



ELIAS SMITH...EDITOR AND PUBLISHER

Wednesday, ... March 25, 1863.

TO THE PUBLIC.

I hereby inform the public that the *Deseret News* is not and has not been an organ of mine, for, except matter accompanied with my name, I have only occasionally, and that too some time ago, known any more of the contents of the *News* until after it is published, than I have of the copy furnished to the compositors of the *New York Ledger*.

BRIGHAM YOUNG.

G. S. L. City, Jan. 28, 1863.

WHAT IS WANTED AND MUST BE HAD AND DONE.

It is said, and believed by many, that there is a point beyond which patience in many things ceases to be a virtue. Wherever we have arrived at that point or period or not, when it would be unwise to refrain from stating a few things in which many are interested, we are not so sure; but if we have not, it cannot be far distant. That there has been a large draft made upon our stock of patience within the last two or three months, is an undeniable fact, and it is absolutely necessary that something should be done to make things a little more easy and bearable than they now are or have been of late.

Money, as is well-known, is not plentiful, and cannot be easily obtained in any part of the Territory, and in place thereof, other things have to be substituted to a great extent. Acting upon that principle, arrangements were made and entered into by many last fall to furnish the *News Office* with many things on account during the winter, for which, if not thus obtained, cash would have to be paid, and it is with regret that we have to announce that but few of the promises thus made have been fulfilled, which under the circumstances has been, to say the least of it, exceedingly grievous, and has not tended to increase that confidence in friends which previously existed.

The principle of dunning continually we detest, and have hoped that the punctuality of creditors ere this would have precluded the necessity of calling their special attention to their delinquencies, with a request that they pay up at the earliest practicable date. The annual Conference is now at hand, which will afford many in this and the adjoining counties an excellent opportunity to attend to the important matter without much inconvenience. Creditors, will you do it? Say yes, and please bear in mind that printers are men who, like others, require the common necessities of life for comfort and subsistence, and very few of them are, strictly speaking, vegetarians, consequently prefer not to live on "bread alone" when it can be avoided. There is nothing in the provision line which is bought and sold in market, that would not be received in payment of dues at current prices from those who have not the cash nor "legal tenders."

WITH OUR COMPLIMENTS.—Not long since a "gentleman" was heard to deplore the absence of Territorial laws regulating marriage; for the information of the aforesaid, we beg to direct his attention to the statute against "Prostitution and Seduction." The "Justifiable Killing and the Prevention of Public Offenses" statute may also be profitably re-read by the aforesaid. We have some rich revelations in store.

GREAT SALT LAKE COUNTY COURT.—The county court for G. S. L. county will be in session on Saturday, the 4th day of April next, pursuant to adjournment, which those interested will do well to remember.

NOVEL PROCEEDINGS.

Having heard on Monday afternoon that there was to be an examination of a case by Judge Waite that evening, at the United States Court-room, in the State House, wherein a man was accused of having purchased Government arms of one of the California Volunteers, at Camp Douglas, we were induced by several considerations to be present at the investigation, and accordingly repaired to the court-room at the hour indicated, and witnessed the proceedings.

From the papers and evidence presented it was made to appear that one Charles Davey, residing somewhere in the lower part of the city, a Camp Douglas trafficker, who had previously very unwisely had some conversation with a Teuton, named Carl Illig, a private in Company A, 2d Cavalry, C.V., relative to the purchase from him of some of his arms and equipments, visited the tent of the soldier on Saturday last, some time in the afternoon, and purchased from the volunteer two sabres and one sabre belt, for which he paid four dollars in cash, four dollars in vegetables, and two bottles of whisky. After the trade was effected and the stipulated consideration paid over or delivered, Davey went away and the soldier wrapped up the sabres in a blanket, or something of the kind, and carried and placed them in Davey's wagon, which was some distance off, and that in about fifteen minutes afterward, Davey was arrested by Capt. Price, officer of the day, for having purchased said arms in violation of the laws of the United States.

