



ELIAS SMITH...EDITOR AND PUBLISHER

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## TO THE PUBLIC.

I hereby inform the public that the *DESERET NEWS* is not and has not been an organ of mine, for, except matter accompanied with my name, I have only occasionally, and that too some time ago, known any more of the contents of the *News* until after it is published, than I have of the copy furnished to the compositors of the *New York Ledger*.

BRIGHAM YOUNG.

G. S. L. City, Jan. 28, 1863.

## PROGRESS OF THE WAR.

The silence which has been maintained to a great degree relative to the operations and locations of the Federal armies during the winter, has not been broken, and if they have been or are doing anything of importance towards subduing the seceders it has not been made fully to appear.

It was announced, about the middle of March, that the army of the Potomac, encamped at Falmouth, would be ready to move in a few days, and that Gen. Hooker would, as believed, march direct to Richmond, by way of Urbanna, on the Rappahannock, below Fredericksburg. The troops were represented to be in excellent condition and their organization never so complete. After a review about that time, Gen. Hooker addressed his officers, complimenting them upon their soldierly appearance, and assuring them that he relied on their hearty co-operation in the coming campaign, adding that, so far as he himself was concerned, he meant there should be no more mistakes or doubtful results; that if the enemy did not run they would be killed or captured, and that the army should cover itself with glory within three months.

There have been some very contradictory reports in circulation of late in relation to the movements of the Confederate army at Fredericksburg and vicinity. At one time rumor upon rumor was circulated that the troops were being withdrawn, the main body falling back towards Richmond, and some moving in the direction of Culpepper, which rumors seem to have been generally believed; but soon thereafter it was announced that there were no good reasons for supposing that Gen. Lee's forces, on the south side of the Rappahannock, had been diminished; that the enemy was making demonstrations daily, massing opposite the fords and attacking the outposts along the Federal lines, causing great fears; that they intended to act on the offensive and bring on a general engagement. From all the statements which have been made it is difficult to determine the true condition of affairs in front of Washington and between there and Richmond.

In Kentucky and Tennessee matters and things have latterly assumed a very warlike appearance, and the indications have been that the enemy was arranging for a descent upon Kentucky with an overwhelming force. Preparations to resist the threatened invasion have accordingly been in progress, and Gen. Burnside has been assigned to the Department of the Ohio, with particular reference to the defense of Kentucky, where military men have feared the next great battle would be fought.

Concerning the canal operations in the vicinity of Vicksburg and the navigating of bayous, with a view of getting into the Yazoo above Haynes' Bluff, little of a cheering nature has been reported of late; but, as stated, unforeseen obstacles have been met with in several instances, and the principal thing accomplished has been the flooding of the country to an extent not anticipated. At latest dates the capture of Vicksburg seemed no nearer than it did two months ago. There

may have been, however, some strategic movements in progress of which the public have not been advised.

## ATTACK ON PORT HUDSON.

It has been satisfactorily made to appear that an attack was made on Port Hudson, on the 14th of March, by the Federal fleet under command of Admiral Farragut, which was not productive of any very favorable results to the Federal arms. From the announcements which were previously made, the public were led to believe that a combined effort would be made by the land and naval forces, which had for a long time been making preparations for the reduction of that stronghold of the enemy; but if a simultaneous attack was made by any portion of Gen. Banks' command it has not been made known to the world, although it is evident, from reports, that a large force was near at hand.

The first announcement of the attack was made by the Confederate press, and the news was received at Fortress Monroe from Richmond in two or three days after the occurrence. The southern version of the affair set forth that the bombardment was commenced before daylight on the morning of the 14th, and that a most desperate engagement ensued, resulting favorably to the Confederates, who burned the sloop-of-war *Mississippi*, badly crippled several other vessels and compelled the balance to retire down the river, with the exception of one, which succeeded in getting past the batteries and went up towards Vicksburg. The report thus made was not universally believed, as it was alleged that it needed confirmation.

