

The return showed that Mr. Patrick held the prisoner by virtue of a writ, of which the following is a copy:

"Territory of Utah,
Salt Lake County, U. T.

"The people of the United States in the Territory of Utah, to M. T. Patrick, U. S. Marshal, of Utah Territory, greeting:

"Whereas the grand jury of the Third Judicial District of Utah has returned an indictment to the Third District Court of the Territory aforesaid, against Brigham Young, Sen., Daniel H. Wells, Hosea Stout, W. A. Hickman, and Joseph A. Young, charging them with, to wit, on the 15th day of November, A. D., 1857 feloniously, wilfully, deliberately, premeditatedly and with malice aforethought, killing and murdering one Richard Yates, contrary to the form of the Statute of Utah in such case made and provided, and against the peace and dignity of the people of the United States in the Territory of Utah;

These are therefore to command you to take the said Brigham Young, Sen., Daniel H. Wells, Hosea Stout, W. A. Hickman, and Joseph A. Young, if they be found in said Territory, and them safely keep, so that you have their bodies before the court aforesaid forthwith, to answer said indictment, and be dealt with according to law.

"In testimony whereof I hereunto set my hand, and have caused the seal of said court to be duly attached, this 28th day of October, in the year of our Lord 1871.

"Signed, J. B. McKEAN, Chief-Justice, etc., and Judge of the Third Judicial District of said Territory.

(L. S.) Seal of Third Judicial District Court of Utah.

Petitioner's reasons, as set forth by his counsel, why he should be discharged, were as follows:

"1st. It appears from the return made by Mr. Patrick, through his counsel, that the supposed writ is void on its face, it not being such a writ as is authorized by law to be issued in any event whatever.

"2d. The people of the United States in the Territory of Utah have no authority whatever to command the United States marshal to execute the processes of its courts: the writ by which the said marshal claims to hold the said Young is therefore void for want of power in the judge to issue it.

"3d. The writ being void for want of power in the judge to issue it, cannot be received for evidence of the supposed facts therein stated. Void things are as no things.

"4th. But if in this we are mistaken, then it does not appear that the District Court of the Third Judicial district of the Territory of Utah had jurisdiction of the supposed murder, because it does not appear that the murder was committed within the limits of the Third Judicial District of the Territory."

Mr. Snow supported these several propositions in a brief argument.

Messrs. Gilchrist and High, counsel for Mr. Patrick, replied, at some length, the chief points they sought to establish, being that the United States Marshal was the executive officer of the district courts of the Territory, and this having been settled by those courts, the probate court, being a court of inferior jurisdiction, could not question that; it was also incompetent to sit as a court of error or appeal to decide upon the regularity or irregularity of proceedings in courts of superior jurisdiction, or to correct their proceedings and decisions.

Authorities were quoted to sustain these and other points adduced by the counsel against the petitioner.

In reference to writs of *habeas corpus*, Mr. High quoted from a unanimous decision of the Supreme Court of the United States, delivered three weeks ago by Mr. Justice Field, in which the doctrine was enunciated that where a prisoner was held by authority of a United States Officer, or under color and claim of such authority, State tribunals had no authority to release him on a writ of *habeas corpus*; and where such facts appeared on the application for the writ, the Court to whom the application is made should refuse to grant the writ.

The court took a recess for an hour.

This afternoon Mr. Snow concluded the argument, and the ruling of the court was that the prisoner be discharged from custody and go hence without danger.

Deputy U. S. Attorney High gave notice of exception to the ruling of the court, and that they should probably remove the proceedings on a writ of certiorari for review to the District Court.

In conclusion Mr. Gilchrist, one of Mr. Patrick's counsel, said: "If your honor please, that we may be distinctly understood in the matter, I desire to say to your honor that we bow in submission to your honor's dictation, but we protest, in the name of the government of the United States, to the exercise of this direction; and at the proper time, in the proper way and before the proper tribunal we expect to have this question adjudicated.

The Court then adjourned.

CONTRADICTED.—We find the following in the A. and P. Tel. dispatches in the Ogden Junction—

WASHINGTON, 21.

