

flavor of each variety, fruit treated in the manner above indicated is more palatable, more healthful and is not so liable to ferment and sour.

If the mode of preserving fruits above recommended possesses sufficient attraction at the east, where sugar and fruits abound, at prices almost incomparably lower than Salt Lake prices, to entirely supersede the old mode, may we not without hesitation adopt that mode, as combining more advantages for us than for any others?

[REPORTED.]

THIRD JUDICIAL DISTRICT COURT.

WEDNESDAY, August 17, 1859, 11 a.m.

Court met pursuant to adjournment. The case of A. B. Miller vs. Thomas S. Williams, in replevin, was called up.

Mr. Williams asked the court to call up the case of Gilbert B. Smith vs. Thomas J. and Wesley Wheeler, as the parties were ready for trial.

His honor remarked, the case of A. B. Miller vs. T. S. Williams was manifestly a chancery case.

Grand jury came into court and presented two bills of indictment.

The judge asked if they had any general report to make.

Mr. Bell replied, the grand jury wish to state that they have no business, before them at present, that they can attend to immediately.

Judge Sinclair said, It is perfectly competent for me to discharge this grand jury and call another one, or to adjourn them and then recall them, but as you have no further business before you you are discharged. And I will say that in your action towards this court, you have manifested a respect and a regard for the court which it appreciates.

Mr. Ferguson, counsel for Mr. Williams, said he could not see how this case could be held both at law and in equity, and he thought it would be proper to dismiss the case; with that view of the question he moved that the case be dismissed at law, at the cost of the plaintiff.

Mr. Smith, counsel for Mr. Miller, contended that the action was a good one, Mr. Miller claimed certain property, and if there was an equitable defense let it be made; if there was a defense in law let that be made. All the court had to do under the circumstances was to consider the case one of replevin; if it was decided to be one in chancery there would then be no intervention of a jury.

Mr. Stout said he would like to know how they could try the complaint, which was a clear action at law, without a jury, and how they could try the answer, which was in chancery, by a jury.

Court directed the issue to be tried at law, as to the right of property.

Mr. Williams made a motion for a continuance on the ground that material witnesses were absent from the Territory.

Mr. Smith opposed the continuance.

Court overruled the motion. Mr. Blair, as attorney for the Territory, wished to notify both parties that the property had been forfeited to the Territory, and that he should institute suit for its recovery.

Court allowed Mr. Williams an hour to get his witnesses and be ready for trial.

John Wade, indicted by the grand jury for stealing a mule, was brought into court and put in the custody of the marshal.

The following gentlemen were duly impaneled and sworn to try the issue in the case of Miller vs. Williams:

Joseph Woodmansee,	William Brooks,
John M. Moody,	Charles Mogo,
William Doney,	Enoch Reese,
Thomas Clayton,	R. W. East,
Horace Clark,	W. W. McGuire,
Williams Camp,	Thomas Box,

Chas. M. Smith, Esq., opened the case to the jury for the plaintiff.

Mr. Williams presented the case for the defense.

William H. Hooper, J. C. Little and Thomas Adams were sworn and examined for the plaintiff.

Court ruled that evidence for the defense was not admissible.

Mr. Smith addressed the jury on the part of the plaintiff, and Messrs. Williams, Stout and Blair for the defense.

The court ruled that the complainant opened and closed. Mr. Smith closed the argument for the plaintiff.

The jury were instructed in their duties by the judge, after they retired.

Jury returned a verdict for the defendant.

The court polled the jury, which showed that ten of them were for the verdict, and John M. Moody and Wm. Brooks against it.

Upon the rendition of the verdict his honor said, I set aside that verdict as against all law and the evidence adduced in the case.

Mr. Ferguson notified the court that the defense would file a bill of exceptions to the order of the court.

Mr. Ferguson asked the court to issue a new venire immediately.

His honor replied, that he would do that when he pleased.

