

COURT PROCEEDINGS.

The District Court met in the Woodmansee building at 10 o'clock this morning, J. B. McKean, Chief Justice, presiding.

The Grand Jury was called and seven answered. An adjournment of the Grand Jury was then ordered by the Court until 10 o'clock to-morrow morning.

Charles G. Loeber was admitted to the bar, on a certificate from the Supreme Court of New York.

Mr. Bates, United States Attorney, said: I now present to the Court, my official duties having ceased under the warrant given to me by the President of the United States, my commission as District Attorney for the Territory of Utah for four years from this period, and desire to take the oath.

He was then sworn by the Clerk of the Court.

Mr. Bates then read section 2nd of the act of Congress of August 16, 1856, and said: "I now state to the Court that I have nominated and appointed, in pursuance of this statute, and under the advice and direction of the Attorney General of the United States, James L. High, as deputy United States Attorney, to attend to all business in my absence, and ask that he be sworn as such deputy."

Mr. High was sworn by the Clerk of the Court.

Mr. Bates then addressed the Court as follows:

"I desire, your honor, and I deem it a duty to myself as well as to the Government, to state the reasons chronologically and historically upon which this motion is founded, to ask for a continuance of the causes on the criminal calendar. On my arrival here, on the 1st of December, having come here under special telegraphic instructions from the Attorney General to enter upon the duties of the office instantly, I gave notice that I should apply for the trial of Brigham Young and others for the crime of murder on the opening of the Court on the 9th of this month.

In making an investigation as to the means of preparation for the trials,—trials of as much importance as have ever taken place before any tribunal in the world,—I instantly found, what I had not dreamed of before, if the department were advised of it, that there were no funds provided for either the fees of jurors or witnesses, or the contingent expenses of the daily sessions of this Court, such as rent, fuel, lights, paper, &c., and I instantly communicated by telegraph with the Attorney General.

"I also desired the assistance of associate counsel and I telegraphed to the Attorney General and asked permission to employ Mr. R. N. Baskin, whose ability and zeal had commended him to the department in the work he had done thus far, and also General Maxwell. I then stated to the Attorney General, to the President himself and to the Chairman of the Judiciary Committee of the Senate, that it was utterly impossible for me to go to trial, and that, while I should have the ability of Mr. Baskin to aid me, the responsibility of all these trials would finally fall upon me. I advised the Department by telegraph, at my own expense, that it would be impossible to prepare these cases for trial, and that Associate Counsel should be had and means provided for paying the expenses of the Court. I read now from the letter of Mr. Akerman in answer to my letter of Dec. 4th, stating that there was no money to pay expenses, &c.:

Department of Justice,
Washington, Dec. 14, 1871.

GEORGE C. BATES, Esq.,
U. S. Attorney, Salt Lake City, Utah.

Sir:—I have received your letter of the 4th instant, and have called the attention of Senator Cragin to the difficulty in regard to funds; and I trust Congress will afford some prompt relief.

Very Respectfully,

A. T. AKERMAN,
Attorney General.

"A bill was prepared, to which I suggested an amendment, and Mr. Cragin has reported it in the Senate.

"In reply to my telegraph, asking the appointment of my brother Baskin to aid me, I received a letter dated December 20, 1871, which I read:

Department of Justice,
Washington, Dec. 20, 1871.

GEORGE C. BATES, Esq.,
U. S. Attorney, Salt Lake City, Utah.

Sir:—Your letter of the 10th instant is received. I have answered by telegraph that you are at liberty to employ Mr. Baskin, and I herewith enclose a commission for him.

Under the circumstances, I do not feel at liberty to employ other additional counsel. The Government ought not to show any unseemly zeal to convict Brigham Young; and the addition of two lawyers to the regular professional force of the Government in Utah might have that appearance. The propriety of the employment of Mr. Baskin is obvious; he having prepared the cases.

In answer to your other letter of the same date, I have to say that it seems to me wrong in principle to covenant with regard to bail, while the accused is absconding. When a man submits himself to the law, it is time enough to consider what amenities he may receive under the law.

Should Mr. Young be arrested, the question of bail will be altogether a judicial one, to be decided by the Court upon the principles which would operate in the case of any other accused party.

Very respectfully,

A. T. AKERMAN,
Attorney General.

"I continued pressing by telegraph and otherwise, the necessity of means for the trials which it was proposed to go into, first, of Brigham Young and others, for murder. I had subpoenas taken out, and they are now in the Marshal's office. The witnesses are scattered, one living at Fillmore; and the Marshal himself is not only without means, but he has advanced over eight thousand dollars to the Government. I received the following letter under date, December 20, 1871:

Department of Justice,
Washington, Dec. 20, 1871.

GEORGE C. BATES,
U. S. Attorney, Salt Lake City, Utah.

Sir:—Your letter of the 11th instant is received.

I am troubled on account of the want of funds to carry on the Territorial prosecutions. The accounting officers of the Treasury, adhering to usage, do not feel at liberty to allow the Marshal credit for expenditures for prosecutions under Territorial law. This is perhaps inconsistent with the just deduction from the recent decisions of the Judges in Utah.

