ded to the price of the domestic made it cost him the very moderate (?) sum of a fraction over $3,08 per yard!!! These are not by any means extraordinary or isolated cases, you know as well as myself, that similar ones are constantly occurring—a paper currency would greatly obviate the necessity for so much misapplied labor, and in this respect, very greatly increase the economy of exchanges, which must be regarded as a great stride in the right direction; for, as wealth can only be obtained by the judicious application of labor to capital, so, poverty is the inevitable result of labor misspent.

But the difficulty attendant upon the exchange of material products does not stop here, but it operates directly against the division and subdivision of labor, which is universally acknowledged to be greatly productive of human industry and the progress of society, for when exchanges are only in kind, a man who has nothing but labor to offer, can not work for the greatest wages which regulates the price of labor elsewhere. He is necessitated to work for him who can furnish the article he stands most in need of, irrespective of the quantity.

The laborer in the kanyon is obliged to take his pay in wood, lumber, or shingles. The distiller has to take his pay in whiskey, and the mechanics, frequently receives in payment for his labor, adobies and vinegar, Valley-tan hats and molasses in pretty equal proportions. And when these articles are not in demand, he cannot exchange them for food and clothing, therefore he must go and work for those persons who can furnish these necessaries of life on such terms as the employer may think proper. And in this way, men have to be continually changing their proper avocations, and spending their time in obtaining articles they can neither dispense with nor obtain by their legitimate callings.

All paper currencies, in order to answer the ends for which they are put into circulation, must be established on a fair and permanent basis, and they will then command the confidence of the people. It should be redeemable in coin or some other article equally desirable, and be protected by unexceptionable securities, and constant and diligent care exercised to guard against and prevent counterfeiting and fraud. If all this is done, it cannot but be of immense benefit, for it is at once both economical and convenient, for while it costs but a few cents to make a $100 bill, it would cost from 50 to 100 days of physical labor to obtain that amount in gold, and if the former accomplishes the same purpose, the community is the gainer of the interest on the difference, and in point of economy, it is certainly superior to specie, but I am also aware there are several disadvantages connected with a paper currency in our present condition, so long as we are depending on foreign markets for articles of daily use, but these objections will at once cease when the causes are removed, and I am thankful in being able to say that present indications are pointing in that direction, and the day is close at hand, when, by a judicious classification of labor, our energies will be directed to the full development of the resources of our "Mountain Home," when, by the wise application of labor on the inanimate objects around us, they will be converted into articles of universal desire, of which all may be the ample possessors.

Let every man take a deep and abiding interest in these all-important matters, and feel that on him rests a share of responsibility for the proper use of his time and capital, of which he will one day have to render an account, and not be influenced by the false, but too prevalent idea, that he does not possess sufficient capital to accomplish any great amount of good. The exact opposite of this is the truth, for we are acknowledged to be the most united and industrious community in the world, and inhabiting as we do, a country rich in agricultural and mineral wealth—the elements of prosperity and future greatness are now within our grasp, and our capital is found in the bone and sinew of our laborers, the skill of our mechanics and artisans, the richness of our soil, the choice treasures of the everlasting hills, and above all, in the wisdom, goodness and integrity of our rulers, the favor of High Heaven and the blessing of the Almighty on our efforts.

PROCEEDINGS OF THE PROBATE COURT FOR UTAH COUNTY.

A report of the proceedings of the Probate court for the County of Utah, March session, begun and held at Provo on the 9th ultimo, Hon. Z. Snow presiding, has been forwarded to us for publication, which we should have taken pleasure in doing entire, had it been received in time to have been inserted on the first side of last week's issue, but under existing circumstances, we were compelled to condense the report materially.

The court was called at ten a.m.; present, Hon. Z. Snow, Judge, Byron Pace, Sheriff, Howard Coray, Clerk, and Isaac Bullock Esq. Prosecuting Attorney.