Mr. Box, on behalf of the jury, asked to be discharged. His honor answered curtly, I will discharge you when I please.

After some remarks from court and counsel the jury were discharged.

Court adjourned till to-morrow at 11 a.m.

THURSDAY, 11 a.m.

Court met pursuant to adjournment.

Mr. Blair asked the court to admit Thomas Colbourn to bail, but his honor refused, stating that Colbourn was indicted for a capital offence which was not a bailable case.

Mr. Ferguson proposed to give bail for Yodes, an Indian, indicted for stealing a mule.

The judge ordered the prisoner to be brought into court.

Mr. Williams asked if the court would take security for Henry E. Phelps and Henry Spiers.

His honor thought he ought to admit them to bail. I

am trying to do justice, his honor said, and I must say that in the management of that trial there was such irregularity that I felt it to be my duty to set aside the verdict. It is not for me to say from the evidence before the jury whether Phelps and Spiers are guilty of the offence with which they are charged; that is for a jury to decide, but I will now admit the parties to bail. They can come into court this afternoon.

Mr. Blair demanded an immediate trial for his client Colbourn, agreeable to the provision of the constitution. His honor ruled that the "speedy and impartial trial" meant that the party should have a trial during the term in which he might be arrested.

In speaking of the adjournment of the court the judge remarked, This court will not be adjourned until the first of November, whether I hold it or somebody else.

Court ordered the civil docket called, which was done by the clerk.

The case of John Winn vs. N. V. Jones in assumpsit was called, and Mr. Stout filed a demurrer which was overruled by the court.

Francis E. McNeil vs. Brigham Young and others was called, whereupon his honor said, There is a sworn statement here as to the death of the prosecuting party, and that suit abates. A personal action dies with the party, and the clerk will make an entry to that effect.

Thomas S. Williams vs. Hiram Kimball, jun., on a protested draft was called, and by agreement of the parties judgment entered for the amount claimed without interest.

Bradford Leonard vs. Stephen H. Goddard, Mr. Stout who appeared for the defense and filed a demurrer which he proceeded to argue. Mr. Williams' counsel for plaintiff replied.

The judge took the papers and said he would take time to examine them.

Court took a recess till 3 p.m.

Court resumed its session.

The court sustained the demurrer filed by Mr. Stout in the case of Leonard vs. Goddard, and granted leave to file a new complaint.

District Attorney Wilson appeared in court and filed the following NOLLE PROSEQUI:

WHEREAS, at a District Court in and for the First Judicial District in the Territory of Utah, held in Green River county in said Territory, of December term 1857, a bill of indictment was found by the grand jury thereof, charging Brigham Young, Heber C. Kimball, Daniel H. Wells, John Taylor, Geo. D. Grant, Lot Smith, Porter Rockwell, William A. Hickman, Albert Carrington, Joseph Taylor, William Stowell, Lewis Robinson, Joshua Terry, John Harvey, Daniel Jones, Phineas Young, William Young, Robert Burton, James Ferguson, Ephraim Hanks, with treason against the United States, which said indictment was filed in said court December 30, 1857.

And whereas, at the April term 1858, of said District Court, held in Green River county for the First Judicial District in the Territory as aforesaid, the grand jury thereof found another bill of indictment, charging Matthew Thompson, Brigham Young and Daniel H. Wells with treason against the United States, which said indictment was filed in said court, April 5, 1858.

And whereas, the said Green River county and the First Judicial District, by the act of the Legislature of Utah passed January 21, 1859, have been changed into, and now, and since the passage of said act, form a part of, and belong to the Third Judicial District in the Territory of Utah, and the said indictments above mentioned are now legally within the jurisdiction of the District Court for the Third Judicial District in the Territory of Utah.

And whereas the President of the United States by his proclamation bearing date the sixth day of April 1858, pardoned said alleged treasons mentioned in said bills of indictment.

