

offenders to justice. Cradlebaugh did, however, issue a subpoena for the summoning of some witnesses from the southern part of the Territory, in the vicinity of the "Mountain Meadow Massacre," concerning which he had so much to say, and the next day inquired of the Marshal if the subpoena had been served, when he knew the witnesses resided some two hundred miles from Provo, where he was holding his court. The Marshal replied that it had not been served from the fact that it was unsafe to go into that part of the Territory without an escort or posse, in consequence of the warlike attitude of the Indians, which he and all others knew was a palpable falsehood, after which nothing more was done by him about the matter. Eckles did not do as much as that to bring the alleged murderers to judgment, yet they both proclaimed to the world they were prevented from inquiring into the matter by the people who placed insurmountable obstacles in their way, when the facts were that neither of them wanted to investigate the matter, as that would have brought the truth to light, which the people have ever desired since that bloody tragedy was enacted, the assertions of knaves to the contrary notwithstanding.

Before leaving the Territory in the spring of 1860, Eckles held another of his bogus courts at Fort Crittenden or at Fairfield—the suburbs of the Fort—for the trial exclusively of what he called "civil cases," which was in session a short time, soon after which he went back to Indiana, where, as reported, he has since remained in obscurity.

To refer to all the foolish, contemptible, tyrannical and diabolical acts of the three crusade Judges, while they remained here, could not well be done; at least it would require much time and space. Charley Sinclair was the best of the three; for he did occasionally try to do something according to law, while the other two were never known, from the day they came till they went away, to do a legal act in a judicial capacity, and if they had any very extensive knowledge of law, they certainly kept their learning hid from the Deseretans.

#### THE "MORMONS" AND THE CONSTITUTION.

A new feature of the Vallandigham arrest has just been developed—that of adding another characteristic tribute to "Mormonism" and the alleged plenipotentiary and omnipotent endowments of President Brigham Young, as paraphrased in the following lines, extracted from a dash at lyric poetry, entitled, "A Bad business for Burnside," printed in the Weekly New York Herald, of June 13:

"With the first blows he struck, he  
Astonished Kentucky,  
A State "art and art" from the very beginning—  
The secession in a fix, he  
Sent down into Dixie  
And set all the contraband darkies to grinning.  
And next, rather spry, oh!  
He astonished Ohio!  
Snap! up Vallandigham, and—how could he do so?  
Adjudged him the fate of poor Robinson Crusoe.  
But here Honest Abe interposed to reverse  
The sentence, and made it, I fear, rather worse,  
In sending this man with a general release,  
To tell to Jeff Davis his notions of peace.  
A vain expedition,—the Mormon chief, Brigham,  
Was the fellow to talk down this man Vallandigham.  
No copperhead native, French, Irish or German—  
Can sport "Constitution" as well as the Mormon.  
The convict, should then, have been sent to Utah,  
To learn the true meaning of freedom and law.  
In catching him, Burnside caught only a Tartar,  
And gave him the fame and the name of a martyr.

Though President Young might have no relish for the exercise of his ecclesiastical functions in bootless efforts for the conversion of Vallandigham to the doctrines of New School Republicanism, is to us most fully apparent that, if consulted in the conduct of Governmental affairs in the existing crisis, he could give counsel to "the powers that be" which if endorsed by them, and promptly acted upon, would impart new life to every artery of a just government, exalt the supremacy of the Constitution, give liberty to the oppressed and existence and perpetuity to every boon wherewith Heaven designs to bless and lift up a fallen race. Doubtless with those who jeeringly taunt the "Mormons" with vanity and ostentation in their professions of devotion to the Constitution all these immunities would be estimated as empty baubles.

Nearly forty thousand persons have been burned alive or scalded to death in England during the last fourteen years.

## CORRESPONDENCE.

FROM PROVO.

CITY OF PROV., June 27th, 1863.

