NOTICE.

A Special Conference of the Church of Jesus Christ of Latter-day Saints will be hold at the New Tabernacie, in this City, on Thurs tay, October Fifth, 1871, about Utah. If our friend of the Discommending at 10 o'clock in the morning. The next day, Friday, October statements he will at once see that his Stath, the Semi-annual Conference will commence, as usual, at 10 o'clock in the morning, at the New Tabernacle.

BRIGHAM YOUNG. GEORGE A. SMITH, DANIEL H. WELLS, First Presidents of the Church of Jesus Curies of Latter day Saints. SALT LAKE CITY, 1

THE CASE OF THE HARSHALS AND THE WARDEN.

B-pt. 8 a, 1871.

THE preliminary examination of A. P. Rockwood, Warden of the Penitentrary, and J. D. T. McAllister, City Marshall before Assectate Justice G. M Hawley, in Chambers, for refusing to surredder the prisoner James Killfoyle, to U S. Marshal M. T. Patrick, on his verbal demand, backed by the verbal order of Governor G. L. Woods, commenced on Monday (4th) and was concluded to-day (8th), Warden Rockwood and Marshal McAllister being said to ball in \$1,000 each to await the ction of the Grand Jury of the Third

Briefly the history of the case is this: The prisoner Killfoyle was tried, before Chief Justice Wilson, under the laws of the Territory, on the charge of murder, convicted, and sentenced to the Penitentiary for life, and committed to the charge of Warden Rockwood by order of the court which tried the case. The prisoner was taken in charge by Warden Rockwood, and subsequently committed by him for safe keeping to City Marshal McAllister. The Warden, with other officers, was elected by the last Legislative Assembly, and were duly commissioned by the Acting Governor. The Legislative Assembly appropriated funds to carry on the courts for one year, as usual, and also in case of the Assembly not meeting again for two years. After the close of the Legislative session, Congress passed a law. giving the U.S. Mambal authority to take charge of the Penitentiary, and General of the United States Marshal Patrick took charge of the United States prisoners. The Attorney General also instructed the Marshal that he might contract with the proper authorities to board and take care of the Territorial prisoners. The Marshal professed to have made a contract with Governor Woods to take charge of and subsist the Territorial prisoners for a dollar and a half per per diem. Who authorized the Governor to make such a contract, or any contract on behalf of the people of the Territory, who would have to pay the dollar and a half, does not tenderness for poor unhappy woman. appear, although it is usual for the party which pays the money in a contract to have a voice in making the contract, or in authorizing it to be The counsel for the defense held that neither the Warden and Directors of the penitentiary nor the Governor of the Territory had power to make a contract to bind the Territory. Judge Hawley conceded the point respecting the first named parties, but beld an adverse opinion respecting the Governor. Counsel for the defense also An opinion of Attorney Coneral Ackerheld that the United States had no right to put its hand into the Territorial treasury without the consent of the tor ey General Ackerman is published Territory. Had the law authorizing ed by the civil service commission, as bly, that body might have made provis-Hawley ruled that the U.S. Marshal

This ruling surprised no one, as everybody was satisfied that the whole affair
in effect was pre-arranged, and the hearing only a matter of form, this case being only one of a series in the attempt
to curtail the liberties of the people of
to curtail the liberties of the people of the Territory, and introduce the hands of Federal officials and the "ring" generally into the Territorial treasury. Here lies the animus of this and all like proceedings.

The "whones" of the women of Utah are an unfailing subject for comment by newspaper correspondents and editors troubled with and Mormon tendencies, and for mendacious lecturers of the Anna Dickinson school. But if some of those who denounce Mormonium understood what they write about, the tone of their articles would be very different. To assert that the women of Utah are all, without exception, perfectly happy, or that not a wrong exists. THE "WRONGS" of the women of Utah nature and constitution of most women, as well as most men, to be perfectly happy. But this continual talk about the "wrongs" of the women of Utah is abser nonsense, for it is possitive to the people pass judgment upon his abser nonsense, for it is possitive to the government to interfere, and to appoint a provisional mayor. Hall asserts his intention to fill out his present the "wrongs" of the women of Utah is administration. that they enjoy more rights than the women of any other community in the PACIFIC COAST DISPATCHES world; and it is only necessary to cite one or two facts to prove to all interest-

It is a fact that the ladies of Utab. wishout exception, have the chance of and leaves two married dauge obtaining husbands and, unless nature's two interdict intervenes, of becoming heads of families. This cannot be said of the women in any other part of the world; and because of being denied this blessed them are spending their days and wasting away their lives in what some hear," but which the women know is

wielding this power, it is natural to suppose, if they labored under wrongs, that they would speedily redress them. With such privileges as these, who can consistently talk about the "wrongs" storm lately occurred in Walton Disof the women of Utah?