A venire for a grand jury previously issued was returned with a full panel annexed. On being called, all answered to their names with the exception of two, for one of which a satisfactory excuse for absence was made; against the other, an attachment was ordered to issue returnable on the first day of the next regular term of the court. Two persons were summoned from among the bystanders to fill the panel. After the jurors were sworn and charged by the Court, and E. Billings appointed foreman, they retired to enter upon the discharge of the required duty in charge of a bailiff. They continued their investigations for five days, during which they found and presented five indictments, one for murder, one for manslaughter, one for assault with intent to kill, and three for grand larceny.

The first case called, was "the people, *v.* Isaac S. Potter," in which case an indictment had been found against the defendant at a previous term of the court for grand larceny, and held under recognizance to appear at this term. The parties having declared that they were ready for trial, a venire was ordered to issue for a petit jury returnable forthwith.

There were two cases on the docket; Powell, appellee, *v.* Bean, appellant, and Powell, appellee, *v.* McCracken, appellant, in which the judge had been counsel for the appellee, and both depending upon the same state of facts. At the request of the Court, the parties mutually agreed to refer the matters in difference to the arbitrament of William Miller and eleven others chosen by the parties, and an order of reference was entered pursuant to the agreement.

The following is the report of the proceedings of the court in criminal cases:

On Tuesday the 10th, the venire for a petit jury having been returned, the case of the people, *v.* Isaac S. Potter, indictment for grand larceny was called for trial, pending which, a witness was called on the part of the people, who was objected to by the defendant's counsel, who alleged that he had previously been convicted of grand larceny, and which he offered to prove by parol testimony. The Court rested that record evidence was necessary to prove the conviction, and that parol evidence could not be admitted until the absence of the record was satisfactorily accounted for. The record not having been produced nor its absence accounted for, the witness was sworn and testified in the case. His testimony showed that he was an accomplice. The whole testimony proved the stealing, value and ownership of the property as alleged, but left some uncertainty as to the person who stole it. The testimony tended to show that one of the witnesses in the case and an Indian stole it, and that the defendant, as captain of an alleged band of thieves, procured and ordered it to be done.

The defendant introduced his own affidavit, made to obtain a continuance, which was admitted by the prosecuting Attorney as the testimony of the alleged absent witness. This tended to prove that the defendant bought the property of an Indian.

The Court, charged the jury: That if from the whole evidence in the case they were of the opinion that the defendant personally stole, took, and carried away the property mentioned in the indictment, and that its value exceeded twenty dollars, they must bring in a verdict of guilty.

That at common law, there was a plain distinction between a principal and an accessory before the fact. The principal is one who is present, doing or committing the act or rendering personal aid and assistance. An accessory before the fact is one, that though not present at the time the act was committed, yet counseled, aided or procured it to be done. That by our law, that distinction is abolished, and for this reason; if they were satisfied by the evidence that the defendant counseled, aided or procured, or as captain of a band of thieves, commanded or ordered it to be done, they must bring in a verdict of guilty.

That in relation to the alleged purchase of the property from the Indian, if they believed the transaction was made in good faith and in the usual manner of deal, then it would account for the possession of the property by the defendant.

That if the jury were not satisfied that such was the fact, they must bring in a verdict of not guilty.

That if their verdict should be guilty, they must determine the nature and extent of the punishment, but they could not determine a greater or less punishment than the law prescribed.

After a short deliberation, the jury returned a verdict of "Guilty"—fine, four hundred dollars.

The next case was that of the people etc., *v.* Gurney and Jones. Indictment for manslaughter, which came on for trial on Wednesday the 11th.

The testimony showed that in the latter part of February last, a party of men were engaged in a kanyon near the city of Provo, sliding down wood and timber. The two defendants, about dusk, slid a log, which mortally wounded one man who died a few days after, and slightly injured a boy. Much evidence was given, explaining to the jury the situation of the kanyon and the places occupied by the company, particularly at the time the log was started by the defendants.

The Court charged the jury: "That manslaughter consisted in the unlawful killing of a human being without malice, when the slayer is in the commission of an unlawful act, or when he is performing a lawful act in an unlawful manner.

That it was a lawful business to slide wood and timber from the kanyon, as the testimony showed had been done, and that the accused had equal rights with others, that notwithstanding this they could not lawfully exercise that right in such a manner as to endanger the lives and property of any fellow-laborers.

