

COURT PROCEEDINGS.

Third Judicial District Court, Nov. 27, 1871, 10 o'clock a.m., C. J. McKean presiding.

In the case of the People vs. Hyrum B. Clawson, Mr. Mann of counsel for defense, stated that he had filed a plea in abatement, and desired the bail of defendant to be affixed at \$5,000 as in similar cases. Granted.

Lewis Meacham released on his own recognizance in the sum of \$500 to appear as a witness in the case of the People vs. Brigham Young in the Yates' murder case.

Mr. Hempstead, for the defense, entered a demurrer to the complaint in the case of George L. Turner vs. Brigham Young, being an action for debt in the sum of \$3000, on the ground that the document is vague and indefinite in form, and fails to meet the requirements of the Territorial code in plain and specifically stating the facts which constituted the cause of action, so that it can be understood by the ordinary mind, also that each cause of action should be separately stated. The Court sustained the demurrer.

The ass. pros. att. asked to have the criminal docket called. The Judge said any cases might be called by the prosecution, and the attorney called the case of the People vs. Brigham Young, stating that the prosecution was ready for trial.

Mr. Hempstead announced that in the case of Hosea Stout and William B. Kimball, for murder, and of Hyrum B. Clawson and Ormus E. Bates, for lascivious cohabitation, the counsel for defense have filed pleas in abatement and would have their cases take the same course as previous cases.

The ass. pros. att. again asked to take up the case of Brigham Young. Judge Snow requested that the prosecution should place on file their demurrers to the plea in abatement in the cases of Stout, Kimball and others.

The ass. pros. att. thought the court had better take up the case of Brigham Young.

Mr. Hempstead gave notice of his intention to file a motion to quash the indictments in the case of William B. Kimball and Hosea Stout.

The ass. pros. att. again growled out something about the trial of Brigham Young, accompanying his remarks with that leering scowl for which his face is so remarkable.

Mr. Hempstead had nothing to add to what he had previously said. They would be ready for trial at such time as the court shall fix; but their client was three hundred miles away, and they would ask as long a time as the Court could grant.

The pros. att. insisted upon the default of the recognizance of Brigham Young.

Judge Snow, counsel for the defendant, would only ask a reasonable time to bring him here.

The pros. att. still insisted that the defence was entitled to the forfeiture of the bonds.

Mr. Hempstead said if the gentleman was really in earnest in his desire to have the forfeiture, he (H) could not believe it was for the purpose of having it heralded to the world that Brigham Young had forfeited his bail and fled from justice. The counsel reviewed the ineffectual attempts which the defence had made early in the term to have a day fixed for trial. No bail had ever been forfeited under similar circumstances; though defendant is expected to appear in the Court room from day to day to await trial. The forfeiture would be unjust under the circumstances.

The prosecuting attorney contended that the bail had been legally forfeited, and that this case should be treated by the same rules as any other case. The defendant was bound to hold himself before the jurisdiction of the court. He continued in this strain in a very violent and abusive manner, shaking his "frowsy head" and gesticulating with his dirty forefinger in threatening style.

The Judge would not grant the motion, but would fix Monday next, Dec. 4, at 10 o'clock a.m., as the day for the trial of the case.

The counsel for the defendant said they could not probably be ready at that time, and asked for two weeks. The defendant could not be brought to the city in a week. The Judge said the counsel should have considered these things before, and cut off all further objections with the remark: "The day of the trial has been fixed for a week from to-day."

The case of the people vs. H. Lawrence was called by the prosecution, but it was stated that Mr. Lawrence was sick and it was not pressed.

The Court adjourned till 2 p.m.

Correspondence.

SALT LAKE CITY, Nov. 25, 1871.

Editor Deseret News: Dear Sir.—I had the pleasure a few days ago of seeing that very extraordinary gentleman, who, in pronouncing sentence upon Mr. Hawkins for cohabiting with his wife, declared, "I am sorry for you, very sorry." It must be understood by the honorable gentleman's moral code that polygamy is adultery. Solomon said there was nothing new under the sun.

