

last winter's experience, that tobacco operates almost miraculously.

The Potatoes in various localities are beginning to set. New potatoes, however, have been selling in this city for two weeks past.

**THE MARKET**—where is it? What is it? Who knows? Who will tell us?

Green Corn is becoming somewhat plentiful.

[REPORTED.]

### THIRD JUDICIAL DISTRICT COURT.

THURSDAY, July 28, 11 a.m.

Court met pursuant to adjournment, in the Council House, Hon. Charles E. Sinclair presiding.

The list of Grand Jurymen summoned was called as follows:

William Nixon,	Daniel Spencer,
John Y. Green,	Joseph Young,
Elias H. Perry,	Joseph Foreman,
Justus Earl,	Franklin B. Woolley,
John B. Kimball,	William Brooks,
Erastus Snow,	Alfred Randall,
Vincent Shurtleff,	J. R. Summers,
Samuel Snyder,	Symon Leonard,
William Bell,	E. W. Van Ertan,
Leonard I. Smith,	Hiram Kimball,
Thomas J. Wheeler,	Ezra T. Benson,
Samuel Worthen,	Daniel H. Wells.

A rule was entered against Vincent Shurtleff, Justus Earl and Samuel Snyder, who were not present to answer to their names when called. Court took a recess till 4 p.m.

4 p.m.

Court resumed its session.

The Judge asked if there were any gentlemen present who wished to report the proceedings of the Court, and if so, for what purpose.

Mr. Long said that he wished to take report, and designed to publish it in the Deseret News.

Mr. Blair filed a motion to quash the array of the Grand Jury on behalf of his client Thomas Colbourn, the motion was overruled by the Court.

Mr. Miner filed a similar motion in the name of his client, Theodore Thorp, overruled.

The rule entered against Justus Earl and Vincent Shurtleff was discharged, for good and sufficient reasons appearing to the Court.

The Court appointed William Bell foreman of the Grand Jury, after which he was sworn, and then the rest were called and sworn by fours.

The Judge then delivered the following CHARGE TO THE GRAND JURY.

#### GENTLEMEN OF THE GRAND JURY:

Since 22nd of November last, when I charged the Grand Jury in this City, the Judicial Districts in this Territory have been re-arranged by the Legislative Assembly, and it is necessary that I should call your attention to the fact that your inquiries may be directed to that district of country over which this Court holds jurisdiction.

The Third District, the Court of which is now convened and of which you are the Grand Jurors, is composed of the following counties:

Shambip, Tooele, Great Salt Lake, Summit, Green River, Davis, Weber, Box Elder, Cache, Malad, Greasewood and Desert.

Your inquiries will run and be circumscribed as designated by the Legislature. Your attention is first called to offences against the laws of the United States. In my former charge, several crimes were specially mentioned to which now invite your consideration.

In respect to the first subject contained in that charge I have to say that it has been disposed of by the prosecuting branch of the government in a manner of which the court was previously cognizant, and to which it interposed no objection. Were it now an open question, I should unhesitatingly express the same views in regard to the law as the case. The opinions of this court can only be connected by competent appellate tribunals.

A portion of the military force of the United States is stationed in this Territory, and it is the duty of all good citizens to assist as far as lies in their power in supporting the laws applicable to the regulation and control of its army. It becomes your duty therefore to consider the following statute of the United States, and to set on foot such proceedings against all who have offended against it, as will bring the guilty parties to deserved punishment.

"Every person not subject to the rules and articles of war, who shall procure or entice a soldier in the service of the United States, to desert; or who shall purchase from any soldier, his arms, uniform clothing, or any part thereof; and every captain or commanding officer of any ship or vessel as one or his crew, knowing him to have deserted, or otherwise carry away any such soldier, or shall refuse to deliver him up to the orders of his commanding officer, shall, upon legal conviction, be fined at the discretion of any court having cognisance of the same, in any sum not exceeding three hundred dollars, and be imprisoned any term not exceeding one year."

The law further provides:

"That if any person or persons shall knowingly and wilfully obstruct, resist or oppose any officer of the United States, in serving or attempting to serve or execute any mesne process, or warrant, or any rule or order of any of the courts of the United States, or any other legal or judicial writ or process whatsoever, or shall assault, beat or wound any officer, or other person duly authorized, in serving or executing any writ, rule, order, process or warrant aforesaid, every person so knowingly and wilfully offending in the premises, shall on conviction thereof, be imprisoned not exceeding twelve months, and fined not exceeding three hundred dollars."