That if the jury were satisfied that the defendants were careless, negligent or reckless in the sliding of the log that produced the death of the deceased, that then their verdict should be guilty if not, then the death in law is accidental and the verdict should be not guilty."

The jury rendered a verdict of "Not Guilty."

On Tuesday the 17th, the case of the people, *v.* Isaac S Potter, indictment for murder, came on for trial, the investigation of which continued three days.

The indictment alleged that the defendants, on the 9th of Dec. 1862, at the Precinct of Spanish Fork, murdered one Thomas Jefferson Barney, by shooting him, etc., and that Barney died on the 11th, of two mortal wounds.

The evidence before the jury was voluminous, but its general features were these: About three weeks before the act was committed, one of the witnesses told Potter that Barney had reported that Potter was the Captain of a band of thieves, of which Barney had been a member, but from which he had determined to withdraw. To this, Potter replied that he (Barney) was a great coward, that he was poor, and that he (Potter) had helped him to a horse to get away from the officers with, and now he (B) is seeking to destroy him (P) and then made a little nod and said, (taking up a bottle of liquor and putting it to his mouth, here is death to traitors.) After this, and a few days before Barney was shot, two Indians were seen lurking about the house of Barney, and that Barney had fears that Potter had sent the Indians there to kill him, for the reason that he had left the band. That Barney was shot with a gun loaded with powder and buck shot, and received two mortal wounds, one through the neck and one penetrating the thorax (chest), it was thought to be about seven or eight o'clock in the evening. This gun was discharged through a pane of glass in the window, and hit Barney on the left part of his neck, and left side of his back, the shot scattering, making in all eleven wounds. Barney at the time he received the shot, was sitting by the fire with his back toward the window. A Doctor was called, who dressed his wounds, and informed Barney that his wounds were mortal, that he must soon die. But he did not seem conscious of it, and declared he should live to seek revenge on his enemies. The doctor stayed with him until about noon the next day. Before he left, Barney wanted to disclose to the doctor the facts, as he said, relating to this band of thieves, but the doctor declined to hear him.

One of the brothers of Barney was with him the most of the time from the hour he was shot, Dec. 9th, to the time of his death, Dec. 11th. This brother was called and was a willing witness. It was sought to prove by him certain statements of Barney, made soon after he had determined to quit the band of thieves, but as these statements were not made on oath, nor when he was conscious of his approaching dissolution, they were ruled out.

Some time before his death, and after he was shot, he talked with this brother about these thieves, and referred to his former disclosures to him. At this time he seemed conscious of his approaching death, but after stating that Potter sent the Indians to kill him, he referred to the former talks, saying, you know the rest. Upon this the question arose, whether this witness could be permitted to state these former conversations with his brother. The Court was of the opinion that, unless the witness could refer to the particular conversations which were in the mind of the deceased at the time, so as to incorporate them into and make them a part of his dying declarations, they were inadmissible. The witness not being able to do this, the conversations were not detailed.

The tendency of the testimony, was to show that Barney was a thief, and on the eve of being brought to justice. He made the disclosures, implicating Potter and others. There was evidence showing that Potter kept a goodly number of Indians about him about that time.

The defendant's testimony went to show that on the night of the murder, about nine o'clock in the evening, two men were seen riding south about five miles from Barney's, each having a gun before him. When passing Mr. Markham's one said to the other, "we have fixed Barney now so that he will not steal any more of our cattle." They then took a little turn in the road so as to cross a stream of water, and on coming round again, riding slow, they said, "this wont do; we shall not get past the summit before daylight," and they immediately spurred their horses and rode off briskly. The summit was about twelve miles from Mr. Markham's.

That Potter, on the night of the murder was in Springville, and though he lived there, yet he stayed all night with Mr. James Deamand, near his own family.

The court charged the jury that murder is the unlawful killing of a human being with malice aforethought. That by the Legislature of this Territory it has been divided into two degrees—the first and second. The first degree is when it is perpetrated by means of poison, lying in wait, or any other kind of willful, deliberate or premeditated killing, or which is committed in the perpetration or attempt to perpetrate any arson, rape, robbery, mayhem or burglary; and this is to be punished with death.

