

court; he had travelled over 300 miles, but could not serve the subpoenas. That there were no other witnesses that the prosecution can prove the facts by, or come to trial without their testimony; that in consequence of the total lack of funds they cannot pay the witnesses, jurors and other expenses; that the case will involve a cost of one thousand dollars, and in consideration of the territorial auditor having refused any assistance from the territorial treasury, we are unable to come to trial this term. This case will involve the massacre of the Mountain Meadows, and will require from two to four weeks' time. We believe we can procure the attendance of the necessary witnesses by the next term, and a portion of the \$23,000 appropriation by congress to defray the expenses of the district courts of the Territory will be procured by that time. This application was not made for delay, and the prosecution will use all diligence to procure the witnesses by the July term.

Spicer, for Lee, said the prisoner comes into court and resists the propositions on which the application for continuance is based. He was arrested on the ninth of Nov., 1874, since which time he has been confined in jail, which has already greatly impaired his health, and further confinement will endanger his life. He has not sufficient means to provide for the expenses of this trial and the support of his family. He is entirely innocent of everything charged against him, and is ready and anxious for trial this term. If the case is continued it will be an act of great injustice. The indictment was found on the testimony of ten witnesses, all of whom can be procured this term. The crime with which he is charged was committed over 17 years ago. All the witnesses endorsed on the back of the indictments reside within 65 miles of this city and could be summoned by legal process in three days; two-thirds of them are citizens of Beaver and are now in daily attendance on the court. The indictment had been found seven months; there had been two terms of the court since the arrest.

Bishop followed with an argument, adducing authorities as to the rule of continuance in criminal cases, showing that the prosecution had no legal grounds for the motion; that the absent witnesses was not those on the back of the indictment; that the want of funds was no cause for postponing the trial; a speedy trial was guaranteed by the constitution, the prisoner was fully prepared and anxious, the marshal had not shown that any subpoena had been served on any of the witnesses on the indictment; that the government did not build bastilles for the confinement of prisoners till funds were raised for the prosecution by taxation or otherwise; that the witnesses and jurors were under obligation to attend whether paid or not, and if they refuse to comply with the process of the marshal there was abundant force at Ft. Cameron to compel them, and bring the unwilling skulking witnesses into court, in chains if necessary; and this government was not without resources; that John D. Lee was an old man, 63 years of age, and he comes before the court this day begging and pleading to be put on his trial. Bishop occupied an hour and a half in an able argument.

The court took a recess till two p. m., when the continuance was granted by Judge Boreman, and the prisoner was taken back to his place of confinement at Fort Cameron.

Accidentally Killed.

SILVER CITY, Tintic, April 14.

On Monday, as Mr. Daniel Oakey, of Diamond, Tintic, was going down the Julian Lane shaft he let go the rope and fell about forty feet; he was taken out insensible. Dr. Roberts of Provo was immediately sent for, but did not arrive in time to render any assistance to Mr. Oakey, who died this morning. He was highly respected, and his sudden death has cast a shadow over the camp. He leaves a wife and seven children.

Badly Crushed.

ALTA CITY, April 14.

At 11 o'clock to-day a man named Riley was badly crushed at the Reed and Benson mine, Big Cottonwood; he is supposed to be fatally injured.

CORRESPONDENCE.

Sevier County and Settlement.

RICHFIELD, Sevier Co., April 7, 1875.

Editor Deseret News:

In the spring of 1867 the few inhabitants of Sevier Co. were forced to abandon their homes on account of the hostile attitude of the Indians.

Four years later a portion of the people returned to their forsaken homes, but that portion was not large enough to hold the aborigines in awe, and consequently not sufficient to make the investment of property a safe undertaking. The county laboring under this difficulty, was at first slow to settle up, but latterly the increase in population, the manifest energy of our people at large, together with the natural advantages afforded, have combined to rank Sevier as one of the most promising districts of the Territory. The present population and the peaceable professions of the Indians dispel all apprehensions of further Indian difficulties, as the latter individuals have most naturally a severe inclination not to molest a well settled country.

Richfield, a town of one hundred and eighty families, has the significant number of one hundred and forty families in the United Order. The other settlements of the county, averaged, have a corresponding proportion of the people in this institution.

