

GEORGE Q. CANNON,
EDITOR AND PUBLISHER.

Wednesday, November 23, 1870.

THAT REBELLION—THE EVIDENCE
IN THE CASE.

As there is considerable interest felt in the case of Geo. M. Ottinger, Andrew Burt, C. R. Savage, C. and A. Livingstone, John C. Graham, W. G. Phillips and Jas. Fennimore, they having been arrested for training, we give space to the evidence of the witnesses who were brought forward to criminate the accused. We wish the public to thoroughly understand the merits of this case, that everyone may be made familiar with the grounds upon which action has been based. A clearer instance of malicious and vexatious prosecution never existed, and if the men who have been active in it were not already so low that they cannot very well be made more contemptible and sunken than they now are, this case alone would damn them.

This whole affair is gotten up by them with the hope that by such means they can succeed in dragging themselves into public notice. They are oppressed with the insignificance to which they are consigned, and having no honorable opportunity of escaping from it, they have seized with shark-like eagerness this training of a few men as their only chance. It is upon this evidence that the acting Judge in this district has bound the two first gentlemen over in five thousand dollars' bonds and the remainder in two thousand dollars' bonds to appear at the March term of the Court. This is called law in Utah, and the man who renders this judgement calls himself a lawyer. Let it be recorded that this is the first time in the history of the United States that training under the waving folds of the stars and stripes—that meteor-flag of liberty—has been punished as treason.

R. Keyes, examined by Mr. Maxwell:—Where do you live? In Salt Lake City. Where were you on the morning of the 27th of November? In this city, at the Court Room. Were you at the 20th Ward School House during the day? Yes, sir. What did you see there? I saw a company of men drilling there. How were they equipped, had they guns? Yes, sir. Can you identify any of them? Yes, sir, I can identify Mr. Burt, Mr. Ottinger, Mr. Phillips, the two Livingstones, Charles and Archibald, Mr. Savage, Mr. Graham and Mr. Fennimore.

Cross-examined by Judge Snow:—What time were you there? Between eleven and twelve o'clock in the forenoon. You saw those men there? Yes, sir. You saw them drilling? Yes, sir. Had they any music? Yes, sir. Any uniforms? Yes, sir. I believe all the officers were in uniform. Who were the officers? Mr. Ottinger was giving command when I was there. I don't know whether he was an officer or not. What others were there? Mr. Burt. Was Mr. Burt an officer? I don't know. Any others? Mr. Phillips. Do you know whether he was an officer? Don't know any more than the rest. Mr. Savage, the two Livingstones, Mr. Graham the same. Mr. Fennimore had a gun, and should judge he was a corporal from the number of stripes on his clothes. How long were you there? About ten minutes. Did you talk with any of those present? With Mr. Savage. Any other? No. Was there any boisterousness there? Not any in the least. What kind of music had they? Martial. Did you observe whether the uniform was new or old? It was very nice uniform. I could not see whether it was new or old. Was there any drunkenness? No, sir. You did not see any liquor on the ground? No, sir. Do you know how long they kept it up? I was there ten minutes, and rode on a block or two beyond, and as I came back they were just dismissing. You went up after Court adjourned here? Yes, sir. You remained there ten minutes? Yes, sir. How long were you gone before you went back? It could not exceed ten minutes. You were not there over twenty minutes? No, sir. When they dismissed did they march off in different directions? Yes; one company marched off down Brigham street, another west of the building. When you went there did you command them to dismiss? No, sir. Did you see any women and children there? Yes, sir, there were a good many looking on, both women and children. Did you see any women and children in the ranks? No, sir. Were there not as many women and children as men there? Could not say. Did you see any flags there? Yes, sir. What kind of flags? My impression was that they were the "stars and stripes." Were they dressed in United States uniform? I don't know that I knew the United States uniform. They had hats with plumes, swords, etc. Did you ever attend musters in the States? Yes, sir. Was this any different to them in any way? (Objected to by Maxwell.) Judge Snow claimed to show its legitimate bearing, and that there was nothing done contrary to the laws of the United States. (Allowed to pass.) In the States were ordered out. I did not see anything different. Did you wear glasses on your

face? I always wear them, and I believe I can discern a person with them as well as a person who does not wear them.

