

CORRESPONDENCE.

Obituary of William Hyde.

LOGAN, March 3rd, 1874.

Editor Deseret News.

I forward you the obituary of Judge William Hyde, who died at his residence at Hyde Park, Cache county, U.T., of a short but severe illness, his disease being that of "stricture of the oesophagus," or food pipe, on Monday morning, March 2nd, 1874.

William Hyde, sen., was born September 11th, A.D. 1818, in York, Livingston county, New York; was baptized into the Church of Jesus Christ of Latter-day Saints April 7, 1834, at Freedom, Catteraugus county, New York.

In February, 1836, he moved with his father's family to Kirtland, O., and in the spring of 1838 went to Far West, about which time the Saints of that place were much harassed by the mobocrats of that region of country. He remained in Far West until December, 1838, when he moved to Quincy, Ills., where, and in the vicinity of which place, he resided until October, 1839, when he moved to Nauvoo. At a conference held at the latter place he was, on the 7th of October, ordained to the office of an elder, and on the 6th day of November, 1839, he started on his first mission, travelling through Illinois, Indiana and Michigan. In the spring of 1840 he returned to Nauvoo, and, while attending Conference, was ordained a member of the quorum of seventies. As soon as the Conference was over, he started on a mission to the State of Maine, in company with Elder John Herritt, travelling much of the way on foot. He passed through the State of New York, preaching whenever an opportunity presented itself. After arriving in the State of Maine and laboring in that country until 28th March, 1841, he started for Nauvoo, travelling on foot, by rail and steam boat, and arrived in Quincy, April 30th, and remained there with his parents the most of the season, and in the following Fall and Winter travelled among and preached in the adjoining counties. On the 23rd of February, 1842, he married. The following summer he built a house in Nauvoo, and made such other improvements as are incident to a new country.

At the October Conference of 1842 he was called on a mission, and on the 23rd of the same month started for Vermont, from thence to Philadelphia, New Jersey and New York. Having accomplished that mission, he returned to Nauvoo in June, 1843. Remaining there for three months, he again started, on the 23rd day of September, on a mission to the eastern states, and on the 5th of May, 1844, according to a previous appointment, repaired to Vermont to accompany Elder Erastus Snow in that field of labor. While upon that mission he received the news of the murder of Joseph and Hyrum Smith, with whom he had become intimately acquainted, and for whom entertained the most profound regard. Immediately after hearing the sad news, he started for Nauvoo, arriving home August 6th.

At the October Conference, 1844, he was ordained one of the Presidents of the 8th quorum of seventies.

In January, 1845, he was appointed a mission to the States of Mississippi and Alabama. Having accomplished the object of that mission, after an absence of two months he returned to Nauvoo, and in the following summer labored part of the time on the Temple. After passing through the troubles and difficulties which the Saints passed through in Nauvoo, he started west on the 18th day of May, and arrived at Council Bluffs on the 12th day of July, 1846. On the 16th he was mustered into service in the Mormon Battalion, which he accompanied to California, holding the office of second sergeant. After the disbanding of the Battalion, he started for Salt Lake and arrived there, after much privation, on the 12th of October, 1847. On the 15th of the same month he started east for Winter Quarters, arriving there Dec. 12th, 1847, where he joined his family. During this journey, which was made in the winter season, he suffered very much from cold and want of food.

In the spring of 1849 he started for Salt Lake Valley, and arrived there Sep. 22. At a special conference, held Aug. 28, 1852, he was called on a mission to Australia.

He started on the same Oct. 20, and arrived at Sidney April 9, 1853.

When released from that mission he left Australia with a company of Saints, Feb. 22, 1854, en route for Salt Lake Valley. He arrived at San Pedro on the 12th of June. From there he proceeded to San Bernardino, and from thence started for home. During the journey he, in connection with the others of the company with whom he travelled, narrowly escaped being murdered by the Indians. He arrived home August 14, 1854.

In the summer of 1857 he was chosen and ordained to preside over the 44th Quorum of Seventies, which was organized in Lehi and vicinity, at which place he then resided.

In the spring of 1860 he moved from Lehi to Cache Valley, having been appointed to preside over the Seventies of that Valley. On the first of July he was appointed to preside at Hyde Park. Shortly after this he was appointed adjutant and chief of staff to Brig. Gen. E. T. Benson of Cache Valley Military District.

