

[From our Extra of Saturday.]

THE COURT & THE ARMY.

There are a few things connected with the doings and sayings of the court at Provo that we feel disposed to mention, not particularly to comment upon, as they seem to us somewhat out of the usual course of procedure in criminal cases.

In the proceedings of the court which have been furnished by our reporter, we find that after the grand jury had been discharged by the judge, because they had not found indictments against all the persons accused of committing offences against the laws of the United States or this Territory, the judge discharged, without trial, all the persons that had been indicted but one, and retained in custody several individuals against whom no presentments had been made.

This, to us, seemed an unusual course of procedure, and a gross violation of law, as in all criminal proceedings that have heretofore come to our knowledge those persons who have been accused by a presentment of a grand jury have been held in custody and put upon their trial for the alleged offences, and those in custody against whom no presentments had been made were immediately set at liberty on the discharge of the grand jury. Such is the law, and why it was not honored in this instance remains to be known.

However it cannot but appear to a casual observer from the remarks of the court on that occasion, that it was not the Indians nor the persons that had committed offences about "Camp Floyd" that he wished to have brought to justice, for he did not refer to them in those remarks, but took occasion to refer to several cases of murder that had been committed at Mountain Meadows, Springville, Payson and other places, and said that, "at the commencement of this term of court these persons," referring to those that were accused, "were to be seen elbowing about the streets with the Bishops and other dignitaries,"—thus implicating the whole community or the principal men thereof in those alleged murders.

It is an old adage as well as a principle of law that all men are presumed to be innocent, until the contrary is made to appear, and no person either judge or juror has any right to say that a man is guilty of any offence, until he has legally been convicted by a jury of his countrymen. Then why all this hue and cry about guilt, when the only tribunal that could legally present the alleged offenders to the court in order to have them brought to trial and punished, if found guilty, had been discharged by the court and thus prevented from doing their duty.

We have been informed that some of the persons that have been held in custody and guarded by the military for a long time, have had nothing proven against them, that their attorneys have from time to time moved the judge to discharge them, and that he has peremptorily refused to do so. If that be true we do not wonder that those persons who may have been denounced by the court, as accessories to the alleged offences, and others who may be either "Bishops" or "dignitaries" are among the missing, as the judge asserts; for if men are deprived of their liberty and guarded by the troops of the United States when no one can be found to criminate them they might well beware and not be caught in a snare set for the innocent as well as the guilty.

In the doings of the court since Monday last will be found the remarks of Judge Cradlebaugh on Governor Cumming's Proclamation, which are in accordance with previous productions and unquestionably characteristic of the author.

Among other things he says:—

"It is perhaps proper to say that the grand jury was selected by the County Court under a recent act of the Legislature of this Territory, which was signed and approved by Governor Cumming, and that several notorious criminals were members of it."

This wholesale denunciation of men acting officially as officers of the county and of the jurors selected by them, as well as of "Presidents, Bishops, and civil officers of the Territory," and of the citizens generally is, to say the least of it, a new feature in judicial proceedings, and one that, we trust, will not be very generally endorsed.

What the court will next resolve itself into remains to be ascertained.

The judge commenced holding a term of the District Court of the United States for the 2nd Judicial District with a grand and petit jury in attendance. After the dismissal of the juries he announced that he would sit as a "committing magistrate," but, from what we heard last evening, it seems that he is now holding court "in chambers," as the following authenticated copy of a summons conclusively proves:—

"TERRITORY OF UTAH } ss.
Utah County. }

To the Marshal of said Territory, Greeting:—

You are hereby commanded to summon Mrs. —, of Provo city, to appear forthwith before me in Chambers this 31st day of March, A.D. 1859, then and there to testify and the truth to speak in all such matters as may be required of her; and this she shall by no means omit under penalty of fine and imprisonment.

And have you here this writ.

HON. JNO. CRADLEBAUGH,
Presiding."

