

sisters, that we may live our holy religion, eschew all evil, build up the kingdom of God, that we may participate in its blessings. What greater inducements can be placed before us than those presented in the kingdom of our God? I know of nothing outside of the kingdom of God that is worth having; I have no desire for anything for a moment that I cannot obtain in the kingdom of God, and that lawfully, legally and rightfully, and that it will be not only my privilege to attend and enjoy, but my right. And I am not very particular about that if I can only be faithful and walk humbly and obediently before my Heavenly Father and endure unto the end, then I shall be satisfied, and then I shall have all that I can wish.

I heard a person remark one time, when traveling through our settlements, that if he had to raise wheat on such a piece of land as that which we were passing, he would go to some other country rather than live here. I told him that he did not feel as I did, for I felt that rather than turn away from the kingdom of God I would prefer being chained to a bare rock all the days of my life, and have bread and water for my food; yes, confined, persecuted or any fate that might befall me, I would prefer it to turning away from the kingdom. That is the way I feel, and it is the feeling of every true-hearted Saint; they feel that they have every thing to hold them in the kingdom of God, and they feel that there is nothing worth having out of it.

Brethren, many go into darkness by giving way to small matters, by finding fault, by supposing that they see something that does not meet their minds, or that they suppose to be wrong. I believe that most apostates commence in that way; they do not control their thoughts, and hence things sour in their minds, and they are apt to indulge in and to encourage those thoughts till they will begin to express them, and then the way and manner of returning into the favor of the Spirit of God begins to be hedged up, and they cannot return so easily as they could have done before they expressed their jealousies to some one else. After men begin to express their doubts and fears around, one to another, they go astray fast; their unholy sentiments begin to be established in their darkened minds like cardinal or fundamental principles. They think they begin to see that they have been in error in embracing that gospel which they profess; and the first thing they know they are landed in the whirlpools of apostasy; they suddenly find out that they never did believe in "Mormonism," and that if they did believe it they were in error, for they now find out that it is all a humbug, and thus they go on to destruction. If such persons could control their minds in the commencing stage of apostasy and be humble, seek wisdom, light and knowledge from the Lord, they could be saved; then they could be preserved, and not go in the way which many, who were our brethren, have gone, who have sunk themselves in darkness and misery, and finally into hell. If they would remember when they begin to see things which they dislike, and feel inclined to find fault; if they would then remember their prayers and seek unto the Lord, ask him to keep their minds enlightened, to give them freely of his Spirit to guide them continually, they would be safe. But people in this condition invariably neglect their prayers; they begin to see faults in their brethren, to find fault with the authorities.

Let any man pursue that course, and he will find out when it is too late to walk in the paths of righteousness, when the Lord has left him to himself, so that he cannot return if he would. Let me caution you, brethren and sisters, to nip this sprig and sign of apostasy in the bud. It is said that the mind that will receive will have a knowledge given to it of the truth, after which it searches. The reason that those characters do not have intelligence, is because their minds are closed against it. Isay, and admonish you to let your minds be open continually, esteem it a favor, one of the greatest bestowed by the Almighty—the gift of the Holy Ghost. Live as to let it be in each of your bosoms to inspire your hearts, to enable you to receive the instructions that are from time to time given unto you, that you may ever be inclined to do good and eschew evil. That Spirit will inspire you in every good thing; it will teach you to walk humbly and faithfully before your Father and God.

I know there is that in the hearts of the people of this church and kingdom that responds to righteous principles, for no one that hears the truth but knows, as a general thing, what is right; but it appears that they are sometimes neglectful of what they do know, and that they do not do as well as they might, and they know that this is wrong.

Brethren, I feel well, I feel within myself a peculiar satisfaction in seeing the prosperity of the people of God. I feel well in witnessing his mighty hand and his goings forth among the nations of the earth, as I see the day approaching when the power of the adversary will be weakened to that extent that he will not be able to disturb the happiness of the saints. When I see the Lord breaking in pieces the nations, I feel well, when I see the gospel going abroad, and its principles more and more adhered to by the people of God, and in seeing the people cleave to righteous principles and forsake all that is evil. I pray God that we may increase in those things that are calculated to enable us to carry them abroad; that we may have power with our Father and God, to maintain our faith and integrity against every opposing power, and every obstacle that is put in our way, and be enabled to draw from the ele-

ments for our support, that we may be free and independent from this wicked and untoward generation.