During the winter that Bros. Benson and Maughan attended the Legislature, he was left in charge of Cache Valley, during which time he travelled and preached among the settlements.

In the summer of 1864, he was appointed Captain of the G. S. L. City Train, and went to Wyoming to gather the Saints.

At the death of Brig. Gen. E. T. Benson, he was elected to fill that position, which he did with honor and distinction.

From the year 1866 he held the office of Probate Judge for Cache County, with credit to himself and to the satisfaction of the people. He was chosen a delegate from Cache County to the Convention held in Salt Lake City in 1872, to adopt a Constitution for the State of Deseret.

On the 7th day of Oct., 1872, he was ordained to the office of High Priest and Bishop, also, on the 27th of June, 1873, he was ordained to the office of Patriarch at Logan, Cache Co.

The citizens of Cache County, in the demise of Judge Hyde, lose a valuable and honored citizen. The various positions which he filled were rendered honorable by the incumbent. The leading characteristics of his life, those of justice, humanity, and uprightness, were ever prominent in his actions. As President, Bishop, General, Judge, husband, or father, he was kind, courteous, and consistent, and as a Saint the embodiment of truth and humility.

Cache County deeply feels and mourns his loss, but is consoled with the knowledge that he has fought the good fight, has laid up a crown in the mansions of his Father in heaven, and will come forth in the morning of the first resurrection, clothed with immortality and eternal life. His amiable and numerous family have the sympathies and prayers of the Saints, that God may sustain them and enable them to bear what to them is an irreparable loss.

JAMES A. LEISHMAN.

Judges Brandebury and Brockus—
First District Courts Held in the
Territory—Correspondence with
Comptroller of the Treasury.

SALT LAKE CITY,
March 10, 1874.

Editor Deseret News:

SIR:—As I was called upon recently by the House of Representatives of this Territory, to give my views relating to legal matters, and as I responded to that call, making statements which are before the public, I deem it a duty and a privilege to continue the subject. In doing so I will set forth facts according to my best recollection, and according to the evidence, derived from such documents as are within my control.

In July, 1851, Mr. Lemuel G. Brandebury, the chief justice, and myself and Perry E. Brockus, associate justices of the Supreme Court of this Territory, arrived in this city. At this time there had not been any session of the Legislative Assembly of the Territory under the Organic Law, which was approved September 9, 1850. See Utah Laws p. 28.

On enquiry of the reason why the legislative department had not been organized, we were informed that the mails were not brought from the States to this Territory during the winter seasons, and they

did not receive the news of the passage of the Act till March of that year. Soon after this, His Excellency Governor Young issued a proclamation, as provided in Sec. 16 of the organic law, defining the judicial districts of the Territory, and assigning the judges to their respective districts.

In the month of August or September of that year, a matter of difference arose between Governor Young and Associate Justice Brockus, which resulted in Justices Brandebury and Brockus and Secretary Harris leaving the Territory, but before they left, at their request, I attended what we called a Supreme Court, though no law had been passed fixing the time and place of holding it. At this court, as an original suit, an injunction was granted.

The Bill, as I thought, and still think, was a good case for the injunction, yet I opposed it on two grounds:

1.—There was not any law fixing the time and place of holding the Supreme Court.

2.—The Supreme Court had not original jurisdiction, and the District Court had, which was provided for in the Governor's proclamation.

The Legislative Assembly met and, as the other Judges had returned to the States, a law was passed authorising me to hold the Courts in all the districts. At my first Court I examined the proceedings of the Governor in calling the Legislative Assembly, and held them legal, though somewhat informal. This was reported to the Department of State, the Honorable Daniel Webster being Secretary, who sustained Governor Young and myself. This was the commencement of my judicial services.

The case of the original jurisdiction, in Chancery, of the Supreme Court of the Territory, before referred to, was not followed up, so there was no final decision on that point. More recently the Supreme Court of the Territory, in the case of Kerr vs. The Trustees of the 13th Ward School District, Justices Titus, McCurdy and Drake on the bench, held that the Supreme Court had original jurisdiction in Chancery. The doctrine was again sustained by Justices Wilson, Hawley and Strickland on the bench, Justice Strickland dissenting and in the case of Godbe vs. Salt Lake City, before Justices McKean, Strickland and Hawley, the doctrine was overruled. It is now settled that the Supreme Court of the Territory has not original jurisdiction in Chancery.