Re-examined by Mr. Maxwell:—Describe the uniform of Mr. Ottinger, as to its marks and insignia? I was not near enough to recognize the shoulder strap. He had a blue coat, brass buttons, a black hat and a black plume. How many men were there in the ranks? (Question objected to, but allowed by the Court) I guess there were a hundred. How many boys and women surrounding? Probably one hundred and fifty. How many women? I took but very little notice, there were a good many children. What was the conversation you had with Mr. Savage? As I came back I met Mr. Savage coming across. I spoke to him and said "You have got through?" He said "Yes." I then discovered that the band was composed of boys, and said "You have a young band." He said "yes, that band, a year ago could not play a note." There was a lot of boys with wooden guns, and he said they were going to have a drill. That was the substance of it.

Geo. A. Black, examined by Mr. Maxwell:—You are Secretary of this Territory? I am. You were present at the muster? Yes. What time was it? I judge it was about 10 o'clock. Will you state what you saw? I saw a number of men drilling. I should judge there were 300. They were armed and equipped with various kinds of guns, muskets and carbines. Do you know any of those men, can you recognize them? I can. Witness identified Mr. Phillips, Mr. Charles Livingstone, Mr. Ottinger, Captain Burt and Mr. Graham. What were they doing particularly? They were going through regular military drill. Did you notice the uniform these men wore, if so describe the uniform of Mr. Ottinger? On his coat he had shoulder straps, a sword, a hat and black feather in it.

Cross examined by Judge Snow. Where do you reside? In Salt Lake City. How long have you been here? Seven months the 27th day of this month. You said you were up in the 20th Ward, what time did you go there? About 11 o'clock. Have you any means of knowing the precise time? I have not, it was after 10 and before 12 o'clock. How came you to go there? I heard there was a drill up there. Are you acquainted with costume in the States? Yes sir. The uniform was alike with the exception of the hat: I never saw a Colonel wear a hat like Mr. Ottinger wore. What is the difference in head-dress? They usually wear a cap. Do they wear a feather? I never saw one with a feather in it. Have you ever been in the army? Yes sir. Did you ever see a military officer wear a hat? I never did. Did you ever see them on dress parade? Yes, sir. What is the difference of dress parade and fatigue? When on dress parade they appear in full dress and when on fatigue they go around loosely. There were about 300 there? Yes sir. How long did you remain there? Fifteen minutes, at least. What did you do after the fifteen minutes expired? Turned round and came down town. Where were the men then? Still drilling. Did you see any of the men after? I did in the afternoon. You don't know what time they left? I don't. Nor how long they were there? No sir. Did you see Mr. Keyes there? I did not. I saw him when I was coming back, when about half way between that place and the Post Office. Were you alone? I was in a buggy, and Mr. Keyes was horse back. Did you come tolerably fast? Not very, and he was riding on a slow lope. Did you see any women and children there? I did. A goodly number? Probably 15 or 20. There were a good many children I did not notice any women. Did you see anything disorderly there? No sir. Any drinking? I did not. Did you here any cursing? No sir. All was order, quiet and peace? Yes sir. Did you see any flag there? I did. I think it was the American flag. Don't you know that it was? I did not go up to examine it. I took it to be the American flag.

Re-examined by Mr. Maxwell:—What munitions of war did those men have? I noticed they had old muskets principally; some of them had carbines, and a number had cartridge boxes; the officers had swords.

PROCLAMATIONS AND THEIR OBSERVANCE.

