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—"ROBERT THE DEVIL" has been played for the four hundredth time in Paris.

—NEW ORLEANS minstrels have been playing duets with their violins placed over their heads, behind their backs and in other odd positions, each using one of his hands on the other's violin.

—"WHERE is our SUSAN?" is the name of a new farce, founded on the escape of the Susan, Maury's filibuster clipper. It is all the rage at the South.

—CUBA and the thirty millions of dollars for her purchase are a prominent topic, east. It is thought that the \$30,000,000 will cool down the hot-blooded Spaniard.

—WHALING seems to be carried on with considerable profit at San Diego. Within a few weeks a company killed a dozen, but could get only five of them into port, from which they obtained 159 bbls of oil, worth about \$2000.

—THE PRINTING of the Pacific Railroad Report at Washington will cost over one million of dollars—almost enough to build it.

—A YOUNG MAN in London, was recently fined one pound for kissing a girl 10 years of age against her will.

—WASHINGTON IRVING was expected to be present at the Festival of the N. Y. Typographical Association, Jan. 17, Franklin's birthday, at Niblo's.

—A FRENCH company are about to purchase the Collins steamers, to form a new ocean line between France and New York.

—A WIDOWER and widow were lately married in Hartford, Conn., with 29 children to start with. Better come to Utah.

—THE NEW YORK Ledger receives as high as \$3,700 per day on mail subscriptions, besides the sales at the book and periodical stores, where the greater number of its papers are sold.

—A NEW Atlantic telegraph company is about to be chartered by the Massachusetts Legislature, who propose laying a submarine cable between Cape Ann and Yarmouth, Nova Scotia, extending thence by land to Halifax and intersecting the trans-Atlantic line from Trinity Bay, N. F. It is probable, also, that France and the United States will soon be connected by ocean telegraph, under patronage of the Imperial government.

UNITED STATES COURT.—We publish today the charge of Judge Cradlebaugh to the Grand Jury, at the commencement of the session of the Second Judicial District Court of the United States, for this Territory, now being held at Provo city, Utah county; and also the proceedings of the Court up to Saturday evening last, as reported by Mr. J. V. Long. Comment is deemed unnecessary.

[REPORTER.]

DISTRICT COURT, 2ND JUDICIAL DISTRICT.

Provo, TUESDAY, MARCH 8, 1859, }
11 A. M. }

Court opened, Hon. John Cradlebaugh presiding.

U. S. Deputy Marshal Brookie proclaimed the court open.

The Judge appointed Lucius N. Scovil clerk of the court.

The names of the persons summoned to serve as grand jurors were called, and twenty three answered. Mr. John Riggs was appointed and sworn foreman of the grand jury, and the oath was also administered to the twenty two others.

Judge Cradlebaugh then delivered an oral charge to the grand jury.

At the close of the charge, the grand jury retired, and the court ordered a recess till 2 p. m.

2. P. M.

Court resumed its session.

Mr. Alexander Williams was appointed crier of the court.

The grand jury were called into court to be further instructed in their duty, when his Honor said:—

"Gentlemen of the jury, there is one of your number absent, (Martin H. Peck) and it is important to have you all present in transacting business; however, it is important that I should speak to you of the manner of transacting business.

Whenever twelve of you shall decide or agree upon a question, then all time that is consumed after that is a bare waste of time. And in order to have matters dispatched, it is right that you should call for the District Attorney to prepare the Bill as soon as you agree, or any twelve of you.

There is also another matter or two to which I must call your attention. There is a statute in relation to gambling. (Read from the statute.) This section is in relation to persons that are keeping gambling houses. My reasons, gentlemen of the jury, for calling your attention to these facts, are that, within my knowledge there are numerous gambling houses kept open. In the vicinity of the sold-

ier's camp you may see a whole row of houses open, and persons constantly in there gambling. This is a matter that you should look after and, if necessary, bring all here, for it is a matter that you are bound to look into.—The very fact of their committing crimes against the law is sufficient to justify you in enquiring into them, and if you desire to send for witnesses, you can have them; or if you have witnesses in your vicinity, you can examine them, and the court will furnish the means to bring those over here who are guilty of committing offences.