All other kinds of murder is in the second degree, and is punished with imprisonment for life or a term of not less than ten years.

That if they found the defendant guilty of murder in the first degree, they might so state in their verdict, when it would be the duty of the court to pass sentence of death upon him, but if they found him guilty of murder in the second degree, it would be their duty to fix in their verdict the extent of the imprisonment, which must be at least ten years. That they must look to the whole evidence in the case and make up their minds from it. That they were the judges of the weight of the testimony of each witness, and the faith due to each one's statement. To determine what weight and faith ought to be given to each witness, they might use their own eyes and observe their demeanor and appearance on the stand, their anxiety to favor either party and to convict or acquit the defendant.

That if they were of the opinion that Potter personally did the deed or that he, as captain of a band of thieves or as a member of such band, commanded or counseled it to be done or aided or assisted in doing it, they must find him guilty, as by our law there is no distinction between an accessory before the fact and a principal in crime. That the law does not sanction the uniting together of men to commit crime and then, when on the eve of being detected, the putting to death of those who secede from the band. That if persons unite together for such an illegal purpose and then, to prevent detection, they put to death one of their number, each and every member of the band who counsels, commands, aids, assists or sanctions the deed is guilty to the same extent as if he did the deed himself; but such things are not to be presumed—the jury must be satisfied from the proof that such is the case.

That in relation to the dying declarations, that they might look to the situation of Barney and see what reason he had for knowing what he stated—that if he was so situated that he could not know what he stated to be true, his statement was not to be received as true simply because he expected to die when he made it.

Verdict, not guilty.

Mr. Bullock, assisted by G. W. Bean, Esq., conducted this and the other cases on behalf of the people, and Messrs. Thompson and Wall for the defense.

The two indictments for grand larceny, presented by the grand jury, were against Isaac S. Potter, *et al.*, in both of which cases the defendants entered into recognizance for their appearance at the next term of the court. The individual charged with assault with intent to kill, being sick, could not be put upon trial, consequently that case had to be laid over till the next term.

There were many other matters before the court during the session, mostly of an administrative nature, the appointment of guardians for minors, etc., not of as much importance to the community as the bringing of criminals to justice. The few thieves which remain in that county, will, it is believed, be inclined to emigrate the first favorable opportunity.

NAKED ARMS AND LEGS.—A distinguished physician who died some years since in Paris, declared, "I believe that during the twenty-six years I have practiced my profession in this city, twenty thousand children have been carried to the cemeteries, a sacrifice to the absurd custom of exposing their arms naked."

I have often thought if a mother were anxious to show the soft white skin of her baby, and would cut a round hole in the little thing's dress, just over the heart, and then carry it about for observation by the company, it would do very little harm. But to expose the baby's arms, members so far removed from the heart, and with such feeble circulation at best, is a most pernicious practice.

Put the bulb of a thermometer in a baby's mouth, and the mercury rises to 99 degrees. Now carry the same to its little hand; if the arms be bare and the evening cool, the mercury will sink to 40 degrees. Of course all the blood which flows through those arms must fall from 20 to 40 degrees below the temperature of the heart.

Need I say, when these currents of blood flow back into the chest, the child's general vitality must be more or less compromised? And need I add that we ought not to be surprised at the frequent-recurring affections of the tongue, throat, or stomach? I have seen more than one child with habitual cough and hoarseness, or choking with mucous, entirely, and permanently relieved by simply keeping its arms and hands warm.—[*Lewis' Gymnastics.*

—The *Bulletin* says the finding of dead infants is a matter of increasing occurrence in San Francisco.

—An idle man always thinks he has a right to be affronted if a busy man does not devote to him just as much of his time as he himself has leisure to waste.

—On the cultivation of the mind of women depends the wisdom of men. It is by women that nature writes on the hearts of men.

—The way to be accounted learned is not to know everything, but to be able to marshal up what you do know, be it much or little, well.