Should cases of this class be elicited by the inquiries you are about to institute, you will make such presentments to this court as will lead to the prosecution of the offenders.

We are surrounded here by various Indian tribes, and it is necessary that we should see that the laws regulating intercourse, and forbidding illegal correspondence with them are respected.

The law upon this subject is:

"That if any citizen or other person residing within the United States or the Territory thereof, shall send any talk, speech, message, or letter to any Indian nation, tribe, clan, or individual, with intent to produce a contravention or infraction of any treaty or other law of the United States, or to disturb the peace and tranquillity of the United States, he shall forfeit and pay the sum of two thousand dollars."

There is another statute of the United States to which I wish to call your especial attention:

"If any person or persons shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any paper, writing, or instrument in imitation of, or purporting to be, an indent, certificate of the public stock, or debt, treasury note, or

other public security of the United States, or any letters patent, issued or granted by the President of the United States, or any bill, check, or draft for money drawn by or on the treasury of the United States or by or on any other public officer or agent of the United States, duly authorized to make, draw, accept or pay the same, on behalf and for account of the United States, or if any person shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any such false, forged, or counterfeited paper, writing, or instrument, knowing the same to be false, forged, or counterfeited, with intent to defraud the United States, or any body politic or corporate or any other person or persons whatsoever; or if any person or persons shall falsely alter any indent, certificate of the public stock, or debt, treasury note or other public security of the United States, or any letters patent, issued or granted by the President of the United States, or any bill, check, or draft for money drawn by or on the treasury of the United States, or any other public officer or agent of the United States, duly authorized to make, draw, accept, or pay such bill, check, or draft, or if any person or persons shall pass, utter, or publish, or attempt to pass, utter, or publish, as true and unaltered, any such falsely altered indent, certificate, treasury note, or other public security, letters patent, or bill, check, or draft, knowing the same to be falsely altered, with intent to defraud the United States, or any body politic or corporate, or any person or persons whatsoever, every such person, so offending, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding five thousand dollars, and by imprisonment and confinement to hard labor, not exceeding ten years, according to the aggravation of the offence."

Recently, gentlemen, a confederacy in crime against this state has been discovered at Camp Floyd.

An attempt has been made to counterfeit and put in circulation a large amount of the drafts of the Quarter Master at Camp, upon the Assistant Treasurers at St. Louis and New York. Some of the parties implicated have been arrested and are held for trial in the 2d District under this act. The crime has been actually committed; but to what extent this felonious effort to defraud the government has succeeded is not known.

The plate was manufactured in this city. Here was the theatre of criminal operation.

The plan was one which could not have originated with an inexperienced person nor been carried out except by a confederacy. It shows an aptitude for such work, and a completeness in its execution, which might not have been looked for beyond the Territory, where the facilities for the commission of such offences are presumed to be far greater than they are here.

If you, gentlemen, permit such felonies as this to be committed here without exhausting all your powers in investigating them, and endeavoring to bring the guilty to trial and punishment, the odium and deep disgrace of such transactions, in the judgment of the world, will rest on this community.

Whether these confederates are few or many, weak or powerful, it is your sworn duty to ferret them out and bring them to justice, so that the innocent may not suffer for the crimes of the guilty.

You will next inquire, gentlemen, into offences against the laws of the Territory. The criminal code of Utah is similar to most of the criminal codes in the States and other Territories of the Union. A few general remarks upon this subject will suffice. Murder is the highest crime that can be committed against the laws of the Territory. There is a statute defining and punishing treason against the Territory, but there can be no such crime here. This Territory has no attribute of sovereignty whatever. Allegiance here is due to the government of the United States, and treason here is treason against the United States.

This district has been enlarged since the last sitting of this court, and it now takes in the scope of country extending from Green river to Utah county and embracing the northern settlements.

From reports in circulation, and generally credited, it would seem that, within this jurisdiction, for several years past, numerous and atrocious murders have been committed and the murderers yet go unpunished.

Many of you were here when these outrageous crimes were committed. I charge you to institute a rigid investigation into these matters. No person in this country, can be deprived of life, liberty or property without due process of law.