EDITOR DESERET NEWS:

SIR:—By the News of the 24th I see in your editorial remarks that Judge Drake has discharged Isaac S. Potter on a writ of habeas corpus. You say that his Honor "attacked the indictment for informality. It was only signed by fifteen grand jurors and this was a fatal defect as regarded by the Judge." Now it has so happened that I have been present at two courts held by Judge Snow in Provo, and each time I heard him charge the grand jury and give instructions to them relating to the manner of signing and presenting to the Court indictments; and each time I heard him say to them that if they found indictments, at least twelve of their number must concur in the finding and then they might endorse on the back of it these words: "A true bill," and then sign it as foreman. This being done they all must come into court and present it. It further so happened that I was present when Potter was arraigned and the indictment read to him, and having heard these charges and observed some strictness in them I noticed the reading. The clerk read it: "Signed, George W. Bean, Prosecuting Attorney; E. B. Billingsly, Foreman," and immediately turned it over and said, "this is endorsed 'a true bill'; E. Billingsly, Foreman." I will further state that I was at one time present when Judge Snow was holding court in Great Salt Lake City when he was one of the United States Judges and heard him there say at common law, a grand jury consisted of not less than twelve nor over twenty-three good and lawful men. I, not being a lawyer, cannot say whether Judge Snow was right in his remarks relating to a common law jury or not, but if he was I cannot doubt that fifteen good and lawful men will answer, as that number is not less than twelve nor more than twenty-three.

You add: "The Judge contended that as the Statute required twenty-four grand jurors to constitute a panel and as only fifteen signed it, therefore the indictment was bad."

The statute to which you referred us says fifteen—not twenty-four. What statute requires twenty-four jurors for a grand jury before the Probate Court? But I believe the Judge was dishonest in saying the indictment was signed by only fifteen grand jurors and that was designed for effect abroad.

Ah! by the by, Mr. Editor, with only common sense to guide me and hardly that, I was on the point of saying that Judge D.'s order discharging Potter was void, and that in so doing he made himself a *particeps criminis* and aided in his escape. [See Chap. xxxi., Title vii., Secs. 91-92, P. 199.]

Yours truly,

A SUBSCRIBER.

MR. EDITOR

In one of the articles of your last issue, entitled "Peace with Little Soldier" some person with more malice than knowledge undertakes to give an account of the difficulties finally resulting in the various treaties lately made with Indians, and specially in that made with the Chief called "Little Soldier";—and calling on his imagination for his facts, he states that the said Chief and his Band were wantonly attacked by me last winter near Cedar Fort being peaceable Indians.

Truth compels me to say that the Indians, amounting to over one hundred warriors (as stated by "Little Soldier," corroborated by our own eyesight) had taken their position, more than an hour before we got there, and on our arrival were riding the "war circle," and challenging us to the fight.

Notwithstanding this, obeying instructions from District Head Quarters, I did not allow an attack, until we were first fired on by the Indians. I was quite as well aware, as is the writer of that article, that I had in rear, in the population of Cedar Fort an enemy, much meaner, more false, treacherous and cowardly, than any Indians west of the Rocky Mountains.

It is high time that these constant misrepresentations be stopped, the venomous liars who utter them seem to gather strength by impunity; but their malignity can be no longer tolerated and they will do well to take warning in time, of course, it is very thoroughly, and universally understood by all sensible men here and elsewhere, that it is not the policy of the Leaders in this community to have peace made with the Indians;—but henceforth, in the expression of such sentiments, they will do well to remember the proverb, that "a still tongue makes a wise head."

ANTHONY ETHIER

2d Lieut 2d Cav, Cal Vols

then in charge of Detachment

Camp Douglas U. T.

July 2d 1863

To EDITOR DESERET NEWS.

—Falsehood used to travel in seven league boots; now it has thrown off its boots and travels by telegraph.

—After quoting John Locke, that a blind man took his idea of scarlet from the sound of a trumpet, a witty fellow says that a hoop skirt, hanging out of a shop door, always reminds him of the peel of a belle.