We have been informed that, on Tuesday morning, 29th ult., about one o'clock, a company of dragoons, under Lieut. Gordon, accompanied by U. S. Marshal P. Dolson and a few others, left the camp near Provo and, in a most clandestine manner, proceeded to Springville, where the troops were subdivided in such a way as to securely guard every point of entrance to or escape from the city. A small force had been dispatched, in advance of the main body, to prevent any possibility of communication from Provo with Springville.

At daybreak they began their search for the supposed criminals, but none could be found and, not being satisfied, they pushed their search some six or eight miles into Springville canyon, till they were compelled by the deep and trackless snows to make the best of their way back again.

[REPORTER.]

COURT DOINGS AT PROVO.

MONDAY, March 28, 1859—10 A. M.

Court met in the Seminary, pursuant to adjournment.

Minutes of Saturday were read by the clerk. Samuel Mulliner was admitted a citizen of the United States.

Judge Cradlebaugh expressed himself in favor of taking up the case of the murder of the Parrishes and Potter, and proceeding with the examination of all the prisoners together.

Mr. Wilson thought it best to postpone the examination until Mrs. Parrish arrived.

Mr. Blair said he did not like piece meal examination, it was not profitable, and did not aid the court in expediting the examination before it. If other witnesses were on hand the defence would waive their claim to cross examine Mrs. Parrish.

Mr. Williams did not think it was safe to go on with the case till Mrs. Parrish came, and hence he would prefer that the examination should go no further till she arrived.

Court adjourned until to-morrow, 10 a. m.

TUESDAY, 29—10 A. M.

Court met as per adjournment. Minutes of yesterday read by the clerk.

The judge called up the case of examination which had been adjourned to await the arrival of M. s. Parrish.

Mrs. Lucinda A. Parrish was sworn, and after detailing in full all she knew of the circumstances of the murder of her husband and son, Judge Cradlebaugh asked her if she had at any time visited Salt Lake City to see Brigham Young. In reply, Mrs. Parrish gave the following account of her visit:—

"I forgot to state that I promised my husband, if he did not live to see Mr. Young, that I would go. I went and told him (Ex-Gov. Young) what had happened, and asked him what it all meant. He told me he did not know, and that Springville was 15 years ahead of him; said it was done unbeknown to him; if he had been apprised of the matter he would have used his influence to have prevented it."

I went to see him again last winter, between Christmas and January, but did not see him.

Judge: Did the clerk tell you (in relation to a carriage and span of horses) that Brigham Young had told him you had better go to the Bishop and not to a gentile court? No, he did not say that, but that Brigham did not wish to see any body now days. [Pres. Young was very unwell at that time.]

Mr. Blair asked the court to discharge Mr. John Dailey, there being no evidence implicating him.

The judge said he would not discharge him at that stage of the proceedings.

Orrin E. Parrish was sworn and Judge Cradlebaugh read the testimony which he gave at a previous time. Parrish said it was right. Cross examined by Mr. Stout.

James Gemmell was called and his evidence given last week read to him. Cross examined by Gen. Blair.

Court adjourned till to-morrow at 10 a. m., and the examination until 2 p. m. of the 29th.

WEDNESDAY, 30th, 10 A. M.

Court met pursuant to adjournment. Minutes of yesterday were read by the clerk, and the record signed by the judge.

The judge then delivered the following remarks, the written part of which he was pleased to allow me to copy:—

JUDGE CRADLEBAUGH'S REMARKS ON THE GOVERNOR'S PROCLAMATION.

I will state to the gentlemen of the bar, and also to the congregation present, that I received a document yesterday from Alfred Cumming, and what I have to say about it I have embodied in writing, so that it may not be misrepresented. His honor then read the following:—

I have received a document from Alfred Cumming, Governor of this Territory, which in its heading purports to be a proclamation, while in the body of the document it would seem to be a kind of protest. Instead of being addressed to the general commanding the department of Utah, it seems to be intended for the public at large. Taking the whole thing together, it seems to be designed to exasperate the people of this Territory against the troops, to obstruct the course of public justice, and to excite insubordination in the army.

