REPLY

To a note from Hon. D. H. Wells, President of the Council.

"CAMP FLYOD, Jan. 20, 1859.

To the Legislative Assembly of the

Territory of Utah-Gentlemen:-

I received your request (through committee) that I report, in accordance with the statute. such errors and imperfections of the laws as had come under my observation.

It was my purpose, before receiving your request, to comply with that statute and make such report. But being exceedingly nervous and not able to write at all, on account of a from making such report, to do which, under other circumstances, would have been a pleasure as well as a duty.

I have the honor to be, most respectfully, your obedient servant,

JNO. CRADLEBAUGH."

CHARGE

Orally delivered by Hon. John Cradlebough to the Grand Jury, Prove, Tuesday, March 8, 1859, 11 a m.

[REPORTER.]

I will say to you, Gentlemen of the Grand Jury, that, from what I learn; it has been some time since a court, having judicial cognizance in your district, was held. No person has been brought to punishment for some two years; and from what I have learned I am satisfied that crime after crime has been committed.

There is no such effectual way of stopping crime, no means has been found so effectual and sure as the speedy punishment of the offender; therefore, so far as you are concerned, and your community, it is a very important matter, if you desire innocent and unoffending persons to be protected, that you vigilantly and diligently prosecute all person who are violators of the law.

I will, before I close the remarks that I intend to make, make mention of certain crimes that have been committed. I will make mention of certain offences that I am certain have been committed; vigilance is therefore neces-

sary. In consequence of the Legislature not having provided proper means, there is not that aid given that is desired to enable the judiciary to prosecute its duties, but I will say that the Legislature, in my opinion, have legislated to prevent the judiciary from bringing such offend-

ers to justice. I believe that outside of this Territory, where they have a Legislature at all, there is no place but what has a provision of law that persons found committing crimes can be arrested, brought before tribunals, committed to prison and detained until the court having jurisdiction can try them. Such provision does not seem to be made here. There is no legislative enactment that seems to authorize a justice of the peace to commit a person accused of crime to prison. I find that a party may be arrested, brought before a justice of the peace and tried, if it is a case that he has jurisdiction over, but if it is a crime or case that he cannot try, there is a provision that he can be taken to the court having jurisdiction, and be tried but there is evidence that there were others to her, and do not allow her to live in poverty immediately. When the second

From the nature of the District Courts, and they are the only courts having criminal jurisdiction, they are designed to investigate and try all criminal cases, but the officer has no authority to detain a person in his custody, but he is immediately to take him before a court and try him. But a District Court cannot always be in session. This legislation was perhaps to take away their criminal jurisdiction, to prevent those cases getting into that court, which is the only court that has juris-

diction. They have provided the Probate Courts with eriminal jurisdiction, and it would seem that the whole machinery was made so that they should be brought before that court and tried, and the fact that there is no additional legislation to provide for bringing them before this court proves that it was done to prevent.

I will say that the Probate Court can have no criminal jurisdiction. Under the Organic Act that court is confined. That Organic Act provides for Supreme, District and Probate Courts, and for justices of the peace. The Organic Act operates upon the legislation of the Territory. The Legislature are bound by that Organic Act, in their legislation. That Organic Act also says that these courts shall be as limited by law; but it is not to be presumed, because it says that the jurisdiction of these courts shall be as limited by law, that the Legislature shall extend it. When the Organic Act says there shall be a Probate Court with certain powers, it is not reasonable to suppose that the Legislature shall and extend those powers; they might as well give Probate jurisdiction to the District Courts as to give criminal jurisdiction to the Probate Courts.

When the Organic Act says the jurisdiction of the Probate Court shall be as limited by law, it means that that they shall be, as it is understood, as limited by the laws of the United States. It seems that the Legislature has vested them with criminal jurisdiction to prevent the District Court from having anything of this kind to do. The reasons for this

be liable in a civil action for damages.

theumatic affection of my right hand, until ject into consideration, and make such provi- he made his home at Partial Terry's, staid

wish to call your attention. There has been tried to get to Bridger, was caught, brought another attempt to destroy this court, to de- back and murdered; and that is the last of mately the people become acquainted with it, the more stroy its usefulness, to bring the judge and the Henry Fobbs. No investigation has been made; business of the court into disrepute before the his body has been removed several times so people, even to bring the jurors into disrepute. that now, perhaps, it could not be found. There is no question about this; I read it in the Shortly afterwards his horse was traded off by Deseret News, the organ of the church. In Terry. Here is a man said to be killed by the that the judges and the members of the bar are Indians, and then his horse is taken by Mr. abused in all kinds of language, in a manner Terry and traded for sheep. It seems to me ers, or stoppers, or whatever else he pleases. that is calculated to injure them before the that these are matters that you ought to invespeople. And in that organ also the jurors are tigate. Fobbs, I believe, lived in the State of abused and spoken of in language that is cal- Illinois; he had a wife and children and was culated to influence their minds. I say these very anxious to get back, and I suppose his alike, and the reader will have to depend upon the conthings are in that paper, the only one published wife is still anxious about him; but as to what at the time in the Territory, and I say it is has become of him she cannot tell. I say this proper for me to mention these things.