Soon after the arrest was made, and as soon as "Private Illig" could ride from the camp to Judge Waite's residence, in the 12th Ward, he filed a very brief affidavit, accusing the unfortunate man who had been victimized, as appeared in evidence, of purchasing from him on that day two sabres and a belt, stating the value received, and what in, but did not aver that the property thus sold belonged to the United States, nor that the purchase was in violation of law. The Judge thereupon issued a warrant instant for the arrest of the accused, returnable forthwith, and placed it in the hands of Marshal Gibbs for service that evening. The Marshal went up to camp and brought down the prisoner, and took him before the Judge who issued the process on Sunday about noon. The examination was set for Monday at 10 a.m., and subsequently for half-past four in the afternoon on that day.

A. Miner, Esq., appeared on the part of the Government, and Gen. Ferguson as counsel for the prisoner, who, when the case was called, moved that it be dismissed, and the defendant discharged, averring that he was not accused of having committed any crime by the affidavit, and further that the warrant was issued, as appeared upon the face thereof, by C. B. Waite, Associate Justice, etc., at his office in Great Salt Lake City, whereas the law required the said Judge to reside and keep his office in the district to which he had been assigned, the Second or Southern District, outside the limits of which he could have no legal jurisdiction, nor keep an office as a committing magistrate. The motion was overruled, the Judge stating his reasons for so doing at length, which may and may not generally have been considered lucid by those who listened to the disquisition.

Sergeant Brayfool or Brayfodde, or some such name, and privates Illig and Welch were sworn and testified, making it plainly to appear that, after Davey had expressed to Illig a desire to purchase a sabre or pistol, the soldier consulted Sergeant B, who after consideration advised the private to sell not only his own arms and equipments, but every thing there was in the tent, if he could get a fair price "to make a raise," and acting upon the instructions thus received, he sold the sabres, one of which belonged to the sergeant from whom he received the advice. Welch seemed to know and care but little about the matter, but the other two, particularly the sergeant, evidenced by words and actions that they considered the transaction an undoubted proof of loyalty, the honor of which the sergeant seemed almost exclusively to claim, as in imitation of "old Hickory," he had assumed the "responsibility." It was very apparent from their testimony that neither of them considered that they were in danger of being severely punished, according to the "Rules and Articles of War," for their doings in the premises.

The counsel for the prosecution and defence addressed the Judge after the examination of the witnesses had been concluded, referring in brief to the facts which had been elicited, the counsel for the prisoner making some pungent allusions to the conduct of the principal actors in the concern. His honor required the accused to enter into recognizance in the sum of one thousand dollars, with two securities, for his appearance at the next term of court. Henry E. Bowring and Isaac Brockbank became securities, the Judge requiring the bail to justify that all might be safe. Illig and Sergeant B. were also recognized to appear as witnesses in the sum of five hundred dollars each.

His honor was evidently a little embarrassed; for, in reciting the terms of the recognizances, he got them considerably muddled up, as the conditions were, as stated, for the appearance of "Charles Dewey before Judge Kinney's Territorial Court, to answer any verdict which may be presented by the Grand Jury then to be in session," in the event of which the "obligation is to be in full force and virtue, otherwise to be null and void." The witnesses were required to "acknowledge themselves indebted to the people of the United States, in the penal sum of five hundred dollars each, to be levied of them and each their goods and chattels, lands and tenements" conditioned for their appearance before "the United States Court, to be held by Judge Kinney, at the next term thereof, there and then to testify," etc., which if they shall do, the obligation is to be in force, and otherwise, void. The men wished to make a reservation, as their regiment was liable to be ordered away, but the Judge would accept of no such condition. The misplacement of words in the obligations was not, of course, intentional, but the effect of perturbation which erred gentlemen, who have been long out of practice, often experience, and of which it would be unjust to take advantage.

Thus ended the novel proceeding relative to an occurrence in which some men, devoid of common sense, were implicated; and how many knaves were connected with it has not transpired.

BAD MAIL ARRANGEMENTS.

Many complaints have been made and there has been no little difficulty concerning the postal arrangements in this Territory since the first of July last, when the new contracts went into operation. As in most instances, the times specified in the schedules for the arrival at and the departure of the mails from the ends of the routes were such that the connection between the lines was most disadvantageous to the public; but why they were so arranged we never could satisfactorily determine, neither have we been enabled to ascertain who arranged the schedule for advertising for proposals for mail service on the several routes. If there was not some design in arranging them so that the service would be of the least possible benefit to the people of the Territory, especially to the citizens of Cache, San Pete, Beaver, Iron and Washington counties, the schedules must have been proposed or arranged by some one grossly ignorant in relation to the geography of the country, and knew but little or nothing about the wants of the people, and the arrangements that previously existed for their accommodation and benefit.