Some United States troops are here. Perhaps it is an unusual thing for them to be here. I knew that there were those who were guilty, out by the camp, and also that there were many guilty around here, of numerous offences. I was informed that there was no prison here, and those troops were sent by the commanding General, at my request, to take care of the prisoners now in custody, and not to interfere with any one. They are here to take care of and preserve the peace. If prisoners are brought they will be taken care of, and the whole authority of the troops is to detain those persons in custody that may be taken prisoners, until they are called for by the court, and they have no power beyond that.

I hold in my hand a little book, and there are some observations that are so strikingly applicable to your duties, that I feel in duty bound to embody them in the remarks I have to make in regard to the matters pertaining to your duties. (Read from Jefferson's Manual of Law.) Therefore, if among yourselves you know of any person that is guilty of a crime, you may examine him among yourselves, and when twelve of you are agreed, then that is sufficient to authorize you to make a presentment. No matter whether the foreman is one of that twelve or not, when twelve are agreed he shall then endorse the Bill, "A True Bill" and sign it as foreman; and the Bills must be presented in open court.

Upon the other hand, when there shall not be twelve of the jurors agreed, you then ignore the bill and write upon the back, "Not a True Bill."

You can only examine witnesses for the prosecution. Your duty is barely bringing forward the accusation against persons, and not to try them. The same kind of evidence, therefore, that is required at the trial is not required before a grand jury. There should, nevertheless, be a preponderance in your minds to authorize you to find a Bill.

There is another matter that is spoken of in the oath that I administered to you; you are bound to secrecy, and the reason is, if it were not so, when a Bill was found you would be liable to speak of it when enquired of and hereby facilitate the escape of the guilty party.

The surest preventive of crime is punishment.

You will perhaps find it convenient in your researches to appoint a clerk to record a minute of your proceedings. That is not a legal record, it is simply to aid you in the discharge of your duties. Perhaps you ought not to let that go outside your room, and perhaps it would be proper to destroy it at the close of your enquiries.

With these remarks, gentlemen, I believe there is nothing further; but I thought it proper to instruct you in these few matters.

The wish of the court is that you should be expeditious in your business, and that you meet as early as convenient, so as to dispatch business.

I have nothing further to say to you, gentlemen.

I will state to the gentlemen of the bar the order of the court. The court will allow some short time to the hearing of motions in the early part of the morning. If the court had a list of the names of the members of the bar, it would be better able to call your names.

Mr. J. F. Stone was sworn bailiff of the court.

The Court asked if the attorneys had any motions.

Mr. Stout introduced the naturalization of foreigners, when two came forward and made a declaration of intentions.

Court adjourned until to-morrow at 9 a. m.

WEDNESDAY, 9th, 9 a. m.

Court opened by the Marshal.

Clerk read the minutes of yesterday.

There being no business before the court, adjourned until to-morrow at 9 a. m.

THURSDAY, 10th, 9 a. m.

Court opened by the marshal. Record of yesterday read by the clerk.

Mr. Blair stated that he had been appointed to prosecute all cases coming under the Territorial laws.

Judge Cradlebaugh replied that he could scarcely see how the question could come up then, there being no case of that description before the court, still the court had no objection to considering it at that time.

There could be no doubt as to the Legislature having the right to appoint an Attorney General for the Territory and to define his duties; the only question was, if those duties interfered with those of another officer, then it would be requisite to determine whether the District Attorney appointed by the United States, or the Attorney General appointed by the Territorial Legislature was the proper officer to perform the required duties before the grand jury.

That question was fully examined before the judge of the 3rd Judicial District, and his opinion was that the District Attorney was the proper officer to prepare indictments and prosecute all offences both under the United States and Territorial laws. If the Attorney General

was permitted to prosecute cases arising under the Territorial statutes, it would be necessary to provide another grand jury, and that would make confusion, and it appeared to him that there was some conflict in regard to the matter.