There are also other grave offences which are defined by the statutes, to which your deliberation is invited. With these you are doubtless familiar.

You will most effectually deter others from the commission of like offences, by bringing, with an unsparring hand, all the perpetrators of robberies, larcenies and such crimes to trial and punishment.

I repeat that it seems unjust that the innocent should suffer with the guilty, that the whole community should bear the reproach of these crimes.

If, however, the community will not uphold the administration of criminal law and bring offenders to trial, but cover up and conceal offences, the guilty knowledge will bring upon it deserved odium.

In regard to your general duties and obligations I have a few special remarks to offer. It is far from my intention to draw in question matters of religion. These are matters between a man's conscience and his God. Opinions while they remain mere opinions, the law does not regard; and it is only when opinions resolve themselves into unlawful acts that the law stretches forth its arm to bring the culprit to justice.

It is not my wish here to excite unnecessarily the public feeling, or to introduce distraction; but let it be distinctly understood that I do intend to vindicate, within the province of the court, and with due regard to the subject involved, the supremacy of the law.

In a sermon of the President of the Mormon Church and Ex-Governor of this Territory, delivered in the Tabernacle in this city on the 22d May last, I find this language, "The church and kingdom of our God, has risen from an independent family to a great people, and we have been looked upon as a nation by our neighbors independent of all other people on the face of this earth; and in their dealings they have dealt with us as such."

Now I say to you, gentlemen, that Utah is not an independent nation and has not been treated as such. More recently the same authority has declared in his public teaching that a THEOCRATIC is the only true form of government.

[The remainder of the charge has not been revised by His Honor.]

Gentlemen of the Grand Jury, a doctrine of that sort assails your integrity as a Grand Jury here, because if you are not an independent government, and you do not bring your law consciences to be touched by the positions you occupy upon those benches, and have your consciences alive to the subjects to which your attention may be called, you do not perform your duty.

The law is supreme here, and the authority of the courts is supreme here, unless reversed by the superior appellate authority; then the authority of the court is not supreme.

I have a right to allude to this because it breaks down the legislature, because it enters into the jury box; it breaks down the executive authority.

I derive no pleasure from speaking of this thing: it is no pleasure to me to speak of matters that involve personalities; but it is no use to mince matters at all. We know the state of this community, and we know that this doctrine is so extensively disseminated among the people, and so complete is the consolidation and power in certain matters that the enunciation of this doctrine and of these sentiments, unless the court warns the Grand Jury against them, would work against the legitimate operation of the law.

You, gentlemen, have taken an oath to due diligence take and true presentments make of all such matters as may come before you, and you are to do this under the authority of the United States, and you are to do this according to the laws of this Territory that are consistent with the laws of the United States, and the acts of Congress.

I charge you to inquire into all those murders that have been committed in this District. I charge you to bring the parties who have committed those murders to justice. It is not right that the innocent should suffer with the guilty; it is not right that the whole community should suffer the odium that attaches to those crimes.

There are also some minor offences, made so by statutory enactment; such as robbery, arson, rape, and so on.

I charge you to inquire strictly and fully into all sorts of crime, whether felonies or others.

Remember you do not sit to try the issue of cases, but you sit to inquire whether there is sufficient evidence to warrant you in putting the party upon his trial. If you were to try the issue of the case by hearing evidence on both sides, you would twice put the party in jeopardy of life and limb. You stand as the protectors of the innocent against the frivolous charges of vindictive and prejudiced persons. You are charged as the inquirers into all crimes.

[Here a sentence or two was lost by the reporter.] Let me urge upon you the importance of dispatch. You will meet upon your own adjournments, subject to the order of the court and in all cases where the United States is a party you will inform the court when you want witnesses and have them brought into court to be sworn. In those cases coming under the statutes of the Territory, your foreman will swear the witnesses.

The attorney for the Territory, appointed by the United States, will be with you to assist you.

You can retire.

George Halliday and William A. McMaster were admitted citizens of the United States.

Court adjourned till to-morrow at 10 a.m.

FRIDAY, July 29, 10 a.m.

Court met pursuant to adjournment.

Henry Spiers appeared in court, was released from his recognizance, and given into the custody of Marshal Dotson, shortly after which Mr. T. S. Williams, his attorney, entered into recognizance for his appearance on the day that might be set for the trial.