Some of those who have felt aggrieved by the disconnected, unaccommodating service, have expressed a belief that our Delegate to Congress, Hon. J. M. Bernhisel, did not give or has not given the matter that attention which was required, otherwise they think no change would have been made in the schedules under the new contracts, and the mails would have been carried as formerly, when all things worked harmoniously and to the entire satisfaction of the people in the distant parts of the Territory, so far as the service went, but it was too limited for their accommodation; that is, the mail, in some instances, was carried only once in two weeks when it ought to have been carried every week, and, on other routes, where the people were accommodated with a mail once a week in each direction, they thought that they should have been favored with semi-weekly mails, which was, of course, a matter of opinion. There were also many instances then, as well as now, where towns, villages and settlements of many inhabitants had no postal facilities whatever, the people of which thought that they had suffered needless wrong by the inattention of

the Department to their respective wants and demands, but, with the arrangement of what facilities were extended, no fault could be found, as the mails could not have been more advantageously carried for the accommodation of the public.

Under the previous contracts, the mails which left Great Salt Lake City, on Thursday were carried continuously, wherever there was weekly service, to the remotest parts of the Territory; but under the new contracts, the Manti or San Pete county mail and the mails southward from Fillmore connect with the mails which leave this city, on Mondays, an arrangement which, in many respects, has been very inconvenient and unsatisfactory, and might, in our opinion, have been remedied at once, as soon as the error was discovered, if proper representation had been made to the Second Assisting Post Master General, who alone has authority to act in the premises, and who, we believe, would have given the matter that attention which the subject demanded, on receipt of such petition.

In consequence, as supposed, of the experience we have had in such matters, in days gone by, application has been made in many instances, by citizens, as well as by Post Masters in those counties, for advice how to proceed in order to get a change of schedule so as to accommodate the people better than the regulations under which the service was and is still being performed. In each instance the course to be pursued has been pointed out, that is, for those a grievance or desiring the alteration, to petition the Department to make the required change, stating the reasons why it was desired—the petition to be accompanied by the certificate of the contractor assenting to the proposed or desired change, which he would of course do if disposed to be accommodating, when the service would not thereby be increased. Such things have often been done, and, so far as our knowledge extends, the Department has ever manifested a disposition and willingness to make such alterations of schedule for the accommodation of those asking therefor, when no additional expense would be incurred, and why the grievances now complained of have not been redressed, if the proper representations have been made, we know not. We cannot, for a moment, believe that our Delegate to Congress has been at fault in the matter, and are very sure that if his services had been solicited at any time before he left Washington, after the adjournment of Congress, he would have taken infinite pleasure in presenting the matter to the Department, for the benefit of those of his constituents soliciting his services in the premises, and doubt not he would have been successful.

The citizens of San Pete county appear to be suffering most under existing circumstances in relation to mail facilities, and had we the power to "right their wrongs," it would be done instantly, as we believe "their cause is just," and that the relief sought should be extended. We have not been advised as to how many times they have asked the Department for redress, but unless they have unitedly sent at least a hundred petitions, they should continue to importune, "not their County and Territorial officers," but the "Second Assistant Post Master General," to whom is assigned the business of arranging the mail service of the United States, and the supervision of all matters connected with the "Contract Office." The petitions should not be lengthy, but simply state the facts and request the desired change, and, in our humble opinion, the end will be accomplished without much difficulty or delay.

FEDERAL COURT.—The Third Judicial District Court for the adjudication of causes arising under the laws of the United States, will commence its annual session on Monday next, March 30th, as per appointment. The Court will be held at the State, *id est*, Council House, in this city, and at, or before the time of its final adjournment, the number of prisoners confined in jail will be considerably diminished, some of whom may be permitted to depart without day, while others may be required to perform services for specified times in the Penitentiary, or required to pay certain sums of money as an atonement for violations of the laws of the country, according to the nature of their offences.

THEATRE.—Kotzebue's fine play "The Stranger" will be presented this evening, and followed by the mirth-provoking farce of "Binks, the Bagman."