Dear Subscribers and the Public generally: Take notice that to-morrow is Thanksgiving Day. President U. S. Grant has issued a Proclamation to the people of the entire Republic declaring it to be such and requiring its observance; Governor V. H. Vaughan, also, has issued his Proclamation to the people of the Territory of Utah appointing that day "to be observed as a day of Public Thanksgiving, Prayer and Praise." This, therefore, is a proclamation that comes to all with authority; first the President of the United States requiring its observance, then the Governor of the Territory following, to the same effect. Now, the legal luminary who for some unexplained reason left the practice of law in Chicago to enlighten Utah with the scintillations of his weak brain, informed the people in Court this morning that

"The Governor of this Territory by virtue of the authority of the United States in the Organic Act contained, has the right to issue orders and proclamations, and when they are rightfully put forth, they have the force of law and must be obeyed."

This is authoritative. There is no evading this interpretation of the force and binding effect of a proclamation. There must be "Public Thanksgiving, Prayer and Praise" to-morrow. The Being who "saved unto us abundant crops from the pestilence of last summer" must be remembered "with humble, loving and grateful hearts" or the Proclamation will be violated. This is a duty which, we are proud to say, the larger portion of the citizens of Utah Territory observe. They do so daily, and wait for no Proclamation to enforce it upon them. But how about those who, instead of giving public thanksgiving, prayer and praise, habitually and publicly blaspheme? Are the spies who went to the 20th Ward on Monday going to perambulate the streets to-morrow to see who violates the Proclamation? If so, they should keep close watch upon the men who actively figured in prosecuting the case which has just been tried. They will all bear watching. A person cannot stroll down East Temple street without having his ears assailed by language in which the Being whom the Proclamation says must be remembered "with humble, loving and grateful hearts," is blasphemed. Is this the style in which "Public Thanksgiving, Prayer and Praise" are to be observed to-morrow? Or, will there be a court held, and the violators of the Proclamation be bound over to appear and answer at the next term of Court for their disobedience? If the orders and proclamations of the Governor have the force of law, why should they not be enforced in one case as much as another? Let the men who have been so active in the case of Ottinger and others for training, be made to respect this last proclamation. Let them be taken on their own ground, and be dealt with by their own words. Let them get down on their knees to-morrow and utter public prayer and praise, instead of public oath; let them breathe the spirit of humility, instead of the fumes of bad whiskey; let them be sober and peaceable, instead of drunken and quarrelsome. If they do not this, they confess that the appointment by proclamation of a day of Thanksgiving is but a farce.

BOUND OVER.

Our readers will see by perusing another portion of our columns to-day, that the gentlemen accused of directing the 20th Ward drilling party on Monday have been bound over to appear at the March term of the Third Judicial District Court. The proceedings, so far as the investigation was concerned, closed yesterday afternoon, and the case might have been disposed of then, but the very serious nature of the offense, we understand, induced the Court to hold the matter under advisement till this morning, so that justice in the case might be meted out under inspiration gleaned from the works of the chiefest apostles of the law. Accordingly the Court adjourned until this morning, when it again convened, and delivered a lengthy ruling on this important case. Statute and common law were cited in the most learned and pompous manner, to show that the chief authority in regard to the militia of States and Territories is vested in the President of the United States, and that the assumption of such authority by any other person is treason, of the most flagrant and aggravated character, and that the power of the Executive and the majesty of the law must be vindicated by rigorously dealing with all so offending.

This may sound like logic in the ears of its enunciator, but what it has to do with a few hours' amusement, participated in by a body of men, all living in one Ward, and neighbors, we utterly fail to see. However such is the result arrived at, and such the law as interpreted, or rather twisted and violated. Treason has often been urged against the Latter-day Saints before, but never we believe on such utterly trivial and childish grounds; and we are satisfied that if the employers of the bungling law jobbers who have made such a ridiculous exhibition of themselves in this affair do not snub them, the united verdict of the common-sense portion of the entire nation will, Rebellion out of a meeting for training practice! Whoever heard the like before! The entire proceeding is, however, no more than might have been expected from the known mediocrity of talent of the members of the "ring" here. They are nothing from beginning to end but played-out pettifoggers, and political tricksters, possessing neither honor nor talent. To over-ride the Constitutional rights of the people of an entire Territory, and do it with some degree of plausibility and seeming right, smart men are needed, and not such a set as those with which the patient people of Utah are now pestered and plagued. The old saying "Put a beggar on horseback and he will ride to the devil," was never better illustrated than in this case. The clique here never held any respectable position before; and like nearly all unaccustomed to the exercise of authority, they have used it, from the high priest of the ceremonies down to his humblest devotee, only to show how utterly unfit they are for any position of trust or responsibility.

