THE WONDERFUL SEED.

BY KATE PUTNAM OSGOOD.

It was a wild, neglected ground,
That should have been a garden fair,
No hope of ripening fruit was found
In the rank briers that hedged it round,
No song-bird nested there.

The winding ways were overgrown,
The flowers were choked in vase and plot,
Foul weeds and venomous vines, alone,
Hung festering on the moldered stone
About the dreary spot.

It seemed a soil unfit to feed
The growth of any wholesome thing—
Yet, under the press of thorn and weed,
Slow waxing, was a wondrous seed,
Waiting its time to spring!

The dews of evening filtered through;
The morning sunbeams lent their prime;
And, even and morn, in sun and dew,
In secret ever the good seed grew,
Biding its perfect time.

At length the final hour was found,
Through weary seasons long delayed:
The rain had loosened the stubborn ground,
And, through the matted weeds around,
There peeped a slender blade.

Only a thread of green at first,
Scarce visible amidst the gloom:
But still unfolding, sunshine nurst,
Fresh leaf and twig and branch, it burst
At last in glorious bloom.

No growth of mortal lanes or leas
Had ever blossom half so fair!
It brought the birds, it brought the bees,
It brought the eternal summer breeze
To make new music there.

And springing, spreading, day by day,
So full it filled the garden bound,
The tangled weeds uprooted lay,
The barren briers dropped away
And withered on the ground.

And when the moldered stone lay bare
And blistering in the summer noon,
It wound about it, everywhere,
Deep garlands, where the searching air
Dropped into sweetest swoon:

When every stone a blossom seemed,
And every gap a hidden nest:
Green nooks where secret music streamed,
And scattered dews and petals gleamed
About some fluttering breast.

Oh, blessed miracle, indeed!
The desert quickening into flower;
The stubborn growth of thorn and weed
Uprooted by a little seed
Fostered in sun and shower!

Oh, miracle still wrought anew,
While hearts one germ of Heaven retain!
Where barren briers and nettles grew,
Let fall the kindly sun and dew,
And Eden blooms again!

—*Christian Union.*

LOCAL AND OTHER MATTERS.

FROM TUESDAY'S DAILY, MAY 5.

Busy.—There is one class of workmen who can scarcely complain of dull times, as they appear to have plenty to do—the paper-hangers.

Looking Nice.—This city of orchards is beginning to put on the garments of Spring, and in about a week will be embellished with beautiful blossoms of the apple, peach, plum and other fruits, which afford a fine relief to the sprouting green leaves. Many of the earlier of these trees are in full bloom now.

Information Wanted.—W. W. Willard, 37 Seymour Street, Syracuse, N. Y., wishes to get some information concerning the family of Daniel Willard, deceased. He left Syracuse about 1826 and settled at Grand River, Ohio, where he joined the Church. He went to Nauvoo and Missouri, where he died. The names of his sons were Orlanzo and David, and his daughters Polly, Sarah Ann and Emily. W. W. Willard would be much pleased to hear from any of the parties named.

"Habeas Corpus."—This morning Warden Rockwood, in accordance with writ of *habeas corpus*, issued by Judge McKean, appeared in the District Court-room with the body of Jacob Arthurs, convicted and sentenced to fine and imprisonment in the penitentiary, by the Probate Court of Morgan County. The matter was postponed till the 18th of May, when the District Court meets, so as not to interfere with the business of the Supreme Court, and the prisoner will remain in custody of the Warden until that time.

Committed.—The two men charged with the abduction of the feminine "Celestial," from Sandy, had a preliminary examination before Justice Clinton, yesterday evening. The evidence adduced against them was of such a nature that Judge Snow pressed for heavy bonds.

"Bob" McCausland is to find $5,000 bonds to appear at the first sitting of the Probate Court or, in default, languish in durance vile. Pyper will be lucky enough to bring forward $3,000 bonds, or unlucky enough to continue to keep company with McCausland.

West Jordan.—By direction of President Brigham Young, Elders A. M. Cannon and A. M. Musser visited West Jordan Ward on Sunday and organized a branch of the United Order there. The meetings were numerously attended and remarkable unanimity of feeling and sentiment was manifested.