The success of the Order, here, is marked, not only in the general good spirit prevailing, but in the number of improvements being made, and in the foundations which are now being laid upon which the future success of our Stake of the Church shall rest. Live authorities, seconded by interested spirits, cannot but accomplish the ends for which they strive. By combining spiritual with temporal affairs the Saints are enabled to more easily live to that religion which promises such blessings to them if faithful.

Eight towns are now spread over that region which formerly encompassed only four. Acquisitions are constantly made to our population by the advent of persons who are sensible to the many advantages of this country.

The temperature is mild; snow seldom falling and very rarely lying on the ground longer than one day. When Salt Lake is visited by a fierce snow-storm, Sevier is bothered only by a slight fall of hail or snow.

The county sent forty-eight men, early last Winter, to labor on the temple. These remained until the completion of the walls of that building, returning home some few days since.

Richfield, the county seat, is distant one hundred and seventy-five miles from the territorial metropolis. Yours, XI.

Progress at Springdale.

SPRINGDALE, Kane Co., Utah, April 4th, 1875.

Editor Deseret News:

I have changed my place of residence, from Shonesburg to Springdale; as the latter place is about to be resettled by those who truly seek the Kingdom of God and its righteousness. As I was among those that were driven from the centre Stake of Zion, wishing to be ready, if my life is spared, to return when the welcome sound is heard, "To your tents, O Israel!" I feel anxious to join the willing band. Bros. Zemira Palmer and Evan M. Greene, who take charge of the settling of the place, have been wisely instructed to have everything done in the United Order. So you see, here is a good chance for a few of the many, who, no doubt, wish to come out of Babylon and forsaken her ways, to come and join in the more noble plans of Zion. There is room enough here for sixty or seventy families in the United Order. The main productions of this valley will be grapes, lucern, cotton and wheat. A range of small farms, from five to ten miles up the river, commonly known as Zion, is equal to the land in Missouri for raising corn, and will grow very good potatoes. The tree fruit for this season is nearly destroyed by the frost, but grapes will bring a second crop, if the first gets killed.

We have a road and school district, and an election precinct. No day school started yet, but we anticipate having one soon.

We have a Sunday school organized, which is well attended, and well cared for. There are at present, or will be when Brother Greene returns from the North, eight families here, with the expectation of more soon. A spirit of peace prevails, and all seem happy with the prospects of the United Order.

Your friend and well-wisher,
S. K. GIFFORD.

P. S. The mail matter, so far as the Rockville Ward is concerned, has become almost worthless, for all items of news are about ready to die with old age when they reach our post office. It is a long time since the DESERET NEWS came oftener than once in two weeks, and sometimes not that often, and then come two or more at a time, making them almost good for nothing for a laboring man, who has not much time to read.

S. K. G.

Spring and Gardening—Dry and Dusty—Improvements—No Mats—Waiting for the Trains—The Stoppages on the Road.

OGDEN CITY, Utah,

April 16th, 1875.

Editor Deseret News:

After many attempts, and as many failures, Spring at last appears to have succeeded in piercing the gloomy clouds and showing its smiling face. Now it is all hurry, bustle and rush among the farmers and gardeners. The various kinds of garden seeds are in great demand, and some of them are not to be had. "Top set onion" seeds are very scarce in this place, and cannot apparently be obtained at present. Some of our seedsmen will import them.

Our roads are very dry, and the dust flies about in clouds, and soon the water sprinkler will have to be brought into requisition. As there is a great quantity of snow piled up in the mountains and canyons, very high waters are expected in Ogden and Weber rivers, especially the latter, and it is highly probable that much valuable land will take a trip to the Salt Lake. A good number of improvements are now going on, and new buildings are being opened, and it is hoped that a rushing trade will be done here this summer.

