER WAR.—A difficulty has sprung up between Denmark and Dominica, and a Danish Steam Ship of War, the *Heimdal*, was in the harbor of St. Domingo, on the 14th of March, having on board a Danish envoy, who demanded \$150,000 for the losses sustained by the seizure of the schooners, *Trio* and *Crisio* by the officers of President Baez's marine, during the recent revolution.

The demand was peremptory, and only twenty four hours were granted for compliance, seemingly intending to bring the thing to a focus at once.

President Santana offered to arbitrate the matter which the Danish functionary declined, and intimated that if the demand was not complied with, the refusal would be followed by a blockade of the port.

How the matter will terminate remains to be seen.

SEASONABLE.—The dry winds that prevailed after the late stormy season ended had, as a matter of course, a tendency to dry up the ground that was plowed for spring crops and some fears were entertained that the late sowed wheat would not come up.

On Saturday evening last, it commenced raining and continued without intermission till some time in the afternoon on Sunday, watering the ground thoroughly.

It was one of the finest showers we ever witnessed in these mountains.

ACCOUNT

Of the Expenditure of Great Salt Lake County for Criminal Prosecutions from 1851 to March 10th, 1859.

Total amount during the year 1852,	\$71.50
" " " " 1853,	491.60
" " " " 1854,	1058.80
" " " " 1855,	471.10
" " " " 1856,	939.85
" " " " 1857,	235.75
and up to July 26th, 1858,	

Total up to July 26 h, 1858,	\$3318.60
Amount expended from July 26 h, 1858 to March 10th, 1859,	3331.06

Total expended, \$6649.66
G. S. L. City, JOHN G. LYNCH.
April 30th, 1859. Clerk County Court.

For the benefit of our readers we publish the foregoing statement, furnished us by John G. Lynch, Esq., clerk of the County Court for this county, showing the amounts that have been appropriated and paid on account of crimes prior to the adjournment of the March term of said Court.

There were many other bills presented that were not allowed or not acted upon, which, if allowed hereafter, will greatly swell the aggregate, without including the expenses that have since accrued.

COLD WEATHER.—From all accounts it seems that there has been some cold weather, high winds, frost and snow on the west side of the Sierra Nevada, as well as in the Great Basin during the winter.

About the last of March the snow at Gibsons ville was reported to be ten feet deep on a level, and that in several towns in that part of the State the inhabitants went from house to house through passage ways cut under the snow fifteen feet below the surface.

A gentleman who had been traveling through the valleys and hills of Mendocino county, reported that the weather in that section of the State was still very cold and disagreeable. Most of the hills in the upper part of the county were covered with snow, and in the valleys the ground froze so hard at night that it would bear up a horse and rider.

RETRENCHMENT IN THE ARMY EXPENDITURES.—We take the following from a frontier paper, which, if true and strictly observed by the subsistence department in Utah, there will not be much fresh beef issued to the soldiers hereafter, as the order amounts to an inhibition:

ARMY ORDERS.

The following orders have been issued by the War Department:—

1st. Purchases by the subsistence department of pickles, sour kroust, dried fruits and fresh vegetables, unless for the sick in hospital, are prohibited in future.

2d. Two issues per week of desicated vegetables may be made in lieu of beans or rice.

3d. When fresh beef can be procured at 6 1/4 cents, or less, per pound, net weight, it will be issued to the troops five times per week.

S. COOPER, Adjutant General.

ABANDONMENT OF MILITARY POSTS.—WASHINGTON, March 14.—The report of the board of army officers, appointed by the Secretary of War to look into the army expenditures and other matters, with a view to retrenchment, recommends the abandonment of most of the interior posts beyond the western line of settlement. They are maintained at great expense and suffering, to no purpose. Shortly after these posts are built, they are generally abandoned, and the cost is thrown away. Last year five of these posts were abandoned, and within ten years, fifty. The board recommends the advance of the corps of the army from the western frontier—in the spring to the interior or across the continent, and to return to the settlements in the winter.

WASHINGTON, April 5.

The Quartermaster's Department is curtailing its expenses as rapidly as the public service will admit. In addition to the two military posts on the route to Utah, three are to be dispensed with in Texas, and orders have been issued to stop the purchase of mules, &c.