Mr. Stout filed a motion to dissolve the attachment in the case of Smith vs. Wheeler.

After hearing the arguments the court ruled that the attachment should be dissolved, and ordered a writ of restitution for the possession of property in favor of defendant.

James Ferguson, Esq., moved that Mr. Wm. G. Mills be admitted a member of the bar.

Judge Sinclair said: There is one thing that I have looked at in relation to admitting gentlemen to the bar; I have looked over the records of this court, and I find that there has been a looseness of practice by my predecessors, and that when a gentleman has applied to be admitted to practice at the bar, a committee has been appointed to examine the party and there has been a spree over it, but I do not intend to allow it.

I find in the record of the Supreme Court held at Fillmore that there was a committee appointed to examine the qualifications of students at law who wished to become practitioners. If any gentlemen wish to be admitted to the bar they must be examined by one of the Judges of the Supreme Court of this Territory.

His honor then read the statutory provision on the subject from the Territorial Code, and then said, that that was a special provision and law, and that it did not mean that every man who might desire to present his case to the court should become a regular practitioner at the bar, for if that were allowed it would be difficult for him to get a jury. He did not speak thus with the intention of applying his remarks to Mr. Mills, for he was a gentleman of whom he had no knowledge, but he should take pleasure in examining Mr. Mills at any time, and if satisfied with his qualifications would cheerfully give him a certificate.

Mr. Miner wished the court to call up the case of Henry E. Phelps, who was bound over from the last term of this court.

After some remarks by Mr. Wilson the case was laid over till afternoon.

Court took a recess till 3 o'clock.

Court resumed its session. 3 p.m.

Grand jury were brought into court, and the Judge instructed them relative to their duties in regard to punctuality, the presence of a legal adviser and the right of any member of the grand jury to demand the opinion of the court in relation to any important question that might arise.

The case of Henry E. Phelps was called up, and Mr. Phelps answered to his name. On being asked if he appeared in the discharge of his recognizance, Mr. Miner, counsel for the defense, answered in the affirmative, and thereupon demanded a trial.

Mr. Phelps was delivered over to the custody of the marshal.

His honor said that Mr. Phelps was entitled to a speedy and impartial trial; but what was meant by that was, that not more than one term of court should pass before the prisoner should have his trial.

The prisoner gave bail in the sum of \$1000 for his appearance on Monday the 8th day of August.

The remainder of the afternoon was occupied with calling over all the cases left on the docket at the last term of the court.

During the day Joshua Arthur, Isaac Brockbank, jr., George Campkin, William G. Mills, Henry McEwan and Richard Matthews were made citizens of the United States.

Court adjourned till to-morrow at 10 o'clock.

SATURDAY, July 30, 10 a.m.

Court met pursuant to adjournment.

District Attorney Wilson presented a motion asking the court to issue a writ of habeas corpus to take Deloss Gibson from the custody of the Probate Court.

The court granted the writ and made it returnable on Tuesday next at 10 o'clock.

William Gill Mills, Esq., was admitted a practitioner at the bar.

The clerk of the court read over all the cases on the civil docket, that had been entered since last term of court, and as on yesterday, the court set days for the hearing of the cases, except where neither the party nor counsel appeared, and in such instances they were past till the next reading.

Court took a recess to await the action of the grand jury.

Court resumed its session, and the grand jury came into court and presented two bills of indictment.

During the day nine persons were made citizens of the United States and took out their final papers of citizenship.

Court adjourned till Tuesday morning, August 2, at 10 o'clock.

TUESDAY, August 2, 11 a.m.

The record of Saturday was read and signed by the judge.

Mr. Wilson called up the case of Thomas Colbourn, a colored man, against whom the grand jury found a true bill on Saturday last, for the murder of Captain Hooper's negro, Shep.

The court declared the recognizance of Colbourn forfeited on account of his absence on Saturday when called.

Mr. Wilson then called up the habeas corpus case, named in the report of Saturday, and the court ordered the prisoner Gibson turned over to the custody of the marshal.

Mr. Wilson expressed himself ready, if necessary, to argue the question of the jurisdiction of the Probate Court.