Mr. Blair remarked that in the Territory of Iowa, where he was once Prosecuting Attorney, the grand jurors were summoned by the marshal, and when they were through with United States business, then the same jury were summoned for the Territory and they were allowed to go into Territorial matters.

With this precedent he would inform the court of the position that he would occupy viz: that when the United States business is completed, then he would ask for a venire for a grand jury to enter upon Territorial business.

His Honor replied:—In regard to the point made that the first six days of each term shall be appropriated to United States business, he did not find it so, but had no doubt but that the present grand jury could look into Territorial cases as well as those of the United States.

The language of the Organic Act is "That the first six days shall be devoted, &c.," now the court is established by an act of Congress, by authority of the United States, and in establishing it and appointing officers to discharge those duties appertaining to their offices there was a manifest desire that the business of the United States should not be neglected.

From the language of the Organic Act he contends that it seemed that the motive was, in so framing it, that if there was any United States business, civil as well as criminal, that they should not be laid over on account of other cases. It was designed that the business of the United States should not suffer on account of there being other business.

Therefore he thought that all that could be inferred from the act was that they should first try the United States cases. It was not the trial of any case that the grand jury had to do with, they were merely finders of a case. Therefore trials in which the United States were a party must not be postponed, but they would take the precedence of all others—He thought it was desirable that there should not be a multiplicity of officers for the position of attorney. If it were allowed, the clerk might also be removed to give way to the one appointed by the Legislature, and on reviewing the question there seemed to be good reasons why there should be but one officer to aid the grand jury in bringing forward cases. After cases were brought forward on the Territorial side, then if they thought it proper to employ counsel for the Territory the Attorney General has certainly a right to appear here, just the same as the other attorneys.

It becomes a case before the court when the grand jury have acted upon it, but so far as the examination before them was concerned, he could not but think that it was proper that the attorney for the United States should go before the grand jury at all times. He could not see that there was any particular line of demarcation.

At one time a case of theft would arise under the Territorial law; at another, one of murder; at another, one of rape; at another, a civil suit would be planted, and there was nothing that seemed to imply otherwise than that the grand jury were sworn to enquire into all cases, all crimes and offences, and if they were to do that, they were certainly to enquire into all that pertained to the Territory as well as to the United States. They went forth to discharge their duties generally.

He admitted that when they got through with the business of the United States it might be proper for them to say so, and that they would then bring forward indictments for offences under the territorial law, and that after that, the Territory would be responsible for the expenses, otherwise there would be no way of getting at the amount, accurately, that should be paid by the United States, and that which should be paid by the Territory.

The only matter that troubled him, he said, was the practice in other Territories, for in looking over the law he found the attorneys appointed by the Territories had generally been allowed to practice and to prosecute offences. They had that precedence in contradistinction to any declared opinion, but, as he before remarked, the matter had been fully considered in the other district by Judge Sinclair, and though he would not be bound by his decision, still they always regarded each other's decision, when they were sitting upon the bench equally with each other, and in the absence of any declared opinion he should be induced to coincide with him.

It would look very curious, he said, to have a different practice in the Territory. He was free to acknowledge that it was a question that admitted of doubt, and he hoped that it would be so arranged that it would come up before the first Supreme Court that should be held.

He was persuaded that it was not a matter of pecuniary reward that induced the gentleman to bring it forward, but he presumed it was a matter of principle, and he hoped that it would be put in writing, so that it might be carried up to the Supreme Court.

Mr. Wilson said he did not intend to make an argument on the question, but he would say that he did not want the position; but if he were to prosecute cases arising under the territorial laws he would rather have it put upon him by the judgment of the court, for he understood that there were some cases to come before the court for murder, and he felt sure that no attorney would like to prosecute persons for murder, unless by the solemn ruling of the court upon the subject.

The judge said the attorney can put his mo-

tion in writing and the court will rule upon it.

Mr. Blair asked whether he was to understand that he could be associated with District Attorney in the prosecution of territorial cases.