The next intelligence, received by way of New Orleans confirmed the report of the attack and of the destruction of the *Mississippi*, which, as alleged, ran aground and was abandoned and burned by the Admiral's orders; but represented that Farragut effected a passage with his whole fleet, the *Mississippi* excepted, through the shower of iron-hail sent forth with awful fury from the Confederate batteries—the Admiral leading with his flag-ship, the frigate *Hartford*. That report, it appears, obtained credence in Washington and caused great rejoicing. A confirmation of the glad tidings soon followed, which gave greater intensity to the general hilarity. The rejoicing, however, continued but a short time and subsided on the receipt of the following from Fleet-Captain Pennock, dated Cairo, March 24th:

"We have just received the following communication from Lieut. Commander Breese, dated Backhawk, March 20th: The *Hartford* is below Warrenton. Admiral Farragut's Secretary came on board this morning enroute for Admiral Porter. It will take him at least a week to communicate and get back. He says the *Hartford* passed the forts at Port Hudson, but the others were repulsed. One was seen in flames, which was said to be the *Mississippi*."

A Confederate report from Port Hudson, dated on the 21st, received by way of Richmond, states that the Federal fleet was then lying below out of range and had made no further demonstration, with the exception of firing a few shots from long-range guns at the Confederate transports. A Vicksburg dispatch of the same date announced that the *Hartford* and the gun-boat *Monongahela* passed Warrenton on that evening, after a heavy cannonading, and were below the city at Swede's Point.

There has no report gained publicity as yet, so far as known, as to the amount of damage sustained by the Confederates in the bombardment, but it must necessarily have been considerable. The casualties resulting to the naval forces engaged have not been stated. The Confederates claim to have taken about forty of the crew of the vessel which was destroyed, many of whom were wounded, but they have been silent relative to their own casualties. It is but reasonable to suppose, however, that if none had occurred, that fact would have been announced.

The individual who lost a bullet mould in the street, on Saturday last may obtain information that will lead to its recovery by inquiring at this office. That promissory note which was lost has also been left with us for the owner.

INFORMATION WANTED by Sophia Reals, Mantle Fremont county, Iowa, of the whereabouts of her mother, Elizabeth Matthews, wife of Anson Matthews; also of her sister, Emeline Roberts.

## THIRD DISTRICT TERRITORIAL COURT.

Wednesday, March 25th.

Court met pursuant to adjournment. The record of Tuesday was read and signed by the Judge.

Eli Smith, a subject of Queen Victoria, was made a citizen of the United States.

The following witnesses for the defence, in the case of the people vs. McCue, were then examined, viz.:

John Eardley, Winter-Hastings, Mrs. Parsons, Joseph Marsh, David Richards and Ellen Cook. The defence then rested.

Messrs. Miner and Ferguson, counsel for the prosecution, then introduced Thomas Abbott and Wells Smith to give rebutting testimony. By these witnesses it was clearly shown that Forscutt had perjured himself when he testified on the part of the defence, for both these men testified that he came out to the posse, held up his hands and claimed protection, whereas he had sworn that he was arrested and did not give himself up. Mr. Miner addressed the jury for the prosecution, followed by the counsel for the defence. The prosecution made a brief, closing speech, and the case was submitted.

The jury were instructed in the law and their duties in the case in that able and lucid manner so characteristic of the Judge presiding, after which they retired in charge of the proper officer.

On the court resuming its session, after a short recess, the jury came in and, on being asked the usual questions, answered them satisfactorily to the court.

The names of the defendants were called by the Clerk, when it was found that several of them were absent, and thereupon his Honor instructed the jury to seal up their verdict and place it in the hands of their foreman, to be by him retained until the meeting of the court on the following day; and they were further instructed not to reveal their verdict to any person until after its announcement in the Court.

The Court then adjourned till 10 o'clock next morning.

Thursday, March 26th.

Court met pursuant to adjournment. Jury called; all present.