at that time the Governor; the Executive of let them go unpunished. the Territory. When you see a person of that Then there was Henry Jones that was murkind who is bound to enforce law, using lan- dered up here; I believe he was first castrated guage of that abusive character, the court up in the city, then went to Payson, was thinks it is within its province to repel such | chased to Pond Town and was shot there. It insinuations as are there cast upon it. So far is said that he committed some offence. But as the attornerys are concerned I feel com- if persons do commit offences, the public have pelled to say that such assertions as are there no right to take the law into their own hands;

made are not true. gard all outside influences. I understand that was pulled down. the community.

ber of cases had come to my knowledge of that he was directed to give them to no person crimes having been committed through the whatever. who were engaged in it besides.

When the Indians commit crimes they are with her husband's property. not so discriminate as to save children; they Young Mr. Parrish is bere, if the grand jury would not be so particular as to save the chil- desire to have him they can use him as a dren and kill the rest. I say you may look at witness. all the crimes that have been committed in the It is not pleasant to talk about these things, 4w7, 4084 00 83 87+4; Western country by the Indians, and there is but the crimes have been committed, and if no case where they have been so careful as to you desire you can investigate them. My desave the innocent children. But if this be not sire is that the responsibility shall be with the 800 8wlw wh the OU 4+6 enough, we have evidence to prove that there grand jury and not with the court; all the re-

were others there engaged in it. armed, and after getting away were organized, persons to trial. man with me who saw persons go out in mitted them. might name to you persons that were there; a discharge your duty. great number of them I have had named to me. When you retire you will elect your clerk. And yet notwithstanding this crime has been and it is the desire of the court to expedite committed, there has been no effort made to business, you will therefore be permitted to 400 we OL 806 L+116. punish those individuals. I say then, gentle- meet upon your own adjournment. If time is men, it is your duty to look after that, and if required, the court will adjourn from time to it is a fact that they have been guilty of that time to give it to you. offence, indict them, send for them and have To allow these things to pass over gives a them brought before this court.

near here, at Springville; that is the case of tain Meadows shows that there was some perthe Parrishes and Potter. Springville is a vil- son high in the estimation of the people, and it lage of several hundred inhabitants. There is was done by that authority; and this case of one young man whom it was intended to kill. the Parrishes shows the same, and unless you uncle's house. Here are three persons killed, taken of it.

and the criminal goes unpunished.

who followed him to the house of his uncle. them. X brought before a vigilance committee in Cali- ficient to show that there has been an effort to influence upon the public mind. fornia. Any person suing in that court, would cover up instead of to bring to light and Gentlemen I have nothing further to say to punish.

I do this to impress upon you the necessity At the same place there was another person the court will afford you every facility in its of the District Court carrying out its jurisdic- killed; Henry Fobbs, who came in from Cali- power. The District Attorney will be with tion and punishing criminals. At the last fornia and was going to the States, but got in you, and the court will not object to his being session of the Legislature I understand that a here when the difficulties arose between this present at the examination of witnesses, but it code commission was appointed to revise the community and the General Government, and will afford you all the aid that may be required laws, and I hope that they will take this sub- was detained. When Henry Fobbs was here, by you. within a day or two, I have been precluded sion as will enable the court to do its duty. there a few week's; during that time his horse There is another general matter to which I and revolver were stolen; he made his escape, case ought to come under your notice and be These things were enforced by one who was investigated, and the offenders punished; don't

> they have no right to take persons and punish With regard to the jurors who are selected them. I understand that he was castrated; from the community for their good moral that he came down here, that he was killed character, I say it is proper for you to disre- and the house in which he and his mother lived

> the person who was then the Executive had a There is another matter to which I wish to suit in the court, and because he could not get | call your attention. A few days before the the control of the minds of the jurors he made matter of the murder of the Parrishes and Potthose remarks. I speak of it because it was ter, the stable of Parrish was broken into and an effort which was made to bring an influence his carriage and horses were taken out; this to destroy the independence of the jurors, and was done in the night. These horses have to destroy the efficiency of the court. These never been returned. That woman, the wife having been made to destroy your efficiency, of Mr. Parrish, told me that, since then, at you should manifest that you are not to be times, she had lived on bread and water, and governed by these outside influences that are still there are persons in this community riding brought to bear and operate upon the minds of about with those horses. Mr. Lysander Gee has those horses, he says that a few days after I said to you in the outset that a great num- they were stolen they were given to him, and

> country, and I shall take the liberty of naming | Now it is a strange kind of matter that pera few of them. The persons committing those sons should go to Parrish's, break open his offences have not been prosecuted, the reasons stable and rob him, and then take the horses to why I cannot tell, but it strikes me that those Mr. Lysander Gee and tell him to keep them. outside influences have prevented it. If you It does not look reasonable. It would look do your duty you will not neglect to inquire more reasonable to suprose that Mr. Lysander into those matters, or allow the offenders to go Gee was engaged in it himself, and it is an outunpunished. I may mention the Mountain rageous thing that this woman, one of whose Meadow murder, where a whole train was cut children was killed with her husband, has been off, except a few children who were too young obliged to live in the very dregs of poverty. I that this offence was committed by Indians, store those horses, and give the property back while others are riding about the country here

sponsibility shall be with you, and the ques-A large body of persons leaving Cedar city, tion is with you whether you will bring those we 806.