In this document Governor Cumming speaks of a company of United States infantry being stationed around the court-house, in which I am now holding a term of the District Court, and also of several additional companies of infantry, one of artillery and one of cavalry being stationed in sight of the court-house. He also says that the presence of these soldiers has a tendency "not only to terrify the inhabitants and disturb the peace of the Territory, but also to subvert the ends of justice by causing the intimidation of witnesses and jurors." He says that this movement of troops has been made without consultation with him and against the letter and spirit of his instructions.

In regard to his statement that the troops are stationed around the court-house at Provo, I have only to say that the assertion is not true. They are stationed near the court-house and on one side of it.

The additional troops referred to as being "within sight of the court-house," are at camp four miles distant. This assertion must have been designed to create a false impression as to the relative situation of the court-house and the troops.

In regard to the inhabitants being terrified by the presence of troops, it is proper to say that many of them are very much annoyed by their being here at this time, but those who seem to be stricken with terror have fled the country on account of crimes committed by them, and the fear of just punishment for their offences. Among them are to be found several of the jurors, presidents of "stakes," bishops and also civil officers of the Territory.

It is perhaps proper to say that the grand jury was selected by the County Court under a recent act of the Legislature of this Territory, which was signed and approved by Governor Cumming, and that several notorious criminals were members of it.

That none but those who are conscious of guilt are under the influence of fear is manifested by the fact that at all times, when the court is in session, the court room is crowded by hundreds of citizens.

The assertion that witnesses and jurors are or have been intimidated by the small military detachment near the court house is without foundation; while the real fact is that witnesses have been threatened and intimidated by the very inhabitants who are said to be so much terrified. To such an extent has this been carried that witnesses who appear and testify on behalf of the prosecution are compelled to seek safety under the protection of the troops that are here—many of them having signed a petition requesting that the troops shall not be removed, and representing that their security and safety depended alone upon their presence.

In regard to the statement that troops are here without consultation with his Excellency, the court has yet to learn that it is subservient to, and cannot act except under executive dictation.

His honor then observed, "I have thought proper to make this statement in regard to this proclamation of his that the public may know it is not according to the facts."

On being asked by the court if they were ready for the examination, Gen. Blair said that the defence had sent one of the deputy marshals with subpoenas for witnesses, and he had promised to be back by 11 o'clock.

Judge Cradlebaugh replied that the court would remain in session from day to day, and give the defence an opportunity of getting their witnesses.

Gen. Wilson made a statement in regard to several cases which had been before the grand jury; that in the case of Henry Forbes they had acted, but had not reported to the court. Said the finding of the grand jury was "No cause of action," the evidence being insufficient to prove the corpus delicti.

His honor said that, so far as those offences were concerned, it was his intention to look into the whole of them at his residence, and perhaps he would sit as a committing magistrate during the whole of the coming summer, or perhaps he would remain till the Chief Justice should arrive, who had charge of the district, and he would try and ferret out the offenders.

Mr. Wilson spoke of the killing of Brown and Call at Fillmore, by Indians; he had the record of the coroner's inquest, and wished to know if the marshal had served the subpoenas which he furnished him, for witnesses in the case.

Marshal Dolson replied that he had not, neither did he feel it safe to go through that Indian country without a posse.

Mr. Wilson said in the case of killing at Lehi, it was proven conclusively that the man was killed, but it did not appear by whom.

The judge remarked, "A subpoena was issued for the Bishop of Lehi, and I heard that he came into the city here to testify, probably, but that is the last that has been seen of him. I will stop and examine the matter as I go through there, perhaps we shall find the Bishop at home."

Court adjourned till to-morrow morning at 10.

HIGHLANDS AND LOWLANDS.—The Highlands of Scotland are those parts of the country which lie to the north of the Grampian Hills. Those which lie to the south are designated the Lowlands.

THE LARGEST ISLAND in the Mediterranean Sea is Sicily.

Our Federal Expenditures—The Question of Retrenchment and Reform.