I pray our Father to bless us with his Spirit, that we may be able to act well our part, in connection with those that rule over us, that we may sustain them by our faith and prayers, and through our diligent efforts be instrumental in the hands of our Father in heaven in redeeming the earth from sin and iniquity. I pray my Father in heaven that we may be enabled to accomplish these things, in the name of Jesus: Amen.

### Proceedings

Of the Probate Court for Great Salt Lake County, September term, 1861.

WEDNESDAY, Sept. 11, 9 a.m.

The case of John Ormond, indicted for an assault with intent to kill, was called up.

The following jurors, viz: William G. Perkins, Charles Crisman, Adam Spiers, Albert Miles, Joseph Brown, Samuel D. Serrine, Edward T. Mumford, Philip B. Lewis, William Jennings, Joseph Knight, George A. Wilson and William V. Morris, were empanelled and sworn to try the case.

John Reynolds, Susan Reynolds and William Pulsipher, were sworn and testified on the part of the prosecution.

By the testimony of the witnesses it was shown that a difficulty occurred between the prisoner Ormond, and the witness Reynolds, respecting the working of certain cattle, owned by the prisoner. From a simple altercation the wrath of each increased until they came to blows, which finally resulted in Ormond stabbing Reynolds with a butcher knife, and inflicting upon his body a severe wound.

Thomas Taylor and Andrew Cunningham were sworn on the part of the defense; but very little evidence was elicited.

A. Miner, Esq., addressed the jury on the part of the prosecution, and W. I. Appleby, Esq., for the defense.

The court instructed the jury in the law, after which they retired, and the court took a recess till half-past 2 o'clock, at which hour it resumed its sitting.

The case of the People vs. Wm. Cockcroft, indicted for the murder of Robert Brown, was called. Wm. H. Brodhead and James Ferguson, Esqs., appeared for the prisoner.

The jury impanelled to try the case of the People vs. John Ormond, came into court and presented verdict:

"We, the jury, find the prisoner at the bar guilty of assault with intent to kill, as charged in the indictment, and award the punishment at \$25 fine and fifteen months imprisonment in the penitentiary."

The prisoner Cockcroft was then arraigned, and to the charge of murder as alleged in the indictment he plead *not guilty*.

The court then proceeded to impanel a jury to try the case, which resulted as follows:

Samuel C. Snyder being absent, a rule was entered against him, returnable on Saturday next. Brigham Y. Hampton, taken; Moses Thurston and William Jennings, challenged peremptorily by defense; Joseph Knight, George A. Wilson and William V. Morris, taken; Charles Crisman, challenged for cause by defense; William G. Perkins, taken; Isaac Laney, challenged peremptorily by defense; Adam Spiers, jr., challenged for cause by counsel for the prosecution; Albert Miles, challenged peremptorily by defense. Peter Neas, challenged peremptorily by the prosecution; Orson Pratt, jr., Charles R. Robbins and Joseph Brown, having formed opinions, were each challenged for cause; John Hoagland, taken. Edward T. Mumford, challenged peremptorily by defense; T. J. Brown, challenged for cause; Philip B. Lewis, taken.

The panel of jurors in attendance upon the court being exhausted, the sheriff was ordered to summon talesmen to complete the jury. The following were summoned:

Levi W. Hancock, challenged peremptorily by the defense; Simon Baker, challenged for cause; Phineas Richards, taken; Harrison Spiers, challenged for cause; Edmund Thos. Browning, excused by the court; Abraham Hoagland and Samuel Turnbow, taken; which completed the panel.

The objections to jurors for cause were in each and every instance for having formed or expressed opinions relative to the guilt of the prisoner, which were decided by the court to have been well taken.

Mr. Miner asked the court to continue the case until to-morrow, and to keep the jury over night, in charge of a special bailiff.

The Judge administered the usual oath to the jury, and then remarked that he should consider it very improper to proceed further with the case that evening, and therefore ordered the jury to be kept together and not permitted to separate, and that they be well cared for by the officer, Andrew Cunningham, Esq., who was sworn special bailiff, to take charge of them during the trial.

The other jurors who had been in attendance upon the court from the commencement of the term, were discharged from further attendance, and the court adjourned till to-morrow morning at 9 o'clock.

SUNDAY, Sept. 12, 9 a.m.

Court met pursuant to adjournment. Present as on yesterday.

Mr. Miner opened the case to the jury, by reading the indictment, and stating what he expected to prove in a brief and concise manner.