If our chief justice could have had him before his tribunal for a few hours, the King would certainly have heard something new. He doubtless believed in the 7th commandment, given to Moses on Mount Sinai, namely—"Thou shalt not commit adultery," and although he was superlatively blessed with wisdom and knowledge above all men, yet it never entered into his mind that Abraham, the Friend of God, and Jacob, who wrestled with God, and his father, David, a man after God's own heart, and himself, and a host of prophets and patriarchs, were, alas! all adulterers, according to the late decision of Judge McKean, and his grand jury.

I would like to know, Mr. Editor, who told these honorable gentlemen that polygamy is adultery. They certainly must have adultery very bad on the brain, or they would never have come to so preposterous a conclusion upon principles so diametrically opposed to each other as polygamy and adultery. The fact is incontrovertible that the Bible teaches polygamy as a sacred system of marriage, and the best and holiest of men believed in and practiced it. And not one word condemnatory can be found in the sacred writings, from the book of Genesis to the book of Revelations. I have come to the conclusion, Mr. Editor, that the Judge lies, as Mr. Curran would say, under a very great mistake. For the Almighty was well pleased with polygamists two, three, and four thousand years ago, and I cannot see why He should not be well pleased with a similar class of men to-day. History, both sacred and profane, teaches that men and nations do constantly change, but true principles partake of His attribute from whom they emanate; they never change, they are the same yesterday, to-day, and for ever, or, as the Episcopalian delivers himself every Sabbath, "As it was in the beginning, is now, and ever shall be, worlds without end. Amen." It is just so with regard to polygamy, Judge McKean and his grand jury's decision to the contrary notwithstanding. They verify the old adage, "Pigmies are pigmies still, though they sit on Alps."

Twenty-seven years ago I was afflicted with the common prejudices of sectarianism. I soon learned, however, that what the world called "Mormonism," was nothing less than the gospel of Jesus Christ, which was destined to usher in the Kingdom of God upon the earth, to establish which the blood of some of the best men of this age has been shed. To the shame of this nation be it said, their murderers were permitted to go unpunished. The gospel taught the martyred prophets, Joseph and Hyrum Smith, and it teaches us, not to fear those who can kill the body. The kingdom is the Lord's, and He will come out of His hiding place, in His own time, and judge those wicked servants whom He has raised up to be rulers and judges, unless they repent. Let it be remembered that Jehovah has said, "Touch not mine anointed, and do my prophets no harm," for better that a millstone were hanged about your necks, and you were cast into the depths of the sea, than to lay your unholy hands on the least of my Saints.

Permit me to make a few remarks upon that judicial outrage, known as "the Hawkins case." It was bad enough for Mr. Hawkins to be indicted, tried, condemned, under a perverted Territorial statute, by an illegal jury, and by a prejudiced and unjust judge, but for that judge to taunt his victim and banter the Almighty, to help him if he could, was adding insult to injury, and merits the contempt of every honest man and woman. Who would have believed that judges in this great American Republic would have dared to perpetrate such outrages as the Federal judges and their satellites have perpetrated among us the last several months? Talk about religious liberty, these men would obliterate every spark of it from our midst if they had the power. They prate about virtue, and they would strangle it. They talk about justice, and they desecrate it. They parade the Constitution and the laws, and they trample them beneath their feet. They boast of their civilization, and they would like to introduce its damnable pollutions in our cities and homes.

Prostitutes, brothels, gambling-hells and whore-mongers go hand-in-hand with boasted "civilization" the world over. Then shall it rear its hydra head in our towns and cities with impunity? Not without our indignant protest, nor unopposed by all the influence which we can command.

Yours Respectfully,

J. H. HART.

LOCAL AND OTHER MATTERS.

FROM FRIDAY'S DAILY

SMALL-POX.—A man who came in from American Fork Canyon last evening, and was taken to Dr. Fowler's office, was found to have the small-pox, and was immediately removed to the hospital.