As the only thing I can do to help you, I have made the matter the subject of earnest representation to the Chairman of the Territorial Committee in Congress; and I will communicate to them the contents of your last letter.

Very respectfully,

A. T. AKERMAN,
Attorney General.

"I read another letter from the Attorney General, dated December 27, 1871:

Department of Justice,
Washington, Dec. 27, 1871.

GEORGE C. BATES, Esq.,
U. S. Attorney, Salt Lake City, Utah.

Sir:—I have received several letters from you on the subject of the expenses of the Courts of Utah in Territorial prosecutions.

In consequence of the construction hitherto followed by the accounting officers of the Treasury, I have no power to provide the necessary funds. I have done the only thing that seemed possible in the matter, which was to bring the subject to the attention of the Committee on Territories in the two houses of Congress, and to urge prompt action.

Very respectfully,

A. T. AKERMAN,
Attorney General.

Mr. Bates then continued:

"In the meantime, and for the purpose of urging this matter on, I addressed a circular letter to the Hon. Lyman Trumbull, chairman of the Judiciary Committee in the Senate—duplicates of most of these letters have been sent to Mr. Cragin who has the bill in charge—stating that under the decisions of your honor, about which there can be no question, all felonies committed within the Territory are offenses against the United States laws, to be punished only by the United States, and the expenses must of course, be paid by the Government.

"The following is a copy of the circular:

U. S. District Attorney's Office,
Salt Lake City, Utah, Dec. 30, 1871.

HON. LYMAN TRUMBULL,
Chairman Judiciary Committee
of the Senate:

Sir:—It is my duty, as the United States District Attorney for this Territory, to ask, through you and your Committee, advice and instruction upon the following points:

I. Under the decisions of the Supreme Court of this Territory, (from which there is no appeal) all felonies committed within its limits are offenses against UNITED STATES LAWS, to be punished as such only by United States Courts, their processes to be levied by the United States Marshal, and prosecutions conducted only by me as the United States District Attorney; and, of course, all expenses of the trials must be paid out of the United States Treasury, if paid at all.

II. Under the Territorial Courts, as such, the officers of the several counties are all Mormons, who it is said will not punish their fellows or leaders for high crimes at all, and do frequently punish Gentiles unjustly and unfairly; and so, unless the United States Courts prosecute criminals, anarchy must soon exist here, and neither life nor property will be safe.

III. The United States Comptroller, disregarding the ruling of our Supreme Court here, decides that all these offenses are against TERRITORIAL LAWS, to be punished only in Territorial Courts by the Territorial Officers thereof, and that the United States Treasury must not and shall not pay a penny of these costs; the result of which is that all jurors and witnesses' fees and contingent expenses of these Courts for the last year are unpaid, and there is not now a cent to pay them either for the past or future.

IV. January 9th, 1872, is set by the Court for the trial of Brigham Young and others

for murders and other crimes, and twenty other criminal causes are assigned for that time; and I, as U. S. District Attorney, am required to try these great causes, while there is no money to pay either the jurors, witness fees, or any of the contingent expenses of the Court, such as rent, fuel, lights, etc. How can I go to trial without witnesses and jurors? And how can their attendance be secured without money?

V. A Grand Jury is required forthwith in the First District, to investigate several murders, castrations, and other horrid crimes, and a venire is ordered; but the Marshal has no money to serve it, the witnesses and jurors will not come into Court unless paid therefor; and we have no money to pay them. What must I do under these circumstances?

VI. The United States have no jail, penitentiary, or place to keep safely their criminals, except Camp Douglas, and the cost of keeping them there and transportation to and from the Courts makes a rapidly accumulating debt for some one to pay, which already amounts to \$15,000, a large part of which has been advanced by the present Marshal, and is due now to him, and to jurors and witnesses.

VII. Under these circumstances, I see no other course for the Government to pursue than to provide money instantly to pay all jurors, witnesses and the daily expenses of the prosecution of these great crimes, or to order them all dismissed forthwith from the United States Courts. Am I not right? Please answer.

GEORGE C. BATES,
U. S. District Attorney.

Mr. Bates then read the following letter from Solicitor General Bristow, head of the Department of Justice, who, he said, was one of the best lawyers in the United States, and one of the truest men that God ever made—

Department of Justice,
Washington, Dec. 25, 1871.

My dear sir:—Your several letters relative to the business of your office have been turned over to the Attorney General, with request that he give you all possible support and assistance, which I am happy to say, he will do most cheerfully. I do not see how the matter of compensation can be satisfactorily adjusted without further legislation. It seems that while your Court holds it to be your duty to prosecute parties charged with violations of Territorial statutes the Comptroller, who settles the accounts of District Attorneys and Marshals, holds that the U. S. cannot pay the expenses of such prosecutions under existing statutes. Thus we have a dead lock which no power but Congress can unlock.

If it should ever happen that I can serve you, I trust that you will not hesitate to command me.