and went and returned with the spoil. Now I have hereby named those few things; there there are persons who know that there were has been a great deal of crime committed, and others engaged in the crime; I brought a young | there is a way to punish those who have com-

wagons with arms, others on horseback, were | I hear every day of cases of larceny, and an | away a day or two and came back with the officer is now after a number who are engaged spoil. The Indians complain that in the dis- in committing depredations. A great many QUOX 4+9, O 4 w6 Util P3L? tribution of the property they did not get their cases have been committed near Camp Floyd, share, they seem to think that the parties en- such as I shall call the attention of the Terrigaged with them kept the best and gave them torial Attorney to, such as buying soldiers' 83+11, YUWI DNU UD 212 Och, the worst. The chief there (Kanosh) is clothes. (Unless you faithfully discharge your YUW) DIU WO 94+110? equally amenable to law, and liable to be duty I cannot see how you are to escape from punished, and I suppose it is well-known that the influence of these cases of larceny that YWAJGUTYOU DIU WO a QUOYE? he was engaged in assisting to exterminate the have been committed. I therefore present hundred persons that were in that train. I these for the purpose of having you promptly

I might bring your attention to another case, very fact of such a case as that of the Moun-

There can be no doubt but by the testimony United States and the laws you have here. No Sadwf. of young Parrish that you will be able to iden- person can commit crimes and say they are

legislation it is not my object to speak of at tify those persons who were connected with it. authorized by higher authorities, and if they present. We say they have no power to do He can tell you who was engaged in it, and have any such notions they will have to dispel

The fact of a person having been before that Here are three persons that were butchered I saw something said in that paper of some court is no bar to his coming before this; it is in a most inhuman manner, and the offenders higher law. It is perhaps not proper to menno more bar than it would be if he had been have not been brought to justice. This is suf- | tion that, but such teachings will have their

you. The marshal will find you a room, and

We present to the people the Deseret Alphabet, but have not adopted any rules to bind the taste, judgment or preference of any. Such as it is you have it, and we are sanguine that the more it is practised and the more intiuseful and beneficial it will appear.

The characters are designed to represent the sounds for which they stand, and are so used. Where one stands alone, the name of the character or letter is the word, it being the only sound heard. We make no classification into vowels, consonants, &c., considering that to be of little or no consequence; the student is therefore at liberty to deem all the charac ers vowels, or consonants, or start-

In the orthography of the published examples, Webster's pronunciation will be generally followed, though it will be varied from when general usage demands. All words having the same pronunciation will bes spelled text for the meaning of such words.

Since the arrival of the matrices, &c., for casting the Deseret Alphabet, it has been determined to adopt another character to represent the sound of Ew, but until we

are prepared to cast that character, the characters T will be used to represent the sound of EW in NEW. The characters a v are sounded as AI in HAIR, for which one character will also be used, so soon as it can be procured.

DESERET ALPHABET.

Long Short	4	h	L	eth
a e +	٦	p	8	the
3 a 1	В	b	-8	S
o ah v	1	t	6	Z
o au w	a	d	a	esh
700	c	che	S	zhe
0 00 9	9	g	4	ur
d i	0	k	ı	1
ė ow	0	ga	2	m
U woo	P	f	4	n
y ye	в	v	И	eng

21 L+9 8+08L (17-7)4. [Concluded.]

27. YW+C WB 4+9 812 730+11 to give evidence in court. It has been claimed say bring that man up and compel him to re- LO1 Q14 10 UT4 Q19811 T410 4+6 8716+942

> 28. 148 4MY 130 A TOU LAND ON18+014 & FLATONB र नगत पर रउ ७५०; रउ १०५८

> 29. 148 417 1 83 1470 449. 0104+ UN6 4W7 1438 LAO WY4

> YWAGFOG, TP OWE 80 alox & advs we & tole, thite 1W-83 +6, J48 1W-2W40 +6 QV87 +470 8 164, DIL 49 4W1 266 504

> 31. 814104 130 40 LOT,

9N+7 96R 10 PYLLB 401) 80 8 9771414 8 00 tod Atad 876 A LIR TYOH PYRB4 474976

S LEPLA A DES LUB Others we own, 140 446 44618color as if they were done by authority. The 48, 140 OL 836 L+116 DIL 8 1878 LAJO A+6.

34. 130 8/4104 40 LOT 104 & 2M40: 604 & 2M40 DNG He ran to his uncle's, and was followed to his do your duty, such will be the view that will be 130 LOT POO & L+116 WE +78 LLP. You can know no law but the laws of the 879+D-47 7470 8 83 +6 8 36L