I have been thus particular on this subject for the reason that, in my judgment, much credit is due to Justices McKean and Strickland for this decision, it having been rendered at a time when great anxiety existed on this subject, and after an exhaustive argument.

I have before said that the Legislature passed a law authorizing me to hold the Courts in the three districts. At the first term they had not provided for either a marshal or an attorney for the Territory, so I made use of the U. S. Attorney and the U. S. Marshal. Afterward, in 1852, the law was passed giving jurisdiction to the Probate Courts in civil and criminal cases, and creating the office of Attorney General and Marshal for the Territory—see Utah laws p.p. 31 & 38, also my former communication p.p. 5, 6, 13 & 14—but no Territorial fee bill was passed. This caused a correspondence between me and the Honorable Elisha Whittlesey, then Comptroller of the Treasury, which in my next I will give.

Yours truly,
Z. SNOW.

How to Crush Out "Mormon" Life and Property.

Washington, Feb. 27.—The House Committee on Territories have reported to the House their bill concerning the execution of the laws in Utah. Of the three bills before the committee, the original bill of Mr. McKee has been made the basis of the bill reported. There would seem to be little more needed than this bill to crush out, not only polygamy, but Mormon life and property, in Utah. If the bill were directed toward any other than a Mormon Territory, it would be considered most extraordinary in its character. It practically places the property, franchises, and liberty of the Mormon citizens of that Territory under the control of the federal officers of the Territory. It

makes every army camp a civil prison, and, by very ingenious and exceedingly complicated machinery, makes it possible to declare every Mormon citizen a felon. There was a majority of but one in the committee in favor of the bill. The committee stands as follows: For the bill, Messrs. McKee, Williams, of Indiana; Havens, Hoskins, Fort, and Schumaker, of New York; against the bill, Messrs. Crounse, Haynes, Brown, of Kentucky; Mills and Curtis. Mr. Chaffee, the Delegate on that committee, has no vote. The minority will report a separate bill, less sweeping in its terms, providing for the creation of five Judicial Districts, for more Judges; for curtailing the jurisdiction of the Mormon Probate Courts, and for removing the obstructions to the administration of justice now existing in Utah. The leading features of the majority bill are: Deputy United States Marshals and Assistant United States Attorneys, appointed in every judicial district of the Territory; the provision permitting women to be jurors is stricken out; juries are to be drawn solely under the supervision of the officers of the District Federal Courts; these Federal Courts are given jurisdiction in all cases, whether arising under United States or Territorial law; the right of sentence in criminal cases, is given to United States Judges, and not to the jury; in the prosecutions for polygamy no record evidence of marriage is necessary; polygamous wives may obtain divorces, secure the custody of the minor children, and have decreed an equitable share of the husband's property; any military camp or prison may, in the discretion of the Federal Judge, be used as a civil prison; the Governor of the Territory is given exclusive control of all prisons; polygamy debars from citizenship and office; Mormon Probate Courts are restricted to exclusive probate jurisdiction; many of the principal laws of the Mormon Legislature are annulled. Among these the ordinance incorporating the Church of Jesus Christ of the Latter Day Saints, the noted Judiciary act, the act conferring the franchise upon women, the Property and Militia acts. The committee decided not to annul the charters with which the Territory is covered, in the belief that the Supreme Court of the United States may regard the rights secured under these charters as already vested.—N. Y. Times, Feb. 28.

Swearing in of Chief Justice Waite.

INTERESTING SCENE IN THE SUPREME COURT.

Hon. Morrison R. Waite, the new Chief Justice of the Supreme Court of the United States, took the oath of office at noon to-day, and at once entered upon the discharge of his important and responsible duties. The court-room was crowded by a large throng, one-third of whom were ladies, who came to witness the ceremony of the new Chief Justice's induction into office. Among the distinguished gentlemen present were Wm. M. Evarts, J. H. Ashton, E. R. Hoar, Senator Cooper, T. J. Durant, Gen. Garfield, Representatives Eugene Hale and Kellogg, and many others. The district bar was also largely represented. Precisely at noon to-day the crier of the court, Mr. Sherwin, of Ohio, announced the approach of the Associate Justices, as is customary, as follows: "The honorable, the Associate Justices of the Supreme Court!"