The list of the defendants' names were then called, as follows:

Peter L. McCue, Edward Moss, Daniel Smith, James Richardson, John B. Ledgeway, Josiah D. Price, Richard John Livingston, William White, John A. Mather, Jas. Mather, Richard D. Alvey, John A. Merrick, Alexander Warrenton, Peter McCue, jr., David Park, William F. Rogers, Wm. McGhie, Elizabeth L. Chappell, William Hill, John Cook, David Thomas, Peter John Moss, Jos. Taylor, John Eaves, Matthew Mudd, Jas. Bowman, Robert E. Farley, Wm. W. Thomas, Wm. Chamberlain, Alex. Dow, John Winn, John Trahair, John C. Edwards, Jas. Laird, Andrew Lee, John Gray, Wm. Adams, Jos. Dove, Thos. L. Williams, Wm. Davis, Alonzo Brown, Edward Lloyd, Hugh Davis, Hugh Park, John Petrie, Samuel Halse, Elijah Clifford, Geo. Thomas, Gudman Gudmausen, Chas. Higham, Peter Moffat, Alex. Richardson, Jas. Dove, John E. Reese, George Dove, Jens Christiansen, Lars Christian Hansen, Andres Jensen, Swen Hagg, Soren Peter Rasmussen, Hans Peterson, Peter Peterson, John Peter Sorenson, Neils Larsen, Neils Anderson, Michael Christian Christensen, Jens Paulson, Neils Peterson, Lars Christian Larsen, Hans Agger, John G. Looslay, Lebrecht Barr, John Neilson, Neils Rasmussen Beck, Christiansen Jensen, Rasmus Rasmussen, James Peterson, Lars Olsen, Jens Christian Sørensen, Hans Peter Smith, Andres Anderson, Andres Christoffersen, Hans Hansen, Ole Rosenblade and Peter Sorenson.

The jury rendered the following verdict: We, the jurors, in the case of Peter L. McCue and others, indicted for resisting an officer, render a verdict of guilty, and assess a fine of one hundred dollars against each defendant.

(Signed) CHARLES H. BASSETT,

Foreman

Mr. Appleby, counsel for the defence, called the attention of the Court to the law in regard to the right of the jury to assess fines.

His Honor then remarked:

I desire to say here, and partly because there is a large number of men here, that the Court heartily approves of the verdict of the jury, and I think that the people, as well as those convicted of resisting an officer, which resulted in bloodshed and loss of life, during a resistance of three days, have no reason to complain of this trial nor of the verdict of the jury. It is a very high-handed measure for a body of men, in a social or a religious capacity to oppose the execution of the law, or to set themselves in defiance of a court of justice, and it is one of the government and the people composing that government will always make an effort, or should do so, to make such men obey the law, and also for the purpose of bringing them to proper punishment.

It is a practice that is indispensably necessary for the maintenance of the civil authority that the laws should be obeyed, and the orders and mandates of courts clothed with authority, the legal representatives of the government to enforce its laws and maintain its authority. It is all important that that authority should be obeyed, and it is an essential element in government that due respect should be paid to the authority of Courts.

While a great number of the parties concerned in this resistance, doubtless acted under the direction of those in whom they had great confidence, yet this does not justify their resistance, but in view of this, the Court

has been disposed to look with mercy upon their conduct, which resulted in the death of two of the Marshal's posse, and, as reported, a number of their own party.

The Marshal had not a writ for the purpose of bringing Mr. Morris before the Court upon any civil process, but merely to show cause why those three prisoners were kept in jail by him and others, acting as confederates, without process of law. Had this writ been obeyed, the only object of which was, as in the case with all writs of *habeas corpus*, to inquire into the alleged false imprisonment of three persons, had this writ I repeat been honored, this difficulty and trouble would not have occurred. That was the first fault, the fatal error. Having waited sixteen days without any response to that writ, another writ was issued, and it was in this case that the attempt to serve those writs resulted in the death of two of the Marshal's posse and some of your own number.