(SPECIAL TO THE DESERET NEWS.)

By Telegraph.

Per WESTERN UNION Telegraph Line

AFTERNOON DISPATCHES.

Movements of the French and Prussian Armies!

MORE ABOUT THE EASTERN QUESTION!

WASHINGTON.

President's Message. WASHINGTON.—The President has completed his annual message. It is the same length as his first to Congress. It will be read to the Cabinet to-day.

NEW YORK.

Military movements—Suspension.

NEW YORK, 22.—The World's special, dated Berlin, 22nd, says, according to latest news from Versailles, incessant exertions are directed to the formation of a second outer line investment to cover the operations of the inner line. The strategy of General d'Aurelle is understood at Versailles, and has been met by a counter movement with the centre at Orleans. d'Aurelle has extended his lines both north and south, intending to enclose the Germans on both flanks. The latter have executed a similar movement, falling back at the same time towards Paris. General d'Aurelle's line is now said to extend from Orleans through Vendome, Orleans and Bourges to Nevers. His main body rests along this line, while it is feared a large section of his force has passed north towards Evreux. His line also extends from Orleans to Augerville and in a triangle whereof Vendome, Orleans and Augerville form the points. The German line extends from Chateau Neuf through Chartres and d'Amboise to Fontainebleau.

A special to the Herald, London, 23.—A telegram dated Vienna 22nd, referring to Austria's rejoinder, supposed to have been prompted by England, runs as follows: Russia's wishes regarding the Black Sea, might have been put forward through diplomatic channels and possibly acceded to by the great powers concerned, but the arbitrary expressions of her will calls for the gravest resistance from all parties.

The Northern Transportation Company suspended payment, to-day; liabilities four hundred thousand dollars. The assets are estimated at one million two hundred thousand. The company asks an extension of one two and three years, which will probably be granted and the company continue business.

The authorized Cuban agent in this city declares untrue the statement that any person has sailed for Cuba with authority from the Spanish Minister to negotiate terms of peace with the Cuban insurgents.

A special to the Tribune, London 22.—Gortschakoff's answer to Granville, left on Monday by a special messenger. It was not communicated to the British Ambassador at St. Petersburg, but his dispatches intimate that the note is conciliatory. It is believed at the foreign office that Gortschakoff will withhold precise information from Sir A. Buchanan, has encouraged him to report favorably to London regarding the disposition of Russia. There is some authority for saying that Gortschakoff's circular was a surprise to Bismarck, who is thought to indicate his discontent by civilities shown to Otto Russell during his journey and on his arrival.

A Versailles' dispatch from the Tribune's special at that place, dated the 21st, says that Otto Russell has been received with the greatest cordiality and will have an opportunity of disclosing his English views under the most favorable circumstances. The special correspondent of the Tribune, at Vienna, telegraphs to-day, saying that intelligence has been received that a most conciliatory answer had been sent to England by Gortschakoff. There is a marked change in the tone of the English foreign office since last week when Granville's answer was first published. The fear was lest public opinion should not suffer the protest involving a possible recourse to war. The English press was so unanimous that it is officially said to have had an undoubted effect on Gortschakoff. Now that a peaceful solution is looked for, an apprehension is expressed, also official, lest a war feeling might be aroused that might be difficult to allay.

FOREIGN NEWS.

GREAT BRITAIN.