Therefore, and now, that is to say on the eighteenth day of August A.D. 1859, at the July term of the said District Court for the Third Judicial District in the Territory of Utah, holden in Great Salt Lake City, Hon. Charles E. Sinclair, Judge, cometh Alexander Wilson, Attorney of the United States for the Territory of Utah, also for the said United States in this behalf prosecuteth, and saith that the said Alexander Wilson, Attorney as aforesaid, will not further prosecute the said Brigham Young, Heber C. Kimball, Daniel H. Wells, John Taylor, George D. Grant, Lot Smith, Porter Rockwell, William A. Hickman, Albert Carrington, Joseph Taylor, William Stowell, Lewis Robinson, Joshua Terry, John Harvey, Daniel Jones, Phineas Young, William Young, Robert Burton, James Ferguson, Ephraim Hanks, and the said Matthew Thompson, Brigham Young and Daniel H. Wells in behalf of the said United States, on the said indictments above mentioned. Therefore let all further proceedings be altogether stayed here in court against them, the said Brigham Young, Heber C. Kimball, Daniel H. Wells, John Taylor, George D. Grant, Lot Smith, Porter Rockwell, William A. Hickman, Albert Carrington, Joseph Taylor, William Stowell, Lewis Robinson, Joshua Terry, John Harvey, Daniel Jones, Phineas Young, Wm. Young, Robert Burton, James Ferguson, Ephraim Hanks; and the said Matthew Thompson, Brigham Young and Daniel H. Wells, upon the indictments aforesaid.

(Signed) ALEXANDER WILSON,
Attorney of the United States for the
Territory of Utah.

Henry E. Phelps and Henry Spiers were admitted to bail, William W. Phelps and Thomas S. Williams being sureties.

Court proceeded to impanel a jury to try the case of Gilbert B. Smith vs. Thomas J. and Wesley Wheeler which resulted as follows:

John Y. Green, taken.
William Sterrett, taken.
Elmahan Eldredge, taken.
E. P. Duzette, taken.
Isaac Bowman, excused by the court.
Robert Wimmer, taken.
John Harper, taken.
John N. Wakely, challenged peremptorily by defense.
Abel Gilbert, challenged peremptorily by defense.
John Tobin, taken.
Robert Woolcott, taken.
George B. Wallace, taken.
Joseph Murdock, excused by the court.
Jacob Swarte, taken.
William Martin, taken.
Levi Stewart, taken.

Mr. Williams presented the case to the jury for the plaintiff, and Mr. Stout for the defendant.

Myron Brewer, William B. Wright and Thomas Clayton were sworn and examined for the prosecution.

William Doney, Leonard I. Smith and Joseph Wheeler were examined for the defense.

The jury retired about 7 o'clock, and in a short time came into court and rendered a verdict for the defendant for \$14.

Court adjourned till to-morrow at 11 a.m.

FRIDAY, 19, 11 a.m.

Court met pursuant to adjournment.

Mr. Williams filed a motion to set aside the verdict of the jury in the case of Smith vs. Wheeler brothers.

Court overruled the motion.

The calling of the civil docket was resumed, and several cases set for Monday the 12th of September.

The case of Chipman vs. Olive was called, and after examining the papers the court ruled that David Grant was a party to the suit, and ordered him to file his answer by the 12th of September.

In the case of John Robinson vs. William Hennefer, judgment was entered by default.

The prisoner Yodes, an Indian, indicted for stealing a mule was admitted to bail.

Bradford Leonard vs. Washington L. Jolly, John Gaoslin and John M. Moody, in assumpsit, called and judgment entered NIL DICT.

Jester vs. Clinton and Alfred in injunction called, and the injunction made perpetual, excepting so far as concerned certain wearing apparel.

Court took a recess till 3 p.m.

Court resumed its session.

The case of Magraw vs. Little was called and laid over until the 12th of Sept.

