FEDERAL COURTS AND JUDGES.

Chief Justice Eccles, after his return from Indiana, in the spring of 1859, took up his abode at Camp Floyd, where he continued to reside while he remained in the Territory.—He had a great relish for camp life, and it was said, notwithstanding he was an old toper who had drank whisky, brandy, etc., by the cask, and boasted of being an excellent judge of the quality of all kinds of intoxicating liquors, that he had more confidence in the judgment of Gen. Johnston and his officers in relation to the quality of beverages than in his own, and while in camp, seldom drank any excepting such as they had selected and purchased. The surroundings of a military encampment, like that of Camp Floyd, including the hosts of gamblers, cut-throats, thieves, and murderers, togather with the popular institutions of christendom that were there temporarily established, but disappeared on the withdrawal of the army of the crusade from the Territory, had peculiar charms for the grovelling Chief Justice. The hosts of horse and other kinds of thieves, who were constantly oppropriating Government as well as private property, to their use, were his especial favorites, and not one of them was ever brought to judgment by him while he was in Utah and when any of them were arrested by the local authorities he invaribly made the utmost exertion to set them at liberty at the earliest possible date.

On the 22d of August, having made arrangements in his own peculiar way, for the holding a court at Nephi, Eccles commenced one of his favorite tribunals there, held in derogation of all law, neither conforming to the enactments of Congress nor to the statutes of the Territory in relation to holding District Courts. A venire for a grand jury had been issued by him in chambers at Camp Floyd, and served by the Marshal or some of his deputies, by summoning about thirty transient persons, found at the Head Quarters of the Army of Utah, as Buchanan's crusading force was called, including sutler's clerks, persons connected with the Quarter-master's and commissary departments, gamblers, reputed horse thieves, and such like characters, together with a few citizens, making in all nearly forty, when only about one half of the number were requisite to form a legal jury. Of the number thus summoned, nearly thirty appeared, several of whom claimed to be and were excused on account of their having been subjects of foreign princes, potentates, states, or sovereignties; and could, as supposed, do better service for themselves and the cause in which they were engaged, at camp, than at Nephi, where the opportunities for doing a "thriving business," in their way, were somewhat limited. Others were excused, for cause, which as understood, and in several instances expressed, was, that they had no money and the citizens of the town of Nephi refused to board transient persons "on tic," wisely concluding that their board bills, under the circumstances, would never be paid. So many of that class were excused that talismen had to be summoned to make the number wanted complete, by which means several citizens, in the absence of a sufficient number of the "favored class," were taken and the Jury, as empanneled, sworn and charged, consisted of eight citizens and fifteen transient persons, including several of those implicated in the counterfeiting scheme which at that time, was attracting much attention. John Radford, a sutler, the same man who officiated in that capacity when Eccles held his Courts at Fort Bridger, was appointed foreman, and the usual oath was administered to the jurors. In his charge to the Jury thus impannelled and sworn, Eccles called their attention, in the first place, to offences committed by disbursing officers of the Government, whose duty it was to make payment in drafts, treasury notes, or coin, and if they did not pay in the kind provided, they should be indicted.—He next referred to the forgery case of Wallace, Brewer, Crossman & Co., and charged the Jurors to inquire into the matter as quickly as possible. No other violations of the penal statutes of the United States were named, mentioned or referred to, although the buying, selling, and stealing of Government property at Camp Floyd, by officers, soldiers, and camp followers, were matters of common occurrence, and report said there was often but little or no attempt at concealment by the guilty parties.

When charging the jurors, relative to offences against the statutes of the Territory, Eccles expatiated largely on the crime of murder, and said that "common rumor" indicated that many murders had been committed in the District for which the perpetrators had not been punished and he should be pleased to see it done. Duelling, rape, larceny, burglary, robbery, embezzlement and perjury, received each a passing notice, and the jurors were informed where they could find a full list of statutory offences. He said nothing about Cradlebaugh's "committing magestrate" arrangements, neither did he allude to any of his proceedings, not even to the cases in which he had committed men to prison for alleged offences, why was not known, but Yankees guessed. His charge contained many patent truths, and had it not been for the superabundence of extraneous matters spoken of, his insinuations and innuendoes, it would not have been so very exceptionable to a person unacquainted with the "Chief Justice" and knew nothing of his proclivities.