The following dispatch was received in Washington last night:

SALT LAKE CITY, April 20.—To the Hon. W. H. Hooper, M. C.: The infamous dispatches which come from here are disgracing to the Associated Press. There has been no excitement over the decision of the U. S. Supreme Court, as all the citizens here know the aim of the Press Agent is to create excitement, or make it appear to exist to provoke Congressional action.—Signed.

Thomas P. Akers, Theodore B. Tracy,
John Wiggan, J. O. Gordon,
B. M. Durell, Wm. C. Campbell,
Geo. Whitney, A. W. Nichols,
S. A. Mann.

None of the signers are Mormons.

FROM FRIDAY'S DAILY

DEAD.—A Des. Tel. dispatch from Mantl informs us that Eder John P. Squires, of that place, died yesterday morning at nine o'clock. He is said to have been a worthy and respected citizen.

NO NEW LAWS.—Mr. Edmunds is reported to have remarked in the Senate Judiciary Committee the other day, after he had heard the statements of McKean and District-Attorney Bates, that he saw no use in enacting new laws, or amending old ones, until an attempt was made to enforce the old ones.—*New York Tribune*.

SAID TO BE A FIZZLE.—We learn from a reliable source that several parties, in the Southern part of the Territory, who caught the Colorado placer gold excitement and visited the diggings with good outfits, have returned to their homes wiser if not better men. They find themselves considerably poorer than when they started out to make their fortunes, and feel infinitely disgusted at their having been induced to leave their farms to seek fortunes in a chimerical Eldorado. Perhaps those parties did not strike the right spot.

THE SPIRIT OF MORMONISM.—A very limited knowledge of the Mormons has destroyed our confidence in their integrity, and taught us to esteem them, next to the Apaches, the greatest pests in the country.—*Boston Globe*.

The *Globe* forgets the proverb—"A little knowledge is a dangerous thing," especially when that little is of the kind usually furnished by the enemies of "Mormonism." The great trouble with them is they know too little of the "Mormons," and that little is of such a suspicious character.

JUDGE MCKEAN, with his Utah proceedings, has fared at the hands of the Supreme Court no worse than thoughtful observers expected. Law is one thing, and a very good thing. Lynching is another thing. Trying men for the form of conviction before juries packed for a specific purpose is lynching, and it does not matter how ostensibly good the purpose, nor how desperate the hope of conviction before a jury not so packed. When this distinction is learned by the whole people we shall have gained a point in judicial administration. Where lynch law is the choice of the people, lynch law let it be; but let them not attempt to disguise lynch law under a cloak of justice.—*Boston Transcript*.

FROM SATURDAY'S DAILY.

ENTIRELY IMAGINARY.—The following dispatch, in the *Sacramento Reporter*, is not of the howling order:

"SALT LAKE CITY, April 21.—The local tumult reported by the agent of the associated press is entirely imaginary."

A PARADISE.—For peaceful prosperity, for quiet, homelike comfort, for lack of ruffianly element, and for the practice by its inhabitants of the wisest and most far-reaching description of true Christian love, Salt Lake City undoubtedly holds a place more exalted than does any other municipality in the whole broad land.—*Philadelphia Press*.

RETURNED.—Elders Henry G. Boyle and Thomas E. Daniels, who left some fourteen or fifteen months ago on a mission to the Southern States, reached this city this morning with a company of twenty-five Saints, from Virginia, Tennessee and North Carolina. During their absence these brethren have labored in Bedford and Franklin counties, Virginia, and in Tennessee. In the former they received a rough reception and barely escaped mobbing; but they faced the music like true servants of God, preached the gospel faithfully, overcame the influence of those who sought to injure them, and succeeded in baptizing into the Church between twenty and thirty persons, and when they left had the good feelings of and numerous friends among the people. In Tennessee they were received kindly, had little or no persecution, slander or calumny to contend with. The ministers of the Methodist, Campbellite and Presbyterian churches willingly allowed them their pulpits to preach in, and their labors were successful, for they baptized several. Last Spring they sent a company of twenty-eight from the same locality. They had a good mission, took great pleasure in their labors, started for home from Lynchburg, Va., on the 16th inst, had a very pleasant journey, were kindly treated by the railway officials, and rejoice exceedingly to be again with their friends in Zion.