The nominations for officers of the Order were made by the people and the following were elected by them: Archibald Gardner, President; John Bennion, Vice-President; James Turner, Samuel Bateman, John T. Hill, Samuel Bennion, Ensign Israel Stocking, Wm. A. Bills, Directors; Thomas Allsopp, Secretary; Hyrum Goff, Assistant Secretary; John A. Egbert, Treasurer; and George D. Gardner, Assistant Treasurer.

Quiet Times.—Things are very quiet now. The streets that a year or so since used to be black with people now offer plenty of room to the pedestrian. Not but what there is a considerable amount of traffic, much more than there is in many places, but such things are judged by comparison, and we Piochers have been used to rush along under such a big head of steam that now, when it has slackened off, we at once exclaim, "How dull!" True, it is dull compared with what it has been, but still it is all stir and activity compared with many and many a mining town on this coast. We, however, are in good hopes that this "Winter of our discontent" will soon close, and that the developments in the deep portions of our principal mines will once again restore that bustling prosperity we all so much desire.—*Pioche Record, April 30.*

Grass Plats.—What can look more beautiful than a neat, well trimmed grass plat, with occasional little beds of pretty flowers, in front of a nice cosy residence? Our citizens seem to be realizing that there is scarcely anything in art or nature that is more inviting to look upon, because in various parts of the City the surroundings of dwellings are being embellished and enlivened in this way. A grass plat, however, needs a good deal of care and attention to keep it in good order, and many are unsuccessful in obtaining one, either in not sowing the seed at the proper time, not preparing the soil, or some other cause. Some one who knows all about the matter should tell others who don't, but who want to know all about the best way to obtain a nice velvety grass plat. Without a surrounding of verdant grass, flowers, however brilliant of themselves, are seen at a great disadvantage.

The City Accounts.—Some time since representatives of the "committee of forty-five citizens" desiring an investigation of the City accounts, by taking transcripts of the same, called upon the City treasurer, auditor and recorder, and assessor and collector, and, in a formal manner, demanded the use of the books to take copies from them. The officials named informed the gentlemen who waited upon them that the books were open to the inspection of all taxpayers, but that they were not authorized to allow them to go out of their charge, or to allow transcripts of the accounts to be made and taken away.

On Saturday writs of *mandamus* were served upon Messrs. P. A. Schettler, R. Campbell and J. R. Winder, commanding them to appear before Judge McKean, who issued the writs, at the U. S. Marshal's office, at ten o'clock on the 13th inst., and show cause why the demand of the committee proposing to examine and copy the accounts should not be complied with.

Supreme Court To-day.—J. B. McKean, C. J., and Associate Justices Phillip H. Emerson and Jacob S. Boreman on the bench.

Judge Z. Snow asked leave to file his certificate of election and other papers, showing that he had been, on the 20th day of February last, by joint vote of the Legislature, elected to the office of Attorney General of the Territory.

Judge Strickland then stated that he appeared in Court in the capacity of Attorney General, that he did not think it necessary to file any papers in the matter, but to draw the attention of the Court to the fact that he held the Governor's commission to the office in question.

The Court here stated that the question of recognition had not yet been brought up, that Judge Snow had merely asked leave to file certain papers.

Judge Strickland stated, on behalf of Mr. B. L. Duncan, that that gentleman held the Governor's commission as Territorial Marshal, and he thought that the Court should recognize its proper executive officer.

The Court again said that the only question involved in Judge Snow's request was whether he should be allowed to file certain papers, which request was granted. Leave was also given to Judge Snow to file papers showing that John D. T. McAllister had been elected on the 20th day of last February, by joint vote of the Legislature, to the office of Territorial Marshal. Judge Snow said he would go a step further in the matter of the Marshalship than he had in that of the Attorney-Generalship, and asked that Mr. McAllister be recognized as the proper executive officer of the court. He said he (Judge Snow) had been recognized as the Attorney General previous to his election on the 20th of February, and therefore he did not think it necessary to say anything about his right to act in that office until a *quo warranto* should be issued against him, if that were the intention. The case of Mr. McAllister, however, was somewhat different, and, anyhow the decision in one case would govern the other.