With my best wishes for your personal and professional success, I am

Very sincerely, your friend,

B. H. BRISTOW.

Gen. Geo. C. Bates,
Salt Lake City.

After reading the above Mr. Bates proceeded:

"I stated, upon information which I believe is general, and with reference to which I believe I was perfectly justified in making the statement, that no provision would be made by the Territorial Council for funds to carry on these prosecutions. In reply to which, your honor, I have two telegrams in my pocket, one dated the 4th instant, and the other yesterday, from the Attorney General himself, ordering me to apply to your honor—and I make the application in the name of the Attorney General, and by his order—for a continuance of these causes until the second Monday in March, by which time it is hoped that Congress will have provided the necessary ways and means for carrying on these prosecutions; and it is to be hoped, your honor that, in the meantime, the Territorial Legislature, which meets to-day, will see the propriety on their own part, of providing funds in order that their leaders may be vindicated if unjustly accused, and punished if guilty of the high crimes charged against them.

"I am not only ordered to do that, but I am ordered to report to the Attorney General forthwith in Washington; that he may be fully advised of the condition of things here.

"I hold in my hand a calendar of twenty odd cases, in some of which the parties are under arrest, in others they are not. I ask your honor, in the name and on behalf of the Attorney General and by his order, to continue these criminal cases, one and all, until the second Monday in March, 1872."

Court. The cases are continued until the next regular term of this Court; all criminal causes, and all civil causes to be tried before a jury.

Court adjourned until 10 o'clock to-morrow morning.

A lady witness said in a St. Louis court: "Give me the least grain of truth for a basis, and I can ruin the character of any woman in the world." Let gossips ponder this remark.

Machinery has recently been invented in England which weaves from the hair of cats and rabbits a sort of velvet tissue, distinguishable from silk, but not inferior in fineness and beauty.

Correspondence.

BRIGHAM CITY, Jan. 4, 1872.

Editor Deseret News:

Dear Sir—Last evening the stockholders of our co-operative mercantile and manufacturing institution, held their annual meeting at the Court House, on which occasion Elder A. Milton Musser was present. President L. Snow was re-elected president, J. C. Wright, S. Smith, A. Nichols, H. P. Jensen, W. Bex, J. D. Rees and J. T. Packer, directors. The capital stock of the association consists of a store, a tannery, woolen factory, butcher shop, large farm and dairy and other property, all valued at \$75,000. The institution is over seven years old. The interest drawn by the shareholders has never been below fifteen nor above thirty per cent. It affords us a striking illustration that, while money has been scarce and locusts abundant, which has caused a stagnation in actual commerce with imported goods, the manufacturing department has been the moving power to sustain co-operation; trade has only been nominal to compare with it, and our population have had easy excess to good cloth, leather, boots and shoes, which the poor much appreciate.

If the weather will permit, work will soon be resumed on the U. N. R.R. line, ties are being prepared now. The county court has granted a liberal sum of money for the purpose of grading a road from here to the point of the station marked out. The locomotive and construction cars stand here on a temporary track. The county jail is about finished. Respectfully, A. C.

HEBER CITY, January 1st, 1872.

Editor Deseret News:

Dear Sir—Although our location is a somewhat isolated one, yet I believe our privileges are not far short of many other counties in our mountain home. We have wood for fuel and timber for building and other purposes in abundance and easily obtained, and our water privileges, I will venture to say, cannot be surpassed in any other part of the Territory. Range for stock is good and land for agricultural purposes is plentiful and of a superior quality. Although the grasshoppers have at different times visited us in untold numbers and have frequently made clean work of our crops and saved the husbandman the trouble and labor of harvest, yet faith and perseverance have rewarded us with a bountiful harvest the past season, our granaries are overflowing with plenty, the progressive spirit of our brethren is on the increase, and a general thankfulness appears to pervade the hearts of all.

Under the indefatigable exertions of our Bishop, Abraham Hatch, improvements of a permanent nature are being made. The tithing house, already finished, is a building to be excelled by very few, if any, in durability and firmness of structure, as well as for convenience for the purpose erected. The co-operative store, also completed, is a superior stone structure of the best material, in which co-operation in mercantile pursuits is carried on in a manner that cannot fail to give universal satisfaction and thus establish the fact that co-operation is one thing needful.

We are also about to erect a large building under the name of the "Social Hall," this season, which will enable us to meet together for public worship without being crowded. Our schools are well attended, although there are not quite so many of them as the nature of the case demands.

Health and contentment prevail in our midst, and a disposition to uphold and strengthen the hands of our Bishop and to live as becomes Saints of the Most High, is apparent among the majority of the people.

Lest I should continue my communication beyond the prescribed limits of such an article, I will close by wishing you and all interested in the welfare of Zion, A Happy New Year.

CHARLES SHELTON.

The Jews of Birmingham, England, have combined to oppose the London society for their conversion.

Some one describing a ball, said it was a vast assemblage of people who had never met before and who never cared to meet again, and that they talked a little, danced a little, ate a little, and then went home cross and tired, and scandalized not a little.