LESS VANITY AND TEMPER AND MORE DISCRETION NEEDED.—Mr. Claggett has taken up the cudgels in the House for

some speculating parties in Utah, and in advocating the granting of a charter and right of way to the Salt Lake and Colorado Railroad Company, which is a scheme in opposition to the Utah Southern road—made a fierce onslaught on the Mormons, and had an angry altercation with Delegate Hooper. While it is, no doubt, gratifying to Mr. C., to be called on by the opposition party in Utah to represent them, we doubt if on the whole he will advance the interests of his constituents by invading the jurisdiction of another Delegate. At this juncture, when important interests of his constituents depend upon unity of action and harmony between the Delegates from Utah, Idaho and Montana, it is unfortunate that such an episode should have occurred. If it should endanger the projects with which he is charged, his constituents will have reason to regret that he has not less vanity and less temper, and a little more discretion. It is of no particular importance to this Territory whether Brigham Young or some other party shall build the road from Salt Lake City southward, but it is of great interest that some amicable understanding and harmonious action among the Delegates interested should forward a railroad to Montana. A Delegate has generally enough to do to fight the battles of his own constituents, without signaling himself in the contests of outsiders. Such a course may give him glory, but will scarcely profit his people. There are Senators and Congressmen enough to take care of such affairs. Delegates represent local interests.—*Helena Gazette*.

FROM MONDAY'S DAILY.

WET.—After a very unpleasant, blistering, dusty day, the rain commenced to fall yesterday afternoon and continued at intervals until this morning, ending in a slight snow fall. The unpleasant weather yesterday doubtless prevented many from attending conference in the afternoon.

FOUND DEAD.—About five o'clock yesterday morning, Stephen Luce, over sixty years of age, and who resided in the Tenth Ward, was found dead in the water seat near the residence of Mr. David Candland, in the Ninth Ward. When discovered, Luce was lying on his back, his face, however, was not covered by water, showing that death had not ensued from drowning. A basket containing provisions, &c., was found a few feet from where he lay. It is supposed that he was either seized with some kind of a fit, from which he did not recover, or that he died from physical exhaustion, superinduced by heavy drinking. The remains were removed to the house of one of his relatives in the Eighth Ward, and were, we understand, to be interred today.

THE PRISONERS.—Messrs Stout Kimball, Hampton, Burt, Blythe, Toms and others were before Judge Hawley on writs of *habeas corpus* at ten o'clock this morning. Mr. Maxwell moved for the release of W. A. Hickman. Mr. Gilchrist, in behalf of U. S. Marshal Patrick, made a motion that the latter be released from further holding the prisoners in custody. Mr. Hoge, counsel for the prisoners, moved for the dismissal of the whole of the present proceedings, as they had been entered upon without either the consent or even knowledge of his clients.

Without taking any action the Court adjourned till two o'clock.

This afternoon Judge Hawley read a long and elaborate ruling on the above, denied the application made on behalf, but without the knowledge or consent, of the prisoners, and remanded them back to the custody of the marshal, thus virtually granting the request made by Messrs. Hempstead and Hoge, prisoners' counsel, that the application and proceedings be dismissed.

THE LATE DECISION of the Supreme Court of the United States in the Utah cases is a severe commentary upon the legal side—if such a side exists—of the present Administration. A ring was organized at an early day to take advantage of popular prejudice and rob the poor, ignorant Mormons of their possessions. It was known in a quiet way that rich mines remained unopened in Utah, and these the hungry knaves were after. As the chief justice first appointed was found to possess some little self-respect and a conscientious regard for his oath, he was removed and a man by the name of McKean put in his place. This creature covered his rascality with a thin coating of hypocrisy, and hastened without loss of time to set aside all law, so as to persecute—not prosecute—the deluded followers of Brigham Young.

In this he was sustained by the Administration. It is well known that Akerman disapproved of the abuse, but dared not say so. Attorney General Williams regarded the violations of law in like manner, but felt that he would only make himself offensive without other result if he expressed as much. General Grant regarded the chief justice of Utah as a member of the governor's staff, with no higher duty than obedience to orders; and this was his knowledge of law. Fortunately for the country the Supreme Court remains in greater part firm upon its constitutional foundations, and rebukes this poor tool of a so-called judge and puts our Administration to public shame.—*Washington Capital*.