Judge Sinclair said, I will say to you, gentlemen of the bar, that I expect to meet you here on the 12th day of September to renew the functions of this Court. Something may intervene to cause me to postpone still further, as I do not know what the business before the court in the other District is, but so far as this court is at present concerned, I have to say to you that whether I shall sit here as a judge any more or not, I have endeavored to discharge my duty, and to hold up the scales of justice, knowing no distinction of parties.

Court adjourned till Monday the 12th day of September next.

The Biter's Bit.

Some time ago a story went the rounds touching a man who, having presented himself in his shirt-sleeves at the American Museum, New York, received the loan of a coat, and after viewing the curiosities, sloped with the garment, obtaining a sight of the elephant and a swallow-tail for twenty-five cents. This reminds us of an affair that occurred in 1840, on board the Old Columbus, when she lay at the Charlestown navy yard. One day, a long, green Vermonter straggled on board the frigate, and examined everything on deck with curious eyes. The officer of the watch, from his bearing and the neatness of his uniform, attracted the Yankee's notice.

"Got a pretty good place here, hey?" he inquired. The officer assented.

"What wages do you get?"

"One hundred and twenty-five dollars a month."

"One hundred and twenty-five dollars! All to yourself? Shoh!"

"Fact, sir."

"Wal, I wonder if I couldn't get something to do here, myself?"

"O, yes; you'd make a pretty good midshipman."

"Wal, what are midshipman's wages, for a green hand?"

"Forty dollars a month, only."

"Only forty dollars? Jerusalem! Why, I was told to hire out for ten. But where can I be made a midshipman on? Say, quick!"

"Down below sir, in the steerage. As soon as I'm relieved, I'll see to it."

Down went the quizzed and the quizzed. A bevy of young midshipmen required no prompting to perpetrate a piece of mischief. A spurious warrant was made out and the greenhorn equipped in a splendid uniform, including an elegant chapeau and costly sword, by a joint contribution of the mess. Thus furnished, he was directed to present himself to Commodore S., in the cabin, and report ready for duty. He was told that the Commodore might be pretty gruff—"it was a way he had," but not to mind it. The steerage being full, the new midshipman was to demand quarters and the Commodore's black looks and angry word were to be regarded as nothing—he had no right to use either. Thus 'posted up,' the victim presented himself to the Commodore with—

"Old hoss, how are you?"

S. started; he had come across a rara avis.—

"Take a seat, sir."

"I kin help myself, old fellow—I generally do," was the reply of the Vermonter, as he flung himself into one seat and crossed his legs upon another.

"You are one of the new midshipmen, I suppose?" remarked the commodore, who, from the first, suspected something.

"I ain't nothin' else."

"Shall I trouble you for your warrant?"

"Catch hold, old boy."

The commodore looked at the document, and then at his visitor.

"Who gave you this?"

"The fellers down stairs—and now I'm ready for duty."

"That's enough. Now you cango."

"Not as you know on, squire. The cellar's chock full—and I ain't agoin out of this ere in a hurry, I tell you. O, you needn't rare up, old fellow. I see whar's the matter—you're a little cracked up here!" And the brilliant youth touched his forehead with his fore-finger. "I am going into this ere chamber to take a right good snooze—boots and all, by gravy!"

As he was proceeding to execute this menace, the Commodore took him by the arm and led him to the gangway. Pointing to the sentinel he remarked mildly:—"You see that man with a musket, now if you don't clear out directly, and leave the ship yard and never show your face again, I'll order him to shoot you!"

The Yankee broke—and in two seconds his blue coat-tail was seen floating in the rear, as he dashed out of the yard with the speed of a flying jackass.

In a minute afterwards, half a dozen terrified midshipmen rushed on deck and asked for liberty to go ashore.

"Young gentlemen," said the Commodore, "I grant no liberty to-day."

Six faces fell a "feet," and six young jokers returned to their mess-room as melancholy as mutes at an alderman's funeral. They never saw or heard anything of the Vermonter afterward—nor the uniform either.