Mr. Ferguson said, He had been kindly notified by Mr. Wilson that a writ of habeas corpus had been issued for the prisoner, for whom himself and Mr. Mills were counsel. When the prisoner was first committed, no time had been appointed for holding a term of the U. S. Court for this District. The prisoner wished and was entitled to a speedy trial. Fully believing in the right of the Probate Court to try the case, at the request of the prisoner he petitioned for a trial before the Probate Judge of this county. He was at that time prepared to vindicate the jurisdiction of that court. His client, however, had been arraigned, tried and convicted before that court, of murder in the first degree. Hence while he would make no concessions on the question at issue, he could not consistently defend the jurisdiction of the court before whom his client had been condemned. He would be glad, however, if the question could be calmly argued at some future time, and the arguments and decision of the court fully laid before the public.

Samuel Snider and Thomas J. Wheeler gave good and sufficient reasons for their non-attendance on the grand jury and were excused.

Court took a recess till 3 o'clock.

4:15 p.m.

Court resumed its session.

Thomas Colbourn was arraigned and the clerk read the indictment in his hearing.

The names of the jurymen returned on the venire were called, and the usual questions put to them by the court, and only four good and lawful men were impanelled from the whole number.

Mr. Blair, counsel for the defense, filed a motion to quash the array of the petit jury.

Court ordered the marshal to summon talismen sufficient to complete the panel.

John Bolser was admitted a citizen of the United States.

Court adjourned till to-morrow morning at 11 o'clock.

## New Advertisements.

### CARPENTERS WANTED.

TWO or three good carpenters can obtain employment for a length of time by applying soon to  
22-1 S. W. RICHARDS.

### ESTRAYED.

A SMALL brindle and white COW, branded K on the left hip, church brand on the horn, supposed to have a calf a month old. Whoever will return her or give information of her will be suitably rewarded.  
22-1 WM. CARMICHAEL, 8th Ward.

### \$5 REWARD!

LOST.—From the range near the Church Pasture, north of this city, a 3 year old black STEER, branded I. M. on the horn. Any one bringing it to me at my residence, 17th Ward, can get the \$5.  
22-2\* EDW. W. DAVIS.

### NEW STORE.

OPENED by C. Merkley, sign of the Red Flag, Union Square, where he is selling sugar at 40c., coffee 42 1-2—best prints 22c.; heavy sheeting, 22c., and other articles in proportion. Call and examine for yourselves.  
22-3 CHRIS. MERKLEY, 17th Ward.

### STRAYED

OR DRIVEN AWAY from the range near Big Canyon creek, about the middle of June, a red brindle OX, 5 years old, branded J E on the left horn and left hip. Whoever will return said ox or give information whereby he may be obtained, shall be liberally rewarded.  
22-1 IRA ELDREDGE.

### LOST.

BETWEEN the point of the Mountain at the dug-way and Provo city, a black morocco memorandum book, containing an order on R. J. Anderson for fifty dollars and a bill of sale for government mules. The finder will please leave it at the Deseret News Office and oblige  
2-1\* H. COLTRIN.

### TAKEN

OUT OF MY pasture in Ogden city on the night of the 27th July, one large dappled brown MARE, 11 years old. Also a sorrel HORSE five years old; white stripe down his face; both branded F on the left shoulder. Any one giving me information where I can find them or bringing them to me shall be liberally rewarded.  
22-2 LORIN FARR.

### NOTICE.

THE PUBLIC are informed that, in addition to the brand U. S. on all mules reserved for the use of the army in Utah, an additional mark of a round hole punched in the left ear will hereafter be made on all these animals.  
G. H. CROSSMAN,  
Dep. Q. M. Genl. U. S. A.

CAMP FLOYD, Aug. 2, 1869.

### INFORMATION WANTED

BY MRS. MARY WILLIS, of her little girl, aged twelve years, who left home on the 4th of July to play and has not since returned; neither has her whereabouts been known since. Her name is Elizabeth. Any one giving information of her to the undersigned will confer a great favor. Whoever detains said girl after this notice, will suffer the consequences.  
22-2 MARY WILLIS,  
15th Ward, opposite the Tannery.

## STAPLE GOODS AT COST!

WINSOR, EWING & LETTON.

Our FIFTY FIVE wagon loads of merchandise have arrived and may be seen at the store of Dustin Amy, next door south of Godde's Drug Store.

By the piece, bale, package or sack we sell at eastern prices, and transportation. Some Bacon, cheap at retail.  
CALL AND EXAMINE!  
22-1