Mr. Marshal here drew the attention of the court to an exceedingly curious fact; that the commissions of Judge Strickland, as Attorney General, and Mr. B. L. Duncan as Territorial Marshal were in due form, showing *prima facie* that those gentlemen had been nominated by the Governor, *elected* by the *Legislature* and commissioned by the Governor. This circumstance caused a peculiar smile to flit across the faces of the members of the bar, for the reason, we suppose, that the legislature had not the slightest hand in creating the official existence of the gentlemen named.

The elucidation of such matters, however, was apparently deemed, and, we should judge, very properly so, infringements, by Judge Snow, for he immediately said that he was not aware that there was any argument in the case, and had therefore kept his seat.

The Court stated that it was willing to hear the arguments of parties or counsel on the question, and asked if they were ready to proceed.

Judge Snow announced that he was ready, but Judge McBride, who appeared for Mr. B. L. Duncan, said, he was not prepared, because he thought the question of the Marshalship had been virtually decided, by the Court authorizing Mr. R. W. McAllister, a deputy of Mr, J. D. T. McAllister, to open court yesterday morning, as crier, and he had therefore not deemed it necessary to get ready for an argument.

The Court said Mr. McAllister had merely opened the court as Bailiff, not as Marshal.

The hearing of the argument was set for to-morrow morning at ten o'clock.

The following gentlemen were admitted to the bar of the Supreme Court:

J. G. Sutherland, D. W. Perley, W. R. Keithley, D. P. Wheadon, W. B. Ashbrook.

The case of B. Young *vs.* Charlotte Arthur was, by consent of counsel, dismissed from the Supreme Court and sent back to the District Court.

Lawrence and Mann *vs.* Geo. W. Howard was placed at the foot of the calendar by consent of counsel.

For the first time in the history of Congress, a colored man yesterday presided in the House of Representatives. When the House went into committee of the whole on the Indian appropriation bill, Speaker Blaine appointed Mr. Rainey, of South Carolina, to the chair.—*Washington Star, April 30.*

Correspondence.

No. 3.

Polygamy—N. Y. Merchants' Memorial—The Judiciary—Utah Juries.

SALT LAKE CITY,
May 2nd, 1874.

Editor Deseret News:

Hon. W. H. Hooper, addressing the House of Representatives, Jan. 29, 1873, says—

"I know that popular indignation generally is directed mainly against the doctrine and practice of polygamy. But that is not the grievance of those who incite and inspire the attacks upon Utah. They would like to be given the power to encumber the industries and handle the public funds of Utah, and polygamy might be practised for all time without shocking their morals or disturbing their equanimity."

Impressed with similar views, the following memorial of some sixty of the prominent bankers, capitalists and merchants of New York was presented to Congress Feb. 27, 1873—

"To the President of the United States, and the Senate and House of Representatives in Congress assembled.

"The memorial of the undersigned, bankers, capitalists, and merchants of the city of New York, respectfully represents—That mindful of the imperative necessity of prudent and judicious action on the part of the government in matters affecting the commercial and material interests of the several western States and Territories, with a view to enhance and perpetuate such interests and to avoid all legislation inimical to the uninterrupted development of the resources thereof, your memorialists ask that all immediate legislation for the Territory of Utah be suspended until a thorough and impartial investigation be made into the affairs of said Territory by a commission of five or more impartial and experienced citizens, to be appointed by Congress for that purpose, and until the result of such investigation shall be reported by the said commission." (*Cong. Globe*, 3rd Session, 42nd Cong., page 1830.)

The Territorial Legislature presented a similar memorial to Congress, although disapproved by his Excellency the Governor. Thorough and impartial investigation is dreaded by the class to which he belongs. Their clamors for proscriptive legislation are based upon wholesale misrepresentations and calumnies and they know it. And the heartless, un-republican, tyrannical measures proposed are characteristic of their framers and advocates.