THE SITUATION TO UTAH.—The decision of the Supreme Court of the United States, that a jury summoned by the United

States Marshal to try an offense against the laws of the Territory of Utah is an illegal one, must be considered by all right-minded people, as being made in the cause of right and justice. This principle has been so well established in the courts of this Territory, for a number of years, that the question has never been raised in our district courts. Aside from all connection with Mormonism, with which the Supreme Court had nothing to do, the Gentiles will admit that the Court could not have decided otherwise, and they will yet have occasion to be thankful that the highest judicial authority in the land directed illegal indictments to be quashed, rather than that a wrong, (and what might be considered an oppressive and persecuting act), should be countenanced by that tribunal.—*Cheyenne Leader*.

THE DEAD-LOCK IN MORMONDOM.—Washington, April 18.—The Senate Committee on Territories discussed the situation in Utah this morning, and decided to perfect and report a bill on Monday which will relieve the present dead-lock in the Territorial courts and allow business to proceed. It is understood that they do not contemplate any decisive legislation similar to the Voorhees bill now before the House Judiciary Committee, but simply a measure which will put the courts in operation and allow them to go on as usual. The Utah delegation in this city, which is now quite numerous, represent that the reports of violence and ill treatment of Gentiles by the Mormons of Salt Lake City, in consequence of the decision of the Supreme Court and the overthrow of McKean, are greatly exaggerated, if not entirely untrue.—*Philadelphia Press*.

ALL LIARS SHALL HAVE THEIR PORTION.—Wishing to know whether the reports of turbulent and threatening "Mormon" demonstrations at Salt Lake were true or false, the editor of the *Omaha Herald* telegraphed inquiringly to Salt Lake with the following results—

"MESSAGE OF BRIGHAM YOUNG.

"SALT LAKE, April 24, 1872.

"To George L. Miller:

"It has been unusually quiet here since the late decision of the Supreme Court, all reports to the contrary notwithstanding.

"BRIGHAM YOUNG."

"MESSAGE OF COL. DICKEY.

"SALT LAKE, April 24, 1872.

"To George L. Miller:

"I have been here several days and state, without fear of successful contradiction, that there is no excitement whatever here in regard to the late decision of the Supreme Court. The dispatches sent from this city recently to the Associated Press are full of prejudice and poison and spite, and not to be relied upon.

"J. J. DICKEY."

The editor thus comments upon the answers—

"This settles the question concerning the reports which are constantly misleading the country in regard to the Mormon people and the condition of things in Salt Lake and Utah, and it settles it as usual on the side of continued forbearance, sound judgment and discretion of that persecuted people."

F. R. S. STORE IN SPRINGVILLE.—Bro. C. D. Evans writes from Springville, April 24—

The sisters of the Relief Society opened a store, which was dedicated and set apart for business this a.m. at 9 o'clock.

The ladies composing that body have furnished half of the capital, and the Mercantile Institution of this city the other half. The dedicatory prayer was offered by Bishop Bringham, after which brief addresses, all tending to inspire confidence in the great co-operative principle, were made by W. H. Kelsey, C. Sanford, the late Bishop A. Johnson, L. S. Wood, C. D. Evans, Bishop Bringham and several sisters of the Relief Society.

An excellent spirit seemed to pervade the minds of all present. Benediction by W. H. Kelsey; after which the sisters of the Relief Society tendered a vote of thanks to the Bishop and Board of Directors for their kind services in assisting them to open this business.

THE UTAH CASES.—Washington, April 15.—The decision of the Supreme Court of the United States in the Utah cases has upset the calculations and projects of the Judge McKean party, who, the Mormons allege, were seeking to get power in and control of the Territory for personal and political aggrandizement. The effect of the decision of the Court is to make void nearly all juridical procedure in Utah within the past year, whether of the civil or criminal courts. Brigham Young and more than a hundred others who have been under indictment and arrest are by this decision set at liberty, and go acquitted of the charges preferred against them. According to the unanimous opinion of the Justices of the Supreme Court, the rulings of Judge McKean, who claimed jurisdiction as a United States Court, are erroneous, and the juries impaneled by him were illegal and void; the jurisdiction being in the Territorial Courts. Large mining and commercial interests are affected by the decision, involving, it is said, millions of dollars. The Mormons who are here represented, are, of course, jubilant.—*Boston Post*.