Bourbaki. LONDON, 22.—The Tribune's correspondent at Antwerp telegraphs on the 21st, that, early this morning, Bourbaki passed through Amiens on his way to assume his new command against Prince Frederick Charles.

FRANCE.

LILLE, 22.—A Russian scouting party was attacked near St. Quentin and was compelled to fly. A body of Prussians, composed of foot, horse and artillery, 11,000 strong were advancing on Amiens. This is supposed to be a portion of General Montaufel's command. Around Paris the circle of investment is enlarging daily.

THANKSGIVING DAY!

THE various Departments of Z. C. M. I. will be closed TO-MORROW, in observance of the above day.

H. B. CLAWSON, SUPT.

\$100 LOST!

LOST!—About noon of the 23rd inst., between the Eagle Gate and the 17th Ward, four twenty and four five-dollar pieces, in a Buckskin sack.

The finder will be rewarded by leaving the same at this office.

CHASE, HANFORD & CO.

31 South Water Street, CHICAGO, HEADQUARTERS FOR THE SALE OF THE FOLLOWING:—YANKEE TURKEY, AXES, SAWED TIMBER, WHITE, BROWN, AND YELLOW, GLASS, ETC.

Special Notices.

DANGEROUSLY ILL.—The friends of Bro. Anthony Ivins will be extremely sorry to hear that he is dangerously ill, and in a low and somewhat critical condition.

Great Excitement is caused by Carl C. Amussen selling his New Stock, consisting of the most excellent quality of Watches and Jewelry, at very Low Prices. Give Bro. Amussen a call at his new Jewelry Store, East Temple Street, d305 3m.

HOUSES, CHURCHES AND SCHOOL ROOMS can be kept warm by using "The Gothic Furnace," it is warranted by the maker as the best heating method extant. Alex. M. Lesley, 635 E. 3rd Ave., manufacturer. See advt. d31 25 1

BASSETT & HOFFMAN have entered into a co-partnership and intend carrying on an extensive business in the Hardware line. Their prices will compare favorably with Eastern rates, and it is their intention, by strict application to business, to secure a large share of the patronage of Salt Lake City and Utah Territory in the branch of trade. Read their advertisement in another part of this paper. d31

SALT LAKE

THEATRE.

FOR FOUR NIGHTS ONLY!

Commencing

TUESDAY, NOV. 22, 1870.

Frank MacEvoy, Manager.

MACEVOY'S

GREAT

PICTORIAL, MUSICAL

AND NATIONAL

ENTERTAINMENT!

The New Hibernicon!

Representing a tour in Ireland, or Ireland in America, in connection with which the following talented Artists will appear:

Mr. ROBT. BYRNES, the favorite Irish

Comic Vocalist, as "Barney, the Guide,"

Miss MARY DOUGLAS as

"The Widow" and "Mrs. O'Callaghan,"

Miss IDA LESTER as "Nora,"

W. S. STEWART, Lecturer,

CHARLES FARR, Musical Director.

Prices as usual. Doors open at 7, to commence at half-past 7.

FRANK C. GARLICK, AGENT.

d 303 10

HAYWOOD,

CARTLEDGE

& HONORE,

HARDWARE & CUTLERY

IMPORTERS,

41 LAKE STREET, CHICAGO.

d3 10m

H. P. MERRILL,

(Successor to Merrill & Hopkins.)

Importer and Jobber of

QUEENSWARE, GLASSWARE

Etc.

30 Lake Street, CHICAGO.

d32m

C. H. BASSETT.

G. F. HOFFMAN.

BASSETT & HOFFMAN,

NEW

HARDWARE STORE.

ALL KINDS OF

Heavy Hardware,

Iron and Steel,

Stoves and Tinware,

Blacksmith Tools,

Agricultural Implements

and Mining Tools,

AT LOW RATES!

Opposite Salt Lake House.

d31f

JUST OPENED!

THEODORE LUBBE,

Manufacturer of Ladies' and Fancy

FURS.

EAST TEMPLE ST.