The impannelling, swearing and charging of the Grand Jurors, occupied the first day of the Court. One of the first things done, on the second day, after the reading of the journal, and before reading or calling over the cases on the docket, was to order a rule entered against the sheriff of Utah County, without designating his name, for neglecting to produce the two Indians taken by Cradlebaugh from Provo to Camp Floyd under military escort before setting them at liberty, after having expressed his determination to turn the fiends, who had been arrested and indicted for committing a rape, in a most hellish manner, loose upon community, fearing they would not get away if "turned loose" at Provo, such was the indignation of the people in consequence of the diabolical action of the court, and also for not producing the bodies of McDonald, Earl and Bartholomew, taken by Cradlebaugh to Camp Floyd, on the adjournment of his Court, and imprisoned there about three months, in violation of law, and then set at liberty unceremoneously, for fear of the consequences likely to result to the parties concerned, one of whom was the noted "Mormon eater" C. F. Smith, who acted as jailor general, and subsequently died of dysentery soon after the battle of Shiloh in which he fought his old commander, Gen. Johnston, who was there killed, and who was also accessory to the imprisonment of the persons in question. The rule was made returnable the next morning, the Judge remarking that Cradlebaugh had not discharged the prosecution against the Indians, which was as great a falsehood as could be uttered. The same day thirteen of the fifteen transient grand jurors presented a petition to the Court praying for its adjournment to some place where they could get trusted for their board, as they had no money to pay their board—which was demanded in advance, and the Marshal was without funds. The crier of the court—one of the same class of beings—also signed the petition. Eccles discharged the crier, but informed the penniless jurors that he had no power to grant their request.—He said, however, the people should not demand payment for board in advance, as Government never paid till after the work had been performed. His ipse dixit did not, however, convince the people of Nephi, that they were wrong in their conclusions, and they still refused to board the scape-graces without pay in advance, knowing full well that it would be a matter of chance if any of them should be seen there after the adjournment of the court

Stephen De Wolf, according to the record, "was admitted to the bar as Prosecuting Attorney for the Territory of Utah," was sworn and received his certificate, but whether appointed by the Court, the Attorney for the Territory or some other dignitary does not appear. The indictment against the two Indians was handed to De Wolf by Eccles, who remarked that they had not been discharged from the indictment, but only from custody; notwithstanding, he had a full knowledge of Cradlebaugh's action in the premises. He informed the Attorney also that a rule had been entered against "the Sheriff of Utah County," to produce McDonald and others "who had been committed on mittimus," but had subsequently escaped, which was an other palpable judicial falsehood. On the morning of the third day, the Court announced that a rule which had been entered against the United States Marshal, in the case of the people, vs. McDonald and others for the escape of prisoners had been answered, which explained the manner of escape. The answer, which was a ministerial falsehood or misrepresentation, was ordered to be spread upon the records, to cover up as far as possible the hellish proceedings that had been had in relation to those persons. The fact that a rule had been entered against Marshal Dotson, as also his answer evidenced conclusively, that those men were never in the custody of "the Sheriff of Utah County." Yet De Wolf inquired of the Court if that officer "had been properly apprised of the necessity of producing said prisoners," to which answer was made that he did not know. The Court then on motion of De Wolf, ordered a citation to issue in the case, directed to "the Sheriff of Utah County," neither the Court, Clerk nor Attorney knowing his name. It does not appear, however, that any citation was ever served, and it was not desired by Eccles that it should be, the only object in view having evidently been to make up, as far as possible, an exculpatory record, to cover the recession, which had been found necessary to make in relation those proceedings.

On Wednesday, August 24th, the grand jury came into court and presented an indictment against McKenzie, the individual who had been employed to engrave the plate for Wallace Brewer & Co., on which they struck their forged checks or drafts on the National Treasury; who was the only man implicated considered at fault, notwithstandidg, the Judge had in his charge stated, that all in any way concerned in the fraudulent transaction, were alike guilty. The intention of the unprincipled villians, immediately interested in the matter, including the forgers; several officers of the army, the Court, its officers and grand jurors, was to have procured an indictment against Ex-Governor Young as an accessory, for the reason that McKenzie had previously engraved some plates for him, on which were printed the bills for the "Deseret Currency Association" There was no lack of false witnesses, who were ready and willing to testify against the man who above all others they desired to distroy, but they were not as successful as were the Jews, who wished to condemn Jesus in obtaining "two false witnesses" who would swear alike consequently they failed in their designs. Marshal Dotson seized and carried off the plates on which the Deseret currency bills had been struck, by order of Eccles, for which the ignoramus had subsequently to atone.