Died:

In this city, on the 30th ult., of consumption, CATHARINE, daughter of Jacob and Maria Weiler, and wife of Hector C. Haight, aged 25 years, 2 months and 9 days.

August 7, 1859, at Provo City, Utah Valley, U. T., aged 74 years, MARY BIRCH, formerly of Manchester, England.

Mrs. Birch was baptized into the Church of Jesus Christ of Latter Day Saints at Manchester, Lancashire, in 1839, and has continued a faithful member of the same up to the time of her decease.

[Millennial Star please copy.]

New Advertisements.

BROKE INTO

MY enclosure the first of July, a red HEIFER, no brand, some white on the belly, small spot in the forehead. The owner can have her by paying charges. 23-1 AVERY PARSONS, Sugar House Ward.

BROOMS! BROOMS!!

THE subscriber will be ready to execute any orders to suit Broom Corn growers, at Mr. Bird's chair factory, 14th Ward. P.S. Bring on your Broom Corn. 23-1 ABRAHAM HAYES.

LOST OR MISLAID.

DURING their transmission from Parowan to this place, SCHEDULES OF TITHING FROM 1858. Whoever will see that they are forwarded to the General Tithing Office, shall be rewarded. 24-1 E. HUNTER, Bishop.

20,000 ACRES LAND WARRANTS WANTED. THE undersigned will pay in cash the highest market price for all 160 & 80 acre land warrants that may be offered him within the next thirty days. Call at Room No. 1, Salt Lake House, G. S. L. City. 23-1m A. T. WINSOR.

WELSH KANYON.

THIS is to notify all persons hauling wood out of the above kanyon, that hereafter the charge will be 50 cents for every cord of wood taken out. All persons desirous of working out their toll on the road can do so by applying to the undersigned, the toll gate keeper, 23-1 A. COON.

BROOMS! BROOMS!!

THE undersigned respectfully announces that they have opened a broom factory, 3 blocks south of Gibson's, on Emigration street, where they intend keeping a good article of brooms on hand for sale. They will also take broom corn to work up on shares. A share of public patronage is solicited. THOMAS COLBORN, HENRY TRIBE.

23-2m

STRAYED OR STOLEN.

FROM O. E. Bates' Ranch, in Tooele, 1 dun colored F MULE, blazed face; 1 sorrel HORSE, short tail. Also, from the Slough, east of this city, 1 sorrel HORSE, some saddle marks, slim neck and and tail; Also a small black MARE. All branded J C L on left shoulder. Whoever will give information where they are, or deliver them to me, shall be liberally rewarded. 25-3 J. C. LITTLE.

AUCTION AND COMMISSION.

C. H. BASSETT & CO.,

HAVE opened an Auction and Commission Store, next door to Hockaday & Burr, where they will sell at PUBLIC AUCTION a general variety of Merchandise, such as all kinds of Dry Goods, Groceries, Boots and Shoes, Hats, Caps and Clothing in short, every kind of Goods usually found in a Variety Store.

Also, at their auction block in front of the premises, Horses, Cattle, Mules, Wagons, Harnesses, &c., &c.

AUCTION EVERY DAY.

C. H. BASSETT & Co.

T. S. WILLIAMS, Auctioneer. 25-3



LIKENESSES as cheap as the cheapest and as good as the best: at the old stand over A. Taylor's & son's sign of the cannon.

Having purchased a new lot of superior Cases, Lockets, Breastpins, &c., at the now fashionable price of "cost and freight." I can now sell the various Photographic Pictures, such as Ambrotypes, Melanotypes, Leather and Paper Types, at much lower prices than I have during the year past. Call and examine specimens. 23-2 M. CANNON.

BOOK-BINDING

In all its branches carried on in connection with this Office. Send in your orders.

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To any Pattern—.....By Machinery!

BLANK BOOK MANUFACTORY.

We are also prepared to make to order BLANK BOOKS of every description—such as Ledgers, Journals, Letter Books, every variety of Account Books, of every pattern of ruling and style of binding.