The above was suggested by reading of the 26th ult., the writer of which is a very sympathetic, but, so far as Utah Portadown, Ireland. is concerned, a very ignorant or mistaken individual-by the by, a common wickshire. occurrence when newspaper folks talk putch carefully peruses the above objurgations on the men of Utah are uncalled for, and that his large expendithe women is a great mistake and an evidence equally of ignorance and pre-

But even supposing that all our con-"wrongs" and so forth of the women, invited. and the vice and crime of the men, of Utah is founded in truth, could be not find scope for his sympathy and execration nearer home than Salt Lake City question we do not wish to reflect prejudicially upon the city or people of St. Louis: we believe that they are about as or the world. But while admitting all resolutions of municipalities aiming at the same object. this, it is well known that what is termed the "social evil" had reached authorities, a few months ago, in hopes of diminishing this hideous development of social lie, were induced to adopt certain rules for its regulation, and that to carry out their designs they had to banish from the c ty large numbers of courtegans. Now to suppose that where such a system flourishes so well the men are all virtuous is preposterous: there must be some very licentious; and it would be equally nonsensical to imagine that in such a community

there are no women suffering wrongs. It is very pleasant to see manifestations of sympathy towards the distressed and unfortunate; and if our contemporary's expressions are genuine they are creditable to him as a man, But though his perceptions of the social tils existing in his own city may be blunted through being continually amongst them; we thing that if he will be benevolent and sympathetic he can find worthy and needy objects at home; and that will be more sensible, than sentimentalizing and talking sympathy over imaginary objects two or three thousion, and to completely relieve the mind of the writer in the Dispatch, we under instructions from the Attorney will state that there are plenty here who are as anxious about the welfare of the women as he seems to be; they will talk sympathy all the day long and while so doing would delight, if opportunity offered, to debauch those for whom they express such concern Our contemporary will see by this that his solicitude is entirely superfluous. "Charity begins at home," may seem to be a worldly and selfish maxim, but it is very sound, and it is just possible that St. Louis and its people may be a trifle the better if he will make it his principle of action in the expenditure of his gushing, overflowing charity and

> SPECIAL TO THE DESERRET NEWS. By Telegraph. Per WESTERN UNION Telegraph Lin-

Afternoon Dispatches.

WASHINGTON.

WASHINGTON .- The opinion of Atthe United States Marshal to take pos-to the constitutional power of Congress session of the Penitentiary passed be-to pass a law compelling the appoint fore the close of the Legislative Assem- ment of persons to civil offices who should receive a certificate of the highest qualifications from the heard of exion for the making of contracts with the aminers, proposed by the civil service United States Marshal for the reform bill, or, in other words, as to support of Territorial prisoners. Judge whether the discretionary selection was not a necessary incident of the executive appointing power. The opinhad a right ex-officio to the custody of ion is a long, elaborate document, and the Territorial prisoner Killfoyle, and the Attorney General arriv. at the conclusion that Congress can limit the Marshal McAllister had no right to re-fuse to deliver him up on the Marshal's demand. This ruling surprised no one, as every-

NEW YORK.

The excitement with regard to the suit commenced against the officials increases to-day. There is a great deal of speculation as to whether Judge Bar-

VIRGINIA, Nov., 7.—About half-pass o'clock, this p. m., Judge Wm. Liv-geton suicided by taking morphips. is was a native of Scotland, aged 50,

ring is wretchedness.

Then again, the ladies of Ulah poster and lightning. The matter is morning is cool, with a strong brown panacea for every wrong woman has to from the north.

endure-namely, the sufrage; and, FOREIGN WEWS. Preliminary Examination CREAT BRITAIN.

Mr. Goschen, at the Cutlers feast, an article in the St. Louis Dispatch ent self-depreciation of Englishmen. A religious affray lately occurred at

> The foot and mouth disease among cattle is spreading alarmingly in War-A hundred and twenty Norwegian engineers have arrived in Newcastle. The Prince of Wales has returned to

The Mayor of Montandon, France, was suspended because he prepared to celebrate the fourth of September, desture of sympathetic talk on behalf of men't be prohibition by the govern-

General Blumenthal and Count Vos Allen have arrived in London, as wit-But even supposing that all our con-temporary has imagined about the officers from each nation have been

FRANCE.