The following witnesses were then sworn and examined on the part of the prosecution: Jeter Clinton, George Woodward and Thomas Chamberlain.

While Mr. Chamberlain was undergoing a somewhat severe and critical cross examination, the court announced a recess until two o'clock p.m.

2 p.m.

The court resumed its sitting, and the cross examination of Chamberlain was continued, but was soon concluded.

Mrs. Frances Smith was sworn and testified on the part of the prosecution.

The evidence elicited during the examination of these witnesses was to the following effect: That on the 31st of July last, Dr. Clinton was called in to see one Robert Brown, who had been shot in the breast, the ball having passed through the body, and that of this wound Brown died in less than one hour after its infliction.

George Woodward was passing across the public square on the morning of the 31st of July; he heard a noise like the crying of women and children, rode up to Mr. Chamberlain's and asked what was the matter. Saw Brown on his own lot, walking towards his house, immediately after which he heard two reports of a gun from behind Cockcroft's house. He next saw the deceased coming up the street past prisoner's house; the prisoner came out about this time with a double barreled gun in his hand. When Brown got about a rod past Cockcroft's, he (the prisoner), took aim and fired at deceased, but missed him. Witness called aloud to the prisoner to desist, but just as Brown turned round to look, held up his hand and said, "don't shoot," the prisoner rested his gun on the gate and immediately fired; Brown fell and expired in forty-five minutes afterward.

Thomas Chamberlain supported the evidence given by Mr. Woodward, and added that he and Mr. Woodward were standing within fifteen or twenty paces of Cockcroft when he fired at Brown, and that Brown was not armed, but was passing quietly up the street.

Francess Smith confirmed the testimony of the previous witnesses, but she was too far off to hear what was said by either deceased or the prisoner at the bar.

Here the prosecution rested.

Mr. Brodhead opened the case to the jury for the defense.

The first witness called to the stand was Mrs. Cockcroft, the reputed wife of the prisoner.

Mr. Miner objected on the ground of inadmissibility.

Mr. Ferguson addressed the court in favor of Mrs. Cockcroft being admitted to give evidence, but declined to admit that she was the prisoner's wife.

An issue was joined on that point by the counselors for the prosecution and defense, and the question submitted to the court.

Thomas Chamberlain, George Woodward, H. A. Spiers and Andrew Burt were severally sworn and testified in the case; whereupon the court ruled that the evidence adduced was conclusive, that the individual in question was the wife of the prisoner within the meaning of the law, and that as such she could not be permitted to give evidence in the case.

The witnesses for the defense were John Cherrington, Sarah Cherrington, Enoch M. King and John Wayman, who were sworn, and each testified on the part of the defense.

Everything that could be drawn out of these witnesses by the attorneys tended to strengthen the allegations made in the indictment, and testified to by the witnesses for the prosecution.

The counselors for the defense then asked the court to allow them to introduce witnesses to prove the former good character of the prisoner before the occurrence of the lamentable affair for which he was now being tried.

Mr. Miner objected, and was sustained by the court.

The defense then rested, and the court took a recess till half-past 6 p.m.

At the hour appointed the court resumed its sitting.

After some remarks on the manner of conducting the arguments, Mr. Miner addressed the jury for the prosecution. He read the indictment, reviewed the testimony, read the law applicable to the case, and concluded an able argument of an hour and twenty minutes' duration, on behalf of the commonwealth, expressing his conviction of having sustained the charge of wilful murder, and that a verdict in accordance therewith would be found by the jury, into whose hands the case would shortly be committed.

Mr. Ferguson addressed the jury for the defense.

Mr. Miner added a few remarks in reply.

Mr. Brodhead made a short speech, the whole gist of which was to show that the indictment only charged murder in the first degree, hence if the jury did not feel it their duty to find in accordance with that charge they would have to find his client *not guilty*; and concluded by remarking that he left the case with the jury with perfect confidence that they would render a just verdict.

The court then summed up the case and instructed the jury in the law.

The jury retired to their room at a quarter to ten and returned at eleven p.m. On being asked by the court if they had agreed upon the verdict, the foreman, Mr. Richards, replied that they had, and presented it in writing, which was read aloud by the clerk of the court, as follows:—

"We, the jury, find the prisoner, William Cockcroft, guilty of murder in the first degree, as charged in the indictment."

The judge thanked the jury for their punctuality in attending court each day, and discharged them from further attendance during the present term.