The Judge said the Territory had a right to employ counsel to prosecute cases, after they were brought into court.

Mr. Blair asked that his commission as Attorney General for Utah might be spread upon the record.

The court had no objection to its being put upon the record. In reference to the motion, unless a ruling was made upon some question before the court, it would not appear what it was ruling upon.

Court took a recess till 2:30 p. m.

2:30 p. m.

Court resumed its session, attended to some cases of naturalization, and adjourned until to-morrow at 10 a. m.

FRIDAY, 11 A. M.

Court met pursuant to adjournment. Minutes of yesterday were read.

Mr. Stout presented the commission of Dr. John Kay, Territorial Marshal, and asked to have it spread upon the record.

His Honor said that he was not aware of any law that provided for the recording of any of those commissions, but if the gentleman wished it the clerk could record it.

Mr. Stout remarked that it had been customary to have all commissions spread upon the record.

The Judge said it would be a very good thing to do so as a matter of history.

Mr. Stout presented cases of naturalization.

Gen. Blair presented the following motion to the court:

Territory of Utah, } Second Judicial District
Utah County. } Court; Hon. John Cradlebaugh presiding.

Now comes S. M. Blair, Attorney General for said territory, and moves the court that he be permitted to appear before the grand jury to frame indictments and prosecute all offences arising under the laws of the Territory of Utah, in said district.

S. M. BLAIR.
The Judge said the matter was considered by the court yesterday, and the court ordered that the motion be overruled, but ordered that it be first upon the record so that the Attorney could carry it up to the Supreme Court.

Court took a recess till 2 o'clock.

Court resumed its session at 2 p. m.

Grand jury came into court and presented the following bills of indictment:

1st. United States vs. David Morgan, for buying soldiers' clothes.—Bill ignored.

2nd. United States vs. Panguts, commonly called Moze, and Namowah, commonly called Looking Glass, Indians, assault with intent to commit a rape.

3d. United States vs. Moze and Looking Glass, Indians, for rape.

4th. United States vs. Moze and Looking Glass, Indians; two counts; first, assault with intent &c.; second, rape.

The court instructed the grand jury that it would be well in future to regard the views of the District Attorney, upon matters of law, that it was proper to regard his opinion when expressed upon any question of law.

The court excused Wilber J. Earl from further attendance upon the grand jury. The judge said that he had in his possession a paper implicating him in some cases that would come before them, therefore it would not be proper to keep him upon the grand jury.

David Morgan was discharged.

In the case of the United States vs. Capiton, for buying soldiers' clothes, His Honor said the witnesses were absent in California; Mr. Capiton was therefore discharged.

The District Attorney called for the trial of Moze and Looking Glass.

Mr. Smith asked for time to get witnesses for the defence.

After considerable conversation upon the subject, the trial was appointed for Monday next.

Mr. Wilson had other cases wherein Indians were implicated, who lived at a distance of 300 miles, and it would take some time to get the witnesses. Said it was customary, and it was also provided by law for Sup't of Indian Affairs to afford every facility that it was possible.

Judge Cradlebaugh remarked that it was very doubtful whether the court could remain in session long enough for that.

Mr. Wilson was desirous to have business forwarded as much as possible, and if the court pleased, he purposed to go on with the territorial cases before the grand jury, until they could obtain the witnesses required, and then he would return to the United States business.

The court said there would be no objection to that, as he wished to expedite business as much as possible.

Court adjourned till 10 a. m. of Saturday.

SATURDAY, 12, 10 a. m.

Court met pursuant to adjournment.

Record of yesterday was read by the clerk. Alexander Williams was sworn as U. S. deputy marshal.

Andrew J. Stewart presented his license as an attorney, and the court ordered that he be enrolled.

Court took recess till 2 p. m.

Court resumed its session at the appointed hour.

There being no business presented, except two cases of naturalization, the court adjourned until Monday at 10 o'clock a. m.

During the sitting of the court, thus far, 125 persons have made declarations of intention to become citizens of the United States; 10 have received full papers of citizenship.

New adv's are crowded out this week.