VERSAILLES, 7 .- There are still persistent ramors of a coolness between or Utah Territory? In asking this the French and Italian governments. Duke will meet Thiers at Cherbourg. The prefects have received orders to good as the average of cities and people are signed therein for the disin other portions of the United States solution of the Assembly, and to annul

Thiere, in replying to-day to the consuch a pitch in St. Louis, that the city gratulations of the municipality of Versailtes on the extension of his term of office, expressed the hope that the future of France would be fortunate and that simultaneously with the moral and material recovery of the country its present form of government would become a peaceful and glorious reality.

The Franco-Italian Differences. Paris, 8 .- The Debate states that the Franco-Italian differences are due to the interference of a delegate of the French legation with the municipal envoys surveying a Roman convent. It proved that the delegate belonged to the Vatican legation, and a satisfactory settlement is expected.

CERMANY.

Dollinger party jubilant. MUNICH, 7 .- Count Arnia, Catholic representative from Bavaria to Rome, on whom the Catholic part of Germany have looked as the champion of their battles in behalf of the Holy See, has been replaced by Count Trantienanzorff, who is a partisan of Dollinger. This nomination produces a feeling of deep discontent in the Vatican. The new church party accept it as a signal triumph of their principles. Trantlenansorff has always been hostile to France, especially during the late im-

SALZBURG, 7.—The conference be-tween the Emperors William and Francis Joseph yesterday, at this place, was of a most friendly character. The people availed themselves of the event to have a gala day, and a grand dinner was given. There is also a brilliant illumination on the surrounding hills. William leaves to-morrow for Munich. A Polish demonstration.

A correspondent, writing, August 17, grand demonstration of the slave race had been held there, in commemoration of the anniversary of the dismemberment of the kingdom. Delegations were present from every part of the country, and great enthusiasm was manifested. some five thousand people walked in procession to a mound near the city, to visit the Kopiec, an ancient memorial of the nation's humiliation. Many of the Russian authorities regarded the celebration with suspicion. The event is thought to have significance as an

The internationals held a meeting here on Wednesday evening and pass-ed resolutions deploring the death of Karl Marx.

Correspondence.

SILVER SPRINGS, Sept. 5, 1871. Editor Descret News: - Here we are in a town six weeks oid, with two names and apparently rival interests—Silver Springs, so named by Dr. Hollinger, and the evidence of the town by that name is a small sketch map hung up in the Doctor's boarding house; the other interest is based in a pre-emption claim by Mr. Sewell, and he calls the place ficileville, as a compliment to his wife whom he claims is the first lady settler and whose maiden name was Bell. I make this explanation in justice to A. J. Beil, the Secretary of the Hawkeye Mining and Smelting Company, who, personally, as I am credibly informed, gave the name Silver Springs, and is certainly opposed to the impression obtown is named for him.

The axe, saw, and hammer, are chang ing the appearance of this beautiful canon. Quite a number of good dwellings are going up, among which I notice a boarding house, belonging, as I learn, jointly to two furnaces,—the learn, jointly to two furnaces,—the Hawkeye and Good Samaritan; it is quite a house, over fifty feet long. I also noticed to day ground broken for a second store, which they claim will open in ten days. The Hawkeye furnace is a model for symmetry and adaptability to its work, is unsurpassed, and is a child of one monthold, yet is within four or five days of Bellville.

This company is also building a unique looking furnace, which they call a Galmador; it is intended to sing these rebellious ores before smelling, and it is claimed will nave a much larger per cent of aliver than by the ordinary pro-

Just below the Hawkeye there is surged out and men at work on what is called the Good Samastarian amelting works, and I learn this company own some mines which they propose to work vigorously. One would judge from their name (unless a misnomer) that they will be free from the fast living namally found about a furnace.

One thing that strikes the stranger in this new temp, is the good order and comparative quiet. One month age it had two salcone, now one of them is used for a dwelling, the salcon pot proving profitable, and that while so much softwe work is going en. To the credit of the Hawkeye company it ought to be recorded that they decide in employ no despectate drighting man, and one square drumk is ame to secure a discharge. They own one thousand feet square and will not allow the fluid on their grounds. The same is said to be true of the Good Samaritan. When we take into account that a large majority of voters in this district are afternaces, it is simple justice to say they are as good as the avarage of other popple.

I really believe the immented Lincoln

I really believe the immented Lincoln was right: in what he said respecting the storehouse of the nation, the hid-

Warden Rockwood and Marshal McAllister.