#### TAKING UP A COLLECTION.

Rarely have we heard a better story, or a better told story, than this, from a reverend gentleman in Missouri.

The life of a preacher in a new country, from a secular point of view, is hardly as smooth and free from difficulty as a position in more cultivated and populous communities usually appear to be. The people are thin y scattered here and there, engaged in different pursuits, though chiefly agricultural. Being collected from all parts of the older States, and gathered from every class of society, they meet upon the same common ground, upon terms of easy familiarity, and restrained by no irksome conventionalities. People in a new country generally have a pretty hard time of it. They live a sort of a "rough and tumble" life, wearing out their best efforts in a struggle for existence. Under these circumstances the material sometimes absorbs completely the spiritual; and the people not unfrequently "get so far behind" with the preacher they have to be powerfully "stirred up" from the pulpit.

On one occasion we had a visit from the presiding elder of our district, at one of our quarterly meetings. We had not paid our preacher "any dime," as the boys say, and we expected a scorching from the elder.

Well, we were not disappointed. He preached us a moving discourse from the text "Owe no man anything." At the close of the sermon, he came at once to the subject in hand.

"Brethren," said he, "have you paid Brother—anything this year? Nothing at all, I understand. Well, now, your preacher can't live on air, and you must pay up—pay up, that's the idea. He needs twenty-five dollars now, and must have it! Steward, we'll take up a collection now."

Here some of the audience near the door began to slide out.

"Don't run! don't run!" exclaimed the elder. "Steward, lock that door, and fetch me the key!" he continued, coming down out of the pulpit and taking his seat by the stand table in front.

The Steward locked the door and then deposited the key on the table by the side of the elder.

"Now, Steward," said he, "go round with your hat. I must have twenty-five dollars out of this crowd before you leave the house."

Here was a "fix." The congregation were all aback. The old folks looked astonished; the young folks tittered. The Steward gravely proceeded in the discharge of his official duties.

The hat was passed around and at length deposited on the elder's table. The elder poured "the funds" on the table, and counted the amount.

"Three dollars and a half! A slow start, brethren! Go round again, steward. We must pull up a heap stronger than that!"

Around went the steward with his hat again, and finally pulled up at the elder's stand.

"Nine dollars and three quarters. Not enough yet. Go round again, steward."

Around goes the steward the third time.

"Twelve dollars and a half! Mighty slow, brethren! 'Fraid your dinners will all get cold before you get home to eat them! Go round again, Steward!"

By this time the audience began to be fidgety. They evidently thought the joke was getting to be serious. But the elder was relentless. Again and again circulated the indefatigable hat, and slowly but surely, the pile on the table swelled towards the requisite amount.

"Twenty-four dollars and a half. Only lack half a dollar. Go round again, Steward!"

Just then there was a tap on the window from the outside, a hand thrust in holding a half dollar between a thumb and finger, and a young fellow outside exclaimed:

"Here, Parson, here's your money. Let my gal out o' there! I am tired of waiting for her."

It was "the last hair that broke the camel's back;" and the preacher could exclaim in the language of Ike Turtle, "This 'ere meetin's done."

#### A COOL ROGUE.

A late English paper states that a bachelor gentleman, who was a very superior draughtsman and caricaturist, was laid up in his apartments with gout in both feet. He could not move, but sat in an easy chair and was wheeled in and out of the sitting room. A well-known vagabond, ascertaining the fact, watched till the servant was sent on a message. Then, by a door communicating with the kitchen, down went the vagabond, entered the kitchen, walked up stairs where, as he expected, he found the gentleman alone and helpless.

"I am sorry to see you in such a situation," said the rogue; "you cannot move and the servant is out."

The gentleman started. "It is excessively careless in you to leave yourself so exposed; for behold the consequences! I take the liberty of removing this watch and seals off the table, putting them in my own pocket, and as I perceive your keys are here I shall unlock these and see what suits my purpose."