Court adjourned till to-morrow morning at 10 o'clock

FRIDAY, September 13, 1861, 10 a.m.

Court met pursuant to adjournment. The prisoner, John Ormond, was brought into court and the judge pronounced the following sentence:—

"That you, John Ormond, be, and you are hereby, sentenced to imprisonment for the term of fifteen months in the Penitentiary of the Territory of Utah, and pay a fine of \$25, in accordance with the verdict of the jury, and costs of prosecution, and that execution issue therefor, and that the clerk issue a mittimus directed to the warden of the Penitentiary directing him to receive the prisoner, and execute the verdict of the jury and the sentence of the court."

Alexander C. Pyper and Angus M. Cannon, natives of Great Britain, were made citizens of the United States.

Court took a recess till 4 p.m.

4 o'clock p.m.

Court resumed its sitting. The prisoner, William Cockcroft, was brought into court, looking perfectly calm, firm and hardened in guilt. He was ordered to stand up, which he did, manifesting the same indifference he had exhibited during the trial as to what was transpiring, and seemingly cared nothing about what was to result to him from the enforcement of the law.

By the court:—Have you anything to say why the sentence of death should not be pronounced upon you?

Prisoner:—I do not think I could benefit myself if I were to talk till to-morrow. I see which way the tide goes, and it is no use talking. I guess, judge, I will have to take what you have to lay upon my shoulders.

The court informed him that the laws of the Territory gave him the privilege of choice as to the manner of his execution, therefore if he had any choice he could make it known.

Prisoner:—I do not know that I have any choice.

The judge then proceeded to pronounce the following sentence:—

"You, William Cockcroft, having been found guilty of murder in the first degree, the penalty of which is death, the court orders that you be taken by the sheriff from hence and lodged in the county jail until Saturday the 21st inst. and then, between the hours of 2 and 5 p.m. of that day, that you be taken from thence, by the sheriff of said county, to some convenient place of execution, within the limits of G. S. L. County, and there be shot until you are dead. And may the example thus set have a tendency to deter others from the unlawful shedding of human blood."

The court then adjourned till to-morrow at 10 a.m.

SATURDAY, Sep. 14th, 1861, 10 a.m.

Court met pursuant to adjournment. Sam C. Snider appeared to answer to the rule entered against him for non-attendance on the court as a traverse juror. He was fined \$5 and costs.

Aurelius Miner, Esq., Prosecuting Attorney, who was expecting shortly to leave the county, tendered his resignation to the court, which was accepted.

Court took a recess till 5 p.m.

At the hour appointed the court resumed its sitting.

The case of Wm. I. Appleby, administrator of the estate of Alma W. Babbitt, deceased, vs. Levi Abrams, on petition to foreclose mortgage, was called up. Judgment for the plaintiff in the sum of \$1207 93 and costs of suit, and an order was made for the foreclosing of the mortgage by the sale of the mortgaged premises.

The case of Sarah Jane Tobin vs. John Tobin on petition for divorce was called up and investigated *ex parte*—the defendant, as alleged, being in a foreign country. The allegations set forth in plaintiff's petition were to the satisfaction of the court proven to be true, and thereupon it was ordered and decreed that the bonds of matrimony existing between the said parties should be dissolved. A certain specified portion of the property was awarded to plaintiff; the residue for the maintenance and education of their infant daughter and only child, placed in the hands of a receiver for that purpose.

Court adjourned till Tuesday next at 2 p.m.

TESTING COIN BY SMELL.—Connected with the Custom-House is a clerk whose business it is to receive and test all money. He is a Spaniard by birth, but has been a long while in the country. Into a scale he empties a bag of gold or silver coin, and from the weight in a moment announces the amount in dollars and cents. He then runs his fingers through the coin several times, and applies them to his nose, after which he will immediately take out every counterfeit coin. His infallible faculty of detecting spurious metal is located in his olfactory organs. —[N. Y. Tribune.

"INFANTRY."—The term infantry, when applied to foot soldiers, takes its origin from one of the Infantas (princesses) of Spain, who hearing that the army commanded by her father had been defeated by the Moors, assembled a body of foot soldiers, who were not before held in much consideration, and they received the name of infantry.

—Some curious weapons of war, captured by the British troops in the recent Indian mutiny, have lately been brought to the Tower. The most extraordinary is an axe, more than one hundred pounds in weight, used by the King of Oude's executioner, and carried by him before his Majesty on State occasions.