A great deal of anxiety exists at the present time in regard to the irregularity of the arrival of the mails from the East. It is some time since those trains came in on time. They have frequently been from three to twenty hours late. The last eastern mail received here was on Wednesday morning last. There will be none to-night and likely not any on Saturday night. No eastern train went out yesterday a. m. No passenger or mail train or emigrant went West last night. A great number of travellers are detained at the depot and cannot get further at present, either East or West. Many expedients are resorted to by some of them to kill time and get rid of some of the surplus cash. This morning a couple of them, one a young blood from Baltimore, and another from the West, put up each \$40 in gold, and then ran for the pile in a foot race of 100 yards. The Baltimore man came in about one half the distance ahead, threw a summer-sault backwards, landed on his feet, flapped his sides, crew like a little "bantam" and won the money.

The cause of the non-arrival of the eastern trains and the detention of passengers, is a number of wash outs, in a number of places east of Green River, and which extends from one mile to twenty miles in distance along the railroad on this division. Bridges are also carried away by the high waters. During last night another bridge near Green River was washed away, also a number of the W. U. telegraph poles and wires. Repairs are being rushed forward as fast as possible, but I cannot tell when they will be completed. It is said that fully six miles of track is washed away. They expect to begin to transfer passengers and mail in this vicinity to-day, but still there is no telling. On the bulletin board at the depot telegraph office, is the following: "Eastern train a conundrum!"

All is peace and quietness here.

April 17.

I have just been informed that three more washouts occurred between here and Evanston during

the last night. No train will go East this morning and it may be a week yet before any train arrives from that direction. Of course a great amount of mail and other matter is accumulating at this point in consequence of these R. R. blockades. SEMPER.

Racing With an Avalanche—Corpse Found.

BRIGHAM CITY,

April 15th, 1875.

Editor Deseret News:

On the 13th inst., while a number of men from this neighborhood were in search of the remains of the two men who were buried in the avalanche, March 24th, one of their number, who was placed at an elevated point to look out for slides, discovered a slide starting, but thought it had come to a standstill again immediately after starting. Hence he hesitated a little before he gave an effective alarm to the men below. After the alarm was given, imagine the situation! The most of the party were unable to hear the guard's voice, and the slide, which advanced one and a half miles in six minutes, came on so noiselessly that its approach was almost unperceived. The hands were somewhat scattered in various directions prosecuting their search. Some had dug holes in the snow from six to fifteen feet deep, working in which they could neither hear nor see what was going on. When they were no longer unconscious of their perilous situation, almost in the last second of hope the struggle to reach the surface was despairing. As they had not taken the precaution to fix steps in the sides of their pits, they had a perpendicular wall of snow to climb. Two young men had a very narrow escape. They were fifteen feet deep in the snow when they discovered another man running for life. He was asked by them repeatedly what was the matter, but he was overcome with excitement and returned no answer; however, the two men reached the surface and fled in frantic haste, closely pursued by the vengeful avalanche. A boy tried four times to get out of a hole eight feet deep, but failed; he succeeded the fifth time. Another boy could not get out at all, but some one passing, running a race with the slide, had presence of mind enough to help him out. Great agitation prevailed for a few minutes after all had landed in a place of safety to ascertain if all had escaped. Those best at counting could not make out more than twenty heads, and it was known that there ought to be twenty-one. But soon the word sounded, "We are all here," as the missing man was discovered coming down the hill, slowly but sound. Coats, vests, luncheons, spades, shovels and a watch were buried deep in the avalanche, which, however, did not reach quite so far as the last.

Yesterday the remains of Ephraim W. Cutler were dug out almost at the very edge of the old slide. He had been six feet deep in the snow; hence the corpse was well preserved. An inquest was held over his body before the coroner, and the jury returned a verdict in accordance with the facts in the case. To-day a large number of relatives and friends followed him to his final resting place in Brigham City cemetery.

Some traces of blood and human hair were discovered a little above the place in the canyon where Ephraim W. Cutler was found, and hopes are entertained that it will lead to the discovery of Isaac Lewis.

Respectfully, A. C.

"Boremanism" Not Sustained by Facts.

WILLARD, April 16, 1875.

Editor Deseret News:

From your issue of the 14th inst. I quote the following entitled "Boremanism." Referring to polygamy, the Judge says, "The polluting effects are seen on every side and in every community. The children of said marriages are generally growing up as wild animals without training, instruction or parental care. It is of course utterly impossible for one father, except in isolated cases, to look after the training of children separated into various families, and there is generally little or no attempt to look after them."