The grand jury presented several other indictments during the eight days it continued in session for various alleged crimes, but not one of the accused were ever tried excepting McKenzie, and in many of the cases the attorney entered a nolle before the adjournment of the court. Immediately on the presentment of the bill against McKenzie, which the jury informed the court he might "amend in form" but "not in substance," he was brought in and asked if he was ready for his trial, which was subsequently set for Saturday, the 27th of August. The next business was to get a sufficient nmuber of traverse jurors to fill up the panel, as only ten of those first summoned answered to their names when called on that, the third day of the court, the balance, as understood, having returned to Camp Floyd or gone to some place where they could obtain board gratis or "on tic," which was the same to them By extraordinary exertion two more jurors were obtained during the two following days, so that when the case of McKenzie was called up there were twelve on hand to try the case, two of whom had permanent residences in the Territory and the other ten had not. An ineffectual attempt was made by the prisoner's council to obtain a change of venne, but no objection was made to the packed foreign jurors and the case was proceeded with in way and manner to suit the prosecution. Col. Crossman, Maj. Porter, J. M. Wallace and Myron Brewer, the two principals in the forgery conspiracy as appeared from the evidence given, a Mr. Lent and John W. Bigler were sworn and testified in the case, and upon the "opinions" of Crossman and the testimony of Brewer and Wallace, who stated that McKenzie had nothing to do with the passing of the drafts but only engraved the plate for them, he was found guilty. A motion was made by prisoner's council to set aside the verdict alleging that the jurors were running about at leisure after they retired, were not in charge of a sworn officer and had free consultation with the prosecuting attorney while agreeing upon their verdict, all of which was verified by affidavits, but the Judge overruled the motion, seemingly determined that his victim should not escape from his clutches, and sentenced him to two years' imprisonment in the penitentiary, to pay a fine of fifty dollars and costs of prosecution. The victim submitted to his fate without a murmur and remained in prison nearly a year and a half, when he was released on habeas corpus by Eccles' successor, it having been decided by the Supreme Court that the tribunals held by Eccles, Sinclair and Cradlebaugh were not Federal nor Teritorial courts, as they were neither held in virtue of the laws of Congress nor in accordance with the statutes of the Territory, consequently they were only self-constituted tribunals, the orders, decrees and judgments of which having been made without authority of law were null and void, as all men of sense, not bent on brinding evil upon the Deseretans, know when those courts were being held.

Immediately after the rendition of the verdict in the case of the United States vs. McKenzie, the Judge read a presentment from the grand jury in which it was set forth "that jurors, witnesses and other officers of the court not receiving proper compensation for duties, and the people charging so high for board and lodging that it was very inconvenient and almost impossible to obtain accommodations;" that the Marshal had no money and there were no funds in the Territorial treasury, which was too grievous to be borne by gentlemen in a "strapped" condition as they were. Eccles said "the law did not give him power to rectify their grievances, nor did he know how to apply a remedy, although he had, in the first instance, when the moneyless sojourners made complaint setting forth their destitute condition, told them if they had any real cause of complaint" to make presentment to the court in proper form "or have the question presented to government for their consideration, that their grievances might be remedied and the evils staid;" how he did not state, but he probably supposed that Congress would, on being made acquainted with the facts, make an appropriation to pay the board and liquor bills of all the missionaries who might volunteer to come to Utah to teach modern christianity and see that what they called the "laws of the United States" should be faithfully executed. The matter was held under advisement till Monday, the 29th, when all the jurors—grand and traverse—were discharged. Eckles informed them at the time that although the evils complained of might exist, "it was their duty to maintain the dignity of the law by investigating the many charges of crime that had been committed in that district, for according to the best information there had been nearly two hundred murders committed within its limits, and if there was ever a time when the law needed to be vindicated in Utah it was then—yet it was impossible to hold court without funds, forgetting probably that he had asserted a few days before "that government never paid till after the work was done." In the course of his address to the jurors he more than intimated that the great difficulty was that the court could not get its hand nor those of its officers into the Territorial treasury. After discharging the jurors, Eckels metamorphosed himself into a "committing magistrate," and continued his court till the 4th of September, when after ordering the rule against the Sheriff of Utah county, in which matter no citation had been issued nor was intended to be issued, as it would tend to frustrate the designs of the court—and some other cases "continued till next term," he adjourned his court to Camp Floyd. Eccles continued to reside at Camp Floyd, afterwards called Fort Crittenden, after the final adjournment of his court, till about the time the army was withdrawn from Utah, devoting his time to the setting at liberty of all the thieves in the country which found lodgings in the penitentiary, after arrest, trial and conviction, in the local or District Courts. His sympathy was great for that unfortunate class of beings which was numerous here during the sojourn in the Territory of Eckles, Sinclair and Cradlebaugh, all of whom were opposed to their being punished for such crimes. Eckles and Cradlebaugh had much to say about murders, alleged to have been committed in the Southern District in which each held a court before and after they held their bogus tribunals, and also while they were in session, but with all their howlings, they made no move whatever to bring the