The members of the bar in court rose, and the Associate Justices, headed by Mr. Justice Clifford and marshaled by Mr. John G. Nicolay, marshal of the court, appeared with Chief Justice Waite, in full robes, bringing up the rear. The Associate Justices then took their seats, the Chief Justice taking a seat near the desk of Mr. Middleton, clerk of the court. The crier then opened the court by crying, "Oyez! Oyez! Oyez!" All persons having anything to do before the Honorable the Supreme Court of the United States, will draw near and give their attention, and they shall be heard. God save the United States and the Honorable Court!" The clerk of the clerk then read the commission of the new Chief Justice. The latter then rose and read aloud the following oath, the clerk adding at its conclusion, "So help you God!"

"I, Morrison R. Waite, do solemnly swear that I will administer

justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Chief Justice of the Supreme Court of the United States according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States. So help me God."

The Chief Justice then subscribed to the above oath, and subsequently passed behind the bench, and entering the door in the rear took the vacant chair of Chief Justice Chase, the Associate Justices standing and bowing as he assumed his seat.

Associate Justice Field then began the reading of the opinion of the court in case 196, being that of Cook, McGuffey, et al., assignees of Benjamin Homans, jr., bankrupt, appellants, versus Jeremiah C. Tullis, the case being on appeal from the circuit court of the United States for the southern district of Ohio.

Previous to entering the court room this morning the Chief Justice took the iron-clad oath in the clerk's office.

The court room was thronged all this afternoon by persons anxious to observe how the new Chief Justice bears his high honors. Judge Waite, in his personal appearance, reminds one considerably of Senator Fenton, the main difference in the resemblance being that the hair and beard of the Chief Justice are not so gray as those of the New York Senator. On the bench his head is somewhat below that of any of the Associate Justices, he being a little under medium height.—Washington Star, March 4.

ARIZONA NOT A DESERT.

The Arizona Miner is indignant because General Sherman, "who has never visited Arizona," when before the committee on military affairs, pleading for non-reduction of the army, spoke of Arizona as that "miserable desert land," and agreed to dispense with two regiments of cavalry if Congress would give that Territory back to Mexico. The Miner comments thus—

"A miserable desert," indeed! What an ignorant summary to come from the lips of so great and intelligent a soldier as all know Gen. Sherman to be. Is it a desert, General, that in the first year of "partial" peace produced 20,000,000 pounds of corn, wheat, barley, etc., with vegetables in proportion? Is it a desert, General, which, according to Lieut. Wheeler, of the Engineers; according to Whipple, Beale, and many other truthful army officers who have explored it, is the best country between the Missouri and the Pacific Ocean? Is it a worthless country that has one forest of over 200 miles in length by from 25 to 75 miles in width? Is it worthless because in the past five years, it has produced more of everything than the Army and its citizens have been able to use up? Is it of no account because it has produced millions of dollars worth of gold, silver, copper and other minerals, and will soon double, treble the amount already produced?

"Can a country with such mineral, grazing and agricultural resources as Arizona possesses, be a worthless desert? Surely, no. Its climate is superb; and, go where you will, over its broad surface, you will find springs and streams of water, grass and timber of various kinds. Then it has, in keeping for the East, the key to the great new West, as through it run the only routes for trans-continental railroads, upon which such roads can be built and operated every day of the year.

"It has, of course, a few barren strips, but even they are not deserts, in the strict meaning of the word, as upon all of them, vast herds of cattle, sheep and horses will yet subsist."

The prayer in the House of Representatives this morning was made by Canon Kingsley, of England. The Canon looks to be about sixty-five years of age; is of erect frame, and has mutton chop gray whiskers. He wore an English clerical looking coat with rolled cuffs, the flaps of which were decidedly new in design hereabouts. After the session of the House began he was visited by many members in the rear of the Speaker's desk.—Washington Star, March 9.