At FLORENCE SEWING MACHINE SALESMAN

Opposite Salt Lake House,

Has on hand and for sale a Fine Assortment of

HOME-MADE

LADIES' FURS!

Utah and Alaska Mink, Ermine, Chinchillas,

Russian Squirrel, Arcturion, Persian

Lamb, Beaver, Krimer, Russian

and French Country

Utah and Eastern

Muskats,

etc.

Which I sell at exceedingly low prices.

All goods warranted as represented or money returned.

Ladies Furs of any description made to order in workmanlike manner. d265 3m

STRAYED OR STOLEN

FROM the 11th Ward, Salt Lake City, one Red

COW, branded Z 8 on left hip.

I will reasonably reward any person who will return her to me.

Z. SNOW.

LAST CALL.

THE undersigned, in order to close up their

partnership business, and it is absolutely

necessary to make immediate settlement with all

BATHS!

WARM SPRING BATHS

Private and Plunge.

THESE celebrated baths are open to the public at all seasons. Their medicinal properties are so widely known that it is needless to enumerate them.

Besides the Private Bath, the large and handsomely furnished PLUNGE BATHS, for Ladies and Gentlemen, are now open.

d304 1y H. ARNOLD.

Get the Best, Celebrated, Genuine

CONCORD HARNESS!

ALL kinds and descriptions constantly on hand and made to order, from the highest quality of leather, and in every variety and style of mounting. None genuine unless stamped with our name and trade mark. Price lists and circulars on application. Address JAMES B. HILL & Co., Concord, N. H., Sole Proprietors and only Makers.

We have arrangements by which goods are delivered by R. R. Fast Freight at lowest rates. d216w2 3m

JUST RECEIVED!

A Large Lot of

Blankets,

Shawls,

Lamps,

and Coal Oil,

And other WINTER GOODS,

FOR SALE---CHEAP!

AT

T. & W. TAYLOR'S,

East Temple Street.

d195 1y

LOST!

A MONTH ago, on or near Main Street, in this city, a GOLD BROOCH, set with Diamonds and Rubies in flagstone work, with a place at the back for a likeness.

The finder will receive a reward on and shall be rewarded by Z. SNOW, on leaving it at the office of Snow & Hoge.

Nov. 21, 1870. d21w

MARSHAL'S SALE.

PURSUANT to an Order of Sale to me directed by the Third Judicial District Court of the Territory of Utah, I shall expose to Public Sale, on the premises, in the City of Ogden, Weber county, and Territory of Utah, on the 22nd day of November, A. D. 1870, at ten o'clock a.m., the following described premises, to-wit:

The undivided one-half of a portion of Lot four (4), Block one (1), east Range one (1) North Ogden survey, in Weber county, Utah Territory, commencing at a point in the middle of Mill Creek (old creek crossing State Road) and running south on the east side of said State Road twenty-four (24) rods to the north-west corner of Myrtle Shaw's land, thence east seventeen and one-half (17 1/2) rods, thence north one and one-half (1 1/2) rods, to the middle of said Mill Creek, thence following down the middle of said creek to the place of beginning, containing two acres and eighteen (18) rods, more or less, with what is known as West & Young's Grist Mill. To be sold as the property of the estate of Chauncey W. West, deceased, at the sale of William Jennings.

Terms of Sale, CASH.

October 22, 1870, d283 2d

M. T. PATRICK,

U. S. Marshal

"The King Washer"

Is strongly made, washes by swift currents of water, quickly, easily and saves clothes, time and labor.

"The Royal Wringer"

Is acknowledged superior to all others, in that it embraces all their good points, and is the only one self-adjusting.

Whosoever wants the Best and Cheapest ever offered, call at the DESERET NEWS OFFICE and send for "THE KING AND ROYAL."

d299 1m

CITY LIQUOR STORE

KEEPS constantly on hand and for sale

WHOLESALE AND RETAIL, Choice

Liquors & Wines!

AT LOWEST RATES.

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