We cannot, where we have law and those authorized to administer it, tolerate disobedience to its authority. And while the jury had a right to imprison and fine you, either or both, they have dealt leniently and mercifully by you, in assessing a fine of one hundred dollars. The law is vindicated and the Court is satisfied.

I do not know that it is necessary to make any other remarks upon the subject. These defendants are now discharged.

The judgment will be entered up, and it is expected that you will say these things.

The case of the people etc., v. Peter Klemgard and others was then called, and the defendants brought into court.

The empanelling of a jury to try the case was then proceeded with as follows:

Truman O. Angell, accepted; Orson P. Bates, challenged preemptorily by the defence; James Currie, taken; Allen Berk, set aside for cause; William Casto, challenged preemptorily by the defence; John Scott, taken; Preston Free, set aside for cause; Stephen W. Alley, Daniel M. Burbank, Joseph B. Elder, John W. Fuel, Orvil F. Atwood, John Neff, junior, Joseph Brown and Theodore Curtis, taken; Charles H. Bassett, excused for cause; Truman Leonard, taken.

The other jurors were then discharged with the compliments of the Court for their punctual and patient attendance.

Mr. Miner, acting prosecutor, entered a *nolle prosequi* in the case of Richard Cook, whereupon the said Cook was immediately discharged from custody.

Mr. Miner introduced the Hon. Z. Snow, whom he had requested to assist in the prosecution of the case, after which, that gentleman presented the case to the jury.

Robert T. Burton, Judson L. Stoddart, Theodore McKean, David J. Ross and James Hales were sworn and testified on the part of the prosecution. The prosecution then rested.

The Judge ordered the jury kept together and provided for at the expense of the Territory.

Court adjourned till next morning at 9 o'clock.

Friday, 9 a.m.

Court met as per adjournment.

The following named witnesses were sworn and testified on the part of the defence:

Margaret Cook, Jens Christian Sorenson, Mrs. Dove, James Bowman, Joseph Marsh, James Mather, Mrs. Banks, David Thomas, Mrs. Gray, John O. Mather, Mrs. Garrett, Philip Hewitt, Peter Swenson and Lebrecht Barr.

Mr. Schultz, senior counsel for the defence, applied to the Court and got its permission to call Mr. R. T. Burton, for the purpose of eliciting something relative to the prisoner Nelsen.

Mr. Snow addressed the jury on the part of the prosecution, followed by Messrs. Appleby and Schultz for the defence. Mr. Miner closed for the prosecution.

The Court charged the jury, after which they retired.

James D. Ross, James Fielding and Andrew Burt were admitted citizens of the United States.

Court took a recess at half past one to await the action of the jury.

The Session was resumed at half past five. James Hague was admitted a citizen of the United States.

The Jury came into Court and rendered the following verdict:

"We, the jurors, in the case of the people of the United States in the Territory of Utah, vs. Peter Klemgard, Christian Neilsen, Abraham Taylor, Kadrup Neilsen, Jens Christiansen, Andrew Lee and Andrew M. Mason, render a verdict of 'Guilty' of Murder in the second degree, and attach a penalty to wit: Peter Klemgard, to fifteen years imprisonment at hard labor; Christian Neilsen to 12 years at hard labor; Abraham Taylor, Kadrup Neilsen, Jens Christiansen, Andrew Lee and Andrew M. Mason, to ten years imprisonment each at hard labor."

John Parsons and John E. Jones we find "Not Guilty."

That verdict was signed by all the jurors.

Mr. Appleby gave notice that on to-morrow he would file a motion to set aside the judgment as contrary to law and the evidence, and ask for a new trial.

Court adjourned till next day at 10 o'clock.

Saturday, 10 a.m.

Court met as per adjournment.

Richard Cook, John Parsons and John E. Jones plead guilty to the indictment for resisting an officer, and thereupon the Court assessed a fine of one hundred dollars each with costs of suit.

On motion of Mr. Schultz the fine of \$50