Owine to the press upon our columns vesterday, the following synopsis of Mr. Backin's closing argument on the part of the prosecution, in the above case, delivered yesterday morning, at ten o'clock was left over till to-day:

Mr. Baskin commenced by saying that his associate, Judge Morgan, and the counsel for the defense had stated that the questions involved in the case were inportant. He thought, however, they were not important because they were not important. portant because they were doubtful. The first proposition made by Mr. Fitch was, "Are the defendants guilty of a breach of the statutes under which the charge is brought against them?" He (Mr. B.) read brought against them? He (Mr. B.) read one of the statutes under which the charge was brought, which relates to the resisting of any United States officer in serving a process of law, and also read the 93d section of the statutes of Utah, in relation to the same matter. He also cited the act of Congress, passed January 10th, 1871, relating to penitentiaries, and endeavored to show that this act empowered the United States Marshal not only to take possession of the peniteutiary, but invested him with all the powers necessary for a prison keeper. peniteutiary, but invested him with all the powers necessary for a prison keeper. He would show that the power is with the United States Marshal; that the word may, contained in the act, could be construed as being mandatory and not directory, as claimed by the other side. If, as stated by the defence, it is merely directory and not mandatory, who is to have the discretionary power to decide in the matter. This discretionary power is clearly with the Attorney General, and the fact that the U.S. Marshal acted under the instructions of the Attorney under the instructions of the Attorney General shows that he (the Marshal) acted

showed by what authority Warden Rockwood kept the prisoner in charge.)

Mr. B. Said Mr. Fitch accompanied a remark of admiration for the glorious institutions of our country, with another of regret that many of the representatives of the government are unworthy. Why this government are unworthy. Why this semark was made he did not know. It is true that it is impossible to prevent cor-rupt men from gaining official positions, yet it is a glorious fact that when corrupt-

lawfully. (Mr. Baskin here read the war-

rant of commitment of Kilifoyle, which

yet it is a glorious fact that when corrupt-tion becomes apparent, and offices are within the gift of the people, the evil is remedied by resort to the ballot-box. The mittimus does not order A. P. Rockwood to keep; the prisoner Killfoyle in cus-tody, but the Warden of the penitentiary. When an executive U. S. officer made de-mand for the prisoner, he was asked for an order of court. He argued that the mittimus itself was an order of Court. mittimus itself was an order of Court.
He wished to know what assurance there was for protection in a place where a U. S. Marshal when acting under the instruction of the first law adviser of the chief executive of the nation. can be resisted. The act of Jan. 10, 1871, constituted the U.S. Marshal warden of the penitentiary, and the power of the for-mer incumbent ceased after the passage of the act. The power conferred on the U.S. Marshal was as absolute as that of the Warlen previous to the act.
He stated that Mr. Fitch said, if the law be ambiguous, it can be construed in ac-cordance with surrounding circumstances. It is right to suppose that the act of Con-gress was passed to meet the circumstances

existing in the various Territories. He read the Territorial Statutes relating to the hiring out of convicts on public and private works, as an evidence of a door for the admittance of official corruption, especially as it was presumable that Mr. Rockwood was a member of the Legislature at the time those statutes were passed. He here intimated that this may have come to the knowledge of the general government, and may have caused it to pass the act relating to penitentiaries. It was necessary for the U.S. Marshal to obtain a writ of habens corpus, for the mittimus itself was an order of court sufficient. He liked to from Loenburg, in Poland, and the ancient capital of that country, says a vised statutes of Utah, relating to the course to be pursued by officers in search of persons who may be secreted. He said the U. S. Marshal was recreant to his duty in not summoning a posse of men and leveling the city prison to the ground when refusal was made to give up the prisoner therein confined. He the Marshal had a right to take the prisoner by force. Who is it sake resort to a writ of habeas corpus in the matter? Why, a little one horse officer, who has lost control of the penitentiary. That prison should have been leveled to the ground, if it had, taken the whole forces of the government to do it. evidence of an outburst on the part of if the supposition becorrect that resistance the people, for the independence of would have been made and blood abed had the U.S. Marshal attempted to take the prisoner, it is the more necessary that it should have been done, for the sconer the law is vindicated and those committing such flagrant breaches of the law be trampled under foot the better. The case shows a wanton resistance to a U. S. officer in the discharge of his duty, attended with circumstances of a most aggravating descrip-tion. He requested that, as the mittimus was public property, that document should be delivered to the U.S. Marshal, that he may take such action upon it as he may

The court then adjourned till te-morrow (Friday) at ten o'clock, when it was an nounced a decision would be rendered in

Judge Hawley's Opinion the case of the U.S. Marshal against the Territorial Warden!

AT ten o'clock this morning, Judge Hawley delivered the following reasoning on the above case:

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E. F SHEETS, LE GRAND YOUNG, WM. R. ASHBY, Administrators on the estate of Briant String. Balt Lake City, August 28, 1871. d237 if-w30 tf

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