ABOLITION OF THE GRAND JURY IN MICHIGAN.—The Detroit Free Press says the act providing for the trial of criminals by information goes into effect sixty days after the 12th of Feb., at which time it became a law. This law virtually abolishes the grand jury, which has for so long exercised its inquisitorial functions, reserving for the circuit judge power to call it into session whenever special cases need its aid. All cases are to be examined before a justice of the peace, and by them committed directly to the higher courts, instead of for indictment, as has previously been done.

LORD CAMPERELL's bill amending the Jury Law of England has been printed for the information of members of Parliament. It is proposed to furnish the jury with food and fire, and unless they agree, to keep them together for six hours. If, at the expiration of that period, nine of them have agreed, it is to be taken as the verdict of the jury; if not, they are to be discharged from further consideration of the case.

TABERNACLE.

SUNDAY, MAY 1, 10 A. M.—Owing to the incessant rain from Saturday evening until the hour of meeting, only 70 persons came together; of the number there were "seven women;" and there being every appearance of the storm continuing through the day, it was deemed prudent to dismiss the few who had assembled, which was done by Elder W. W. Phelps, and the meeting adjourned till next Sunday morning, at the usual hour.

HIGH WINDS have prevailed in California this spring, and in some counties the grain crop has been severely injured, many fields having been entirely destroyed.

The vineyards in the southern part of the State have suffered from the same cause and also from the late frosts.

HARD FROSTS have destroyed much of the fruit in the Golden State, especially peaches in Sacramento, Placer, Yuba, Tehama and other counties in that region.

BY THE EASTERN MAIL.

—A fire in New Orleans, April 5, destroyed property to the amount of \$10,000.

—A collision took place lately on the Hudson near Hastings between a river steamer and the sloop Stephen Raymond which sunk the latter immediately with all on board.

—The Steamer *Nat Holmes* and David Gibson came in collision on the Ohio opposite Aurora, Ind., the last of March, both boats sunk and their cabins floated off. The *Nat Holmes* had 86 passengers on board. The *David Gibson* but few.

—James Stephens who poisoned his wife in New York has been sentenced to be hung on the 20th inst.

—A woman in St. Louis, was recently frightened to death by a *charivari* serenade.

—A man lately went from Kansas to Pittsfield, Illinois, for the purpose of thrashing his brother-in-law, for maltreating his wife.—Having accomplished his business to the satisfaction of all concerned, he started home.

—A man named Foster, convicted of burglary, was hung at Charleston, S. C., not long since. That is the only State in which the crime of burglary is punished with death.

—The loss of vessels at sea during the winter has been unusually great.

—It is stated that it was a hard matter to get a first class lawyer to assist in the prosecution of Sickles for the murder of Key.

—CAPT. WEBER who gave name to the Weber river in this Territory, and often boasted of being the first white man who ever visited Great Salt Lake valley, committed suicide at Bellevue, Iowa, on the 7th of March, aged 80 years.

—It is affirmed that Gen. Scott, in an interview lately with the Secretary of War, intimated that the present force in Utah could be advantageously reduced.

—THE City Marshal of St. Louis, a few weeks since, burned up \$16,000 in counterfeit bills taken from rogues.

—ONE of Mr. Buchanan's Postmasters in Tennessee writes to the Auditor's Office as follows:—

"June Tennessee Henderson County
Auditors Office send me one quail of wabills
yours & so forth B Beal P M."

To which he adds a postscript.

"June Tennessee Henderson County March 15
All so some Cont currents.
B. Beal P M."

—THE Honolulu papers announce the arrival of the missionary brig *Morning Star* at that port for repairs. This is the vessel built by the contributions of the Sunday School children in the Atlantic States, and sent out to the Micronesian Islands. It appears she is a wretched swindle; her timbers being rotten, and the materials used in her construction being the refuse of the ship-yards.

—Snow fell at St. Paul, Minnesota, to the depth of three feet on the 13th of March.

—FROM last accounts Col. Hoffman with the troops of the Mohave expedition, was marching up the north-west bank of the Colorado very slowly. The little steam boat Gen. Jessup was keeping near the command, but that stream does not appear to be navigable to the extent that some have supposed.

—A FIRE in San Jose, about the middle of April, entirely destroyed the block of buildings immediately south of the Catholic church.

—THE prospects at Mare Island are represented to be very gloomy since the news reached there that Congress had appropriated only \$70,000 this year, instead of \$300,000 or \$400,000 as heretofore, for the navy yard.

—AN earthquake shock was felt at San Diego on the 21st of March.