THIRD DISTRICT COURT.—This morning Counsel Z. Snow read an affidavit of Justice Clinton, relating to certain returns of papers, in which it was considered Mr. Clinton was dilatory, and a special order had been made in the matter. The Court did not intend to fine the Judge, but merely to spur him up to promptness. The papers would be ready to present to Court to-morrow morning.

The jury was called, four present. While the Marshal hunted up the absent jurors, the Court listened to motions in civil suits.

In the case of Ellen Read vs Samuel Read, the Court ordered an allowance and alimony of \$2,500.00.

The case of M. T. Patrick, United States Marshal, vs. Victor Cordella, was opened, Wells Spicer for complainant, D. S. Dana for defendant.

CONCERTS.—Bro. George Rowley, the blind musician, of American Fork, and his talented troupe of home artists, have returned from a trip through the northern settlements, where they gave great satisfaction both as vocal and instrumental performers, and have met with the best of encouragement and kindness from the brethren presiding in those settlements. He contemplates making a tour of the southern settlements. Many of the leading citizens in the northern settlements speak in high terms of Bro. Rowley and his associates, and they will no doubt receive a warm reception in the southern settlements as they will do all in their power to make their entertainments interesting and amusing. The assistance rendered, beyond being an act of charity to Bro. Rowley, will help to encourage home talent.

NEW HOTEL.—Messrs. Taylor and Cutler opened their new Hotel on Wednesday, the 22nd, by giving a fine dinner to the gentlemen who have offices and rooms in their extensive buildings, and to a few invited guests. The meal was a very enjoyable one, and under the circumstances—it being the first meal prepared in the establishment, and everything and everybody engaged in getting it up untried—passed off in a very creditable and satisfactory manner. If the opening meal be taken as a sample of those which will be served hereafter, there are good grounds for anticipating that the Restaurant will be a success. A Hotel upon the European plan has been needed here, and probably without intending to establish it in the beginning, Messrs. Taylor & Cutler have found themselves led by circumstances to open a House of this kind. Rooms for offices and lodging can be obtained in the House, and those who engage rooms need a convenient Restaurant at which they can take their meals. Under the system adopted at the Taylor House, they can eat there, and pay for meals as they get them, or go where convenience or business may lead them to eat. We wish the House and its proprietors every success; their energy deserves it; and we think their good management and central location will insure it.

A BLANKET.—Prof. Jos. L. Barfoot, of the Museum, shows us a blanket, unique in construction and appearance to civilized eyes. It was manufactured by hand by a Navajoe woman, occupying her three months. Bro. Jacob Hamblin brought it from the Navajoe country, and Bro. James F. Woodruff brought it from St. George. It has been presented to the Museum, where, with other curiosities of the mountain region, it can be seen by those who desire to do so. It is heavy, strong, rather hard, close woven, without nap, almost as stiff as a Brussels carpet, but has more of a Kidderminster carpet appearance of weaving. The colors, yellow, green, white, red, black and blue, are good and durable, and are woven in geometric design.

FROM MONDAY'S DAILY.

Snow, two or three inches on Sunday morning, rain in the afternoon, wind and rain and hail and snow in the night, an old fashioned snow storm this morning, and plenty of slush underfoot to-day.

THE MINING LITIGATION AT PROVO.—A few days ago there appeared in our columns a short history of the great mining trial held at Provo, before his honor Judge Strickland, in which the Eureka Mining Company were complainants and victors, and the company owning the King David mine, defendants. On Friday last the defendants in this case filed a motion for a new trial, sixty days being granted by the Court for them to present the papers showing the grounds upon which their motion is based.

The Court is now engaged in a second trial, in which the Eureka Company is also plaintiff, and Woodhull and others defendants. The property in dispute in this case is also on Eureka Hill, Tintic mining district, Juab County, in this Territory, and north of that for which possession was contested in the preceding trial. This second trial promises to be considerably longer

than the first, the number of witnesses for the defendants being more than double the number examined on both sides in the first trial. The counsel for the respective parties are the same as before.

At the conclusion of this case there is still another to be tried in the same court, in which the Eureka Company is also plaintiff.