From the New York Herald of Feb. 14 we extract the following:—

According to the last annual report of the Secretary of War, the expenses for the fiscal year of the Quartermaster's department, amount to the round sum of ten millions of dollars, the bulk of it chargeable to the Mormon rebellion. It appears that "when the government determined to adopt measures to enforce the laws in Utah, anticipating a large increase of transportation over the plains, it advertised for proposals in the usual way, and took especial pains to invite various parties to put in bids to do the work required." But no volunteers could be found willing to undertake this service, requiring an outlay of two millions of dollars. And so "the department closed an agreement with the Messrs. Russell, Majors and Waddell, the old contractors, at rates which were deemed fair and just to all parties."

We are further told that "their outlays have been immense, and their profits, it is believed, not larger than what justice and fair dealing would have awarded them."

● This may be so. We do not pretend to deny it. But we should have been better satisfied with some of the figures of the expenditures made by these contractors vis-a-vis with their bills against the department. Without, however, implicating these contractors or any other parties specifically in our original opinion, we here repeat it, that this Mormon war, and all our frontier Indian wars, have, to a great extent, been instigated by the intrigues of contractors, jobbers, speculators, lobby operators and needy politicians.

From these sources of frontier information, we apprehend, the War Department was drawn into a more formidable military movement against the Mormons than would have been attempted had all the facts been known in season concerning the defenceless condition of Brigham Young.

Next, we should like to know how many additional thousands or millions of transportation were required in consequence of that mistake of the contractors in sending on the supplies of Gen. Johnston's corps in advance of the troops. Those supplies, we know, were thus seized by a few prowling Mormons and destroyed—a loss which caused the detention of Gen. Johnston all winter at Fort Bridger, when the middle of November should have found him in Salt Lake City.

But, as the contractors and the department challenge the scrutiny of Congress upon this whole subject, and as there is evidently a fine margin in the gross expenses of the army for retrenchment, we trust that this most expensive item of transportation will be sifted pretty thoroughly.

The Secretary's estimates for the military service for the ensuing fiscal year amount to eighteen millions of dollars. But, considering that the Oregon Indian war is ended, and that one thousand men are fully competent to keep the Mormons in order, it strikes us that this aggregate of eighteen millions for the ensuing year might be judiciously cut down to ten or twelve millions.

We dare say that the subsistence of every soldier in Utah and Oregon costs the department as much as if he were boarded at any of our first class New York hotels. At this rate, as far as practicable, it is the manifest policy of the government to bring the troops near their supplies, instead of transporting their supplies a thousand, fifteen hundred or two thousand miles over inhospitable deserts and mountains.

With regard to other retrenchments, we think that in the expenses of Congress, (including an important item omitted by the Union—the public printing) and in the re-organization of the several executive departments, and in various contingent and miscellaneous expenditures, judicious savings might be effected, which, including the indicated army retrenchments, would present an aggregate of fifteen millions less than the total estimates of the heads of the several executive departments for the ensuing fiscal year.

But here the question recurs: What are the chances for these or any retrenchments from this Congress? The prospect is dubious; but, considering the intense opposition of the Southern democracy to any practical tariff scheme for replenishing the treasury, they have no other alternative before them than the reduction of its expenditures.

We fear, however, from the Presidential divisions of the democracy and of the opposition upon every important question, and from the pressure of the heavy business of the session at the eleventh hour, that this Congress will adjourn without providing the needed relief to the treasury, either by retrenchments or increased receipts. In this event, the whole duty of inaugurating a new epoch of retrenchment and reform will devolve upon the President; but, fortunately, he possesses the power to make the movement practical and effective.

The programme we have already foreshadowed. It is simply a reconstruction of his Cabinet and of the whole personnel of every department, from Washington to the extremities of the Union; the call of an extra session of the new Congress, and the submission to it of his new appointments and his new policy of retrenchments, as embodied in a special message, and in the new arrangements and estimates of the heads of the executive departments. Thus, in default of any satisfactory financial ways and means from this Congress, a grand coup d'etat, comprehending a wholesome revolution of reform, is within the power and the discretion of Mr. Buchanan.