There are thousands of American citizens now in Utah, not polygamists, and hundreds of thousands more, likely to come, and there are millions upon millions of money in the question, and these agitators modestly ask that, in order to punish polygamy, Congress shall place into their individual hands the control of the courts in all cases, civil and criminal! "There *is* money in it, gentlemen." True, but what about the justice? Suppose two wealthy mining companies were litigants, and the provisions of the McKee bill were in force, viz., that the Judge, the U. S. Marshal, and the Clerk of the Court wherein the case is tried, may select from any part of the Territory two hundred men from whom jurors are to be drawn, no qualification required but that they shall be citizens of the United States over twenty-one years of age; what simpler thing than to insure any required verdict? Well did Senator Stewart remark during the debate on the Frelinghuysen bill, and he spoke advisedly—

"Judges with $3,000 a year are not the class of men with whom these important interests can be trusted. Millions are involved in suits in Utah. A $3,000 judge in a Territory cannot be a very great man; $3,000 will not support a judge and his family in any one of the Territories."

He stated that Judge Strickland had resigned because his salary was inadequate, which drew from Senator Edmunds the remark—

"No, it was because he had got richer there."

Mr. Stewart doubtless very well understood that, and continued—

"If he resigned because he got rich on the bench there, is not that a reason for my amendment? Is not that an admission? Will you propose to place the destinies of the people in the hands of men who can get rich on $3,000 a year?"

If such a measure is considered dangerous in such hands in civil cases, how much more so is it in criminal cases, without any right of appeal to a higher court? Recognizing this fact, Senator Thurman moved an amendment to section 18 of the Frelinghuysen bill, providing that "a writ of error from the Supreme Court of the United States to the Supreme Court of the Territory shall lie in criminal cases where the accused shall have been sentenced to capital punishment, or to imprisonment for six months or upward, or to pay a fine of $1,000 or upward." The necessity for such an amendment was clearly and ably established by Senators Thurman, Bayard, Sherman and Carpenter, as will appear hereafter. The amendment was agreed to so far as related to capital punishment, but that is too wholesome a provision to suit the purposes of the "missionary judge," consequently no appeal is provided for, in any criminal case, in Logan's, McKee's, and other bills.

The New York *Law Journal*, speaking of Judge McKean in 1871, says—

"His decisions we do not question, but the language accompanying those decisions has been so intemperate and partial as to remind one of those ruder ages when the bench was but a focus where were gathered and reflected the passions of the people."

Some of his judicial acts were reviewed in an address delivered by Hon. Thomas Fitch to the State Constitutional Convention, S. L. City, Feb. 20th, 1872, from which the following is an extract—

"In September, 1871, a grand jury was summoned by the U. S. Marshal to attend the Third District Court of Utah. From the counties of Salt Lake, Tooele, Summit, Green river, Morgan, Weber, Box Elder, Cache and Rich, containing a population of about 60,000 Mormons and 10,000 Gentiles, twenty-three grand jurors and seventeen talesmen were selected and summoned. Of these forty persons, seven were Mormons and thirty-three were Gentiles. Each of the seven Mormons was examined on his *voir dire*; and to the questions of the U. S. district attorney, R. N. Baskin, each replied, in effect, that he was a member of the Church of Latter-day Saints, that he believed that polygamy was a revelation to that church, and that in his own case he would obey the revelation rather than the law. When asked the further question as to whether this belief in the revelation would affect the action of the juror in voting for or against an indictment for polygamy, some jurors replied that it would affect their action, others that it would not. The U. S. Attorney stated to the court that he intended to bring a number of accusations of polygamy before the grand jury, and challenged the seven Mormons. Judge McKean sustained the challenge and dismissed them from the box, and 60,000 people in the Third District were thus deprived of the privilege of representation there. It is a fact worthy of notice that this grand jury, from which Mormons were excluded because they believed in polygamy, never found a single indictment for violation of the act of Congress of 1862, and never, so far as known, sent for a single witness upon, or attempted to consider any accusation of, polygamy. Indictments for 'lewd and lascivious cohabitation' were found by the score, indictments for murder committed fifteen or twenty years ago were found by the dozen, upon the unaided and uncorroborated testimony of a witness who confessed himself the principal in these murders; but the threat of 'indictment for polygamy,' having fulfilled its mission by furnishing an excuse to exclude Mormons from the grand jury box, was heard no more. * * A man named Thomas Hawkins had been indicted under a Territorial statute for the crime of adultery, and in October, 1871, he was tried before Judge McKean, and a jury. Two or three Mormons who chanced to creep on to the marshal's venire were asked if they believed in polygamy, to which question they replied, Yes. They were further asked if they believed a man could be guilty of adultery who