These trials have been the means of drawing a large influx of miners as witnesses into Provo city, and some of the lying sensational scribes in this country, who do penny-a-line business for eastern papers, have made this fact the basis for several reports sent over the wires of outrages and broils of various kinds amongst or committed by the miners, but all such reports, as well as most others from the same sources, are utterly without foundation.

Per Deseret Telegraph.

ALTA CITY, Little Cottonwood, Nov. 24.—It has stormed fearfully for the past three days, snow, sleet, hail, rain, thunder, lightning and wind blowing terrifically. Several snowslides have done considerable damage. One man, named Charles Morrison, having just left the tunnel near the old smelter for home, the day before yesterday afternoon, was caught under a snow slide and carried with it about three hundred yards over a steep precipice. His body has not been recovered yet. The miners worked for hours, trying to get him out, but he slid under the snow and cannot be found. This slide and another occurred about half a mile west of Central City. He was a married man and much respected. His widow lives in Alta.

Yesterday another slide occurred near the Ohio Tunnel, carrying a man along, but he fortunately crept out unhurt. It is still snowing and blowing severely, and no signs of abating. The snow is several feet deep, and drifted very badly. Two of the stage horses were drifted on a snow slide yesterday, over a bank twenty feet deep, and nearly buried under the snow. The telegraph line is broken in several places by falling trees.

PARIS, Nov. 25.—The storm which commenced last Tuesday night continues, changing daily from rain to snow, with very heavy wind most of the time. The country is well soaked up, it is raining now with good prospects for continuing. If it don't stop soon, we shall have to build an ark.

ALTA, Nov. 27, 11 a.m.

Since the last report the storms have not in the least subsided, but if possible are more fearful than ever. Parties who have been here the last two winters say they never knew as terrific a storm in the canon before. We have not seen the sun since Sunday 19th. The wind is blowing, the snow drifting, trees falling, and everything appears gloomy. The stage only came up the canon to Tannersville, and from there to this point there is no track, as no teams have passed it since the Morrison's fatal catastrophe. Forty men, it is said, left here yesterday for a more congenial climate. Work is generally suspended. Though there has been no slide in the last forty-eight hours, they are momentarily expected, especially on the Emma Hill.

All hope of finding the body of C. Morrison is now given up until spring; his wife is almost distracted.

TYRREL'S EXHIBITION GOING SOUTH.—The Tyrrel Exhibition of mechanical figures has been delighting the people of several of the settlements up north during the past week or two, and the proprietor is now in this city, on his way to the southern settlements. The exhibition comprises about two hundred mechanical figures, all manufactured, owned and manipulated by old residents of the Territory. Among the tableaux exhibited, are the expedition of Sir John Franklin in the arctic regions, the icebergs, aurora borealis and other natural wonders of that distant region being vividly presented; also, ships on fire, storm and shipwreck at sea, the siege and storming at Sebastopol, etc., the entertainment lasting about two hours. At intervals Mr. J. D. Herst, the noted clown and comic singer, will amuse by his witticisms and comicalities. The entertainment is of the most pleasing character, and the people of the settlements south have never had an opportunity of witnessing anything like it before in this Territory.

In this city, Nov. 6th, ELLEN GYDE, wife of Alfred Solomon, aged 35 years. Born in Sheepscot, Gloucestershire, England. Baptised in Cheltenham, England, 1854. Emigrated to Utah, 1859. Funeral Services at the 19th Ward School House, Tuesday, Nov. 28th, at 10 a.m. Friends are invited to attend. *Mt. Star, please copy.*

At Grantsville, at 2 a.m. Nov. 24th, of inflammation of the brain, CHESTER M., son of William C. and Jane M. Rydaleh. Born Nov. 7, 1855.

Deceased was a most exemplary young man, being possessed of a vigorous mind and strong body, and gave hopes of a long life of usefulness.

At American Fork, of hemorrhage, Oct. 19th, JOHN QUINCY REILEY, aged 42 years, 1 month and 19 days. Born at Paris, Kentucky. Kentucky and Missouri papers, please copy.