It appears that the Judge is either wilfully ignorant or maliciously wicked, and that he is one of the

other I will endeavor to prove in a very few statements, deduced from facts which I have in my possession, gleaned from actual experience of over ten years with polygamous families et al.

I have taught school in four different settlements in this Territory, besides having travelled exclusively through said Territory during vacations, and I boldly assert that I have yet failed to find any "wild animals" from either polygamous or monogamous families. Again I can say and that truthfully, that not in any case, whether in poverty or wealth, has any polygamist refused to sustain said schools, they being as a rule and not an exception the foremost in sustaining schools all the year round and willing to pay for their own children from their own earnings, not clamoring for free schools in the spirit and manner they are so frequently charged with.

The acumen of the children of polygamists is equal to that of the children of monogamists, and for perseverance and industry give me the children of the former. This is attributable to the industrious habits taught and practised at home.

The isolated cases mentioned by the learned judge I find to be entirely opposite from what he has stated, but he may be excused as he perhaps judges other men by his measure, satisfied that it would be utterly impossible for him to sustain a large family with his limited knowledge and contracted ideas.

When falsehood is used to prejudice the public against any known truth, it should be met by refutations founded on facts.

C. W.

PRICE OF GOLD.

Corrected daily by Deseret National Bank.

SALT LAKE CITY, Apr. 20, 1875.

Buying at \$1.13; selling at \$1.15.

DECEASED.

In the 15th Ward of this city, April 15th, of inflammation of the lungs, HARRIETT MARY, daughter of Jane and Richard Thomas, aged 1 year, 10 months and 2 weeks.

In Salt Lake City, April 12, of inflammation of the lungs, ALICE MAY, daughter of Enoch and Janet Covey, aged 4 months and 12 days.

At Clarkston, April 5th, of scarlatina and cancer, SARAH HALE, daughter of Henry and Elizabeth Stokes, aged 14 months and 10 days.

"Suffer little children to come unto me, and forbid them not."—Com.

Millennial Star, please copy.

At St. George, April 1st, of rheumatic fever, after a sickness of about two weeks, MARY ANN HALE, wife of Christopher L. Ridding.

Deceased was born June 26th, 1816, at Burnley, Lancashire, England; was baptized a member of the Church of Jesus Christ of Latter-day Saints, March 12th, 1840; emigrated from England in 1848, and went to St. Louis, Mo.; she arrived with her husband at Salt Lake City in 1852; in 1858 she accompanied her husband on a mission to the Santa Clara; in 1869 settled in St. George, where she since resided, a respected member of the community. She died, as she had for nearly thirty-five years lived, a firm believer in the gospel of Christ as revealed through the Prophet Joseph Smith. She has left a husband, four sons and two daughters and twelve grandchildren.

—Com.

Millennial Star, please copy.

At Clarkston, April 3rd, of croup, WILLIAM HEBER, eldest son of Martin and Mary Imogene Harris, Jun., aged 6 years, 4 months, and six days.

This is the eighth child of which the family has been bereaved, three of which have died within the last twelve months.

"Children will be enthroned in the presence of the Father and the Lamb."—Joseph Smith. Com.

At Fairview, Sanpete County, April 4th, 1875, BENJAMIN JONES, in the 80th year of his age.

Elder Jones was born Feb. 24th, 1796, at Chibocking, Delaware County, N. Y. Baptized by Elder G. M. Hinkle, April 1, 1832, in Tazewell County, Ill.; ordained senior president of the 26th Quorum of Seventies, Oct. 8th, 1844, in Nauvoo, Ill. Emigrated to Utah in 1850. During more than his forty years in the church, amid persecutions and trial, he was ever one of those true Saints whose works will follow them. Now he has gone to his reward, and taken his place with the blessed, to inherit that fullness of reward and everlasting increase, which he so well secured to himself while here.

—Com.

At Darton, near Barnsley, March 9th, EMMA BEDDOES. Deceased was born August 13, 1804; baptized July 5, 1869. She lived a faithful Saint, and died in the hope of a glorious resurrection.—[Com.]—Millennial Star.