"Pray help yourself," replied the gentleman, who was aware that he could do nothing to prevent him. The rogue did so accordingly; he found the plate in the side board and many other things that suited him; and in

ten minutes, having made up his bundle, he made the gentleman a low bow and decamped. But the gentleman had the use of his hands and had not been idle; he had taken an exact likeness of the thief with his pencil, and on his servant's returning soon after he dispatched him immediately to Bow street with the drawing and an account of what happened. The likeness was so good that the man was immediately identified by the runners and was captured before he had time to dispose of a single article. He was brought to the gentleman two hours afterwards, identified, the property sworn to, and in six weeks was on his way to Botany Bay.

#### PROVIDENTIALLY DIRECTED.

Among the attendants at a late Methodist conference was a very beautiful and intelligent young lady, who drew the admiring gaze of many eyes, particularly eyes masculine, always on the look out for pretty feminine faces. During the intermission at noon, a spruce young minister stepped up to the presiding elder, and said with an air of secrecy:

"Did you observe the young lady who sat by the first pillar on the left?"

"Yes," said the elder, "what of her?"

"Why," said the young man; "I feel impressed that the Lord desires me to take that lady for my wife. I think she would make a good companion and helpmate in the world of the ministry."

The elder, as a good Christian ought, had nothing to object.

But in a few minutes another candidate for ministerial efforts and honors, and for the name of husband, came confidently to make known a little impression regarding the same identical young lady.

"You had better wait awhile. It is not best to be hasty in determining the source of such impressions," said the prudent elder.

And he had said well; for hardly were the steps of the second youth cold at his side, ere a third approached with the same story; and, while the worthy confidant still marvelled, a fourth drew near with the question:

"Did you notice the fine, noble-looking woman on your left?"

"Yes," cried the swelling elder.

"Well, sir," went on the fourth victim of that unsuspicious girl, "it is strongly borne in upon my mind that it is the will of the Lord that I should make proposals of marriage to that lady. He has impressed me that she is to be my wife."

The elder could hold in no longer.

"Impossible! impossible!" he said in an excited tone: "the Lord never could have intended that four men should marry that one woman!"

#### FACTS AND FICTIONS.

—The following epitaph on a girl who died broken-hearted, from the Spanis Cadalso, is not to be picked up every day:—

She who lies beneath this stone  
Died of constancy alone;  
Fear not to approach, oh, passer by,  
Or naught contagious did she die.

—The "Loyal League" is understood to take its name from an association which is pledged not to go within a league of the seat of war.

—Why is delirium tremens like a pinching boot? Because its a Tight Fit.

—When you see a dwarf you may take it for granted that his parents never made much of him.

—It is the night owl of ignorance which broods and hatches the peacock of pride.

—All Par's has recently been to the dogs—the show of them.

—The old lady who mended her husband's trousers with a potato patch, is smoothing now her hair with the comb of a rooster.

—COUNTERFEIT FIVES—BRASS KNUCKLES.—[Vanity Fair.]

—"Sir, did you call me a cypher?" "No, I said you were a figure 9 with the tail cut off."

—The man who hung himself with a chord of music, has been cut down with a sharp east wind.

—He that lives in sin without repentance shall die in sin without forgiveness.

—Vanity Fair remarks that what we want is a great national Bone-Breaker, to break the backbone of this rebellion.

—As our army was entering one of the towns of Kentucky, just after routing a Confederate force, a splendid rainbow arched the western sky. A little child observing it, called out, "Mother, mother! God is a Union man!"

—Is it not better to be saved by divine mercy than to be saved by divine justice?

—"Bless me, here I've been setting for weeks with this old axe in the bottom of my nest! so no wonder I couldn't hatchet," said an old hen.

—An humble heart may meet with opposition from men, but it shall meet with approbation from God.

—Copy of a sign upon an academy out West: "Freeman & Huggs, School-teachers. Freeman teaches the boys and Huggs the girls."

—Truth, in the garment of politeness, is often more comely than the naked truth.