

be to prepare himself to dwell with his Father and God in his presence. It is for this reason that the millions of spirits that tabernacle here are sent from the eternal worlds to pass a short probation in mortal bodies, and they are all the children of one father. If we receive the gospel and live its precepts we shall receive celestial glory; if we reject it we shall be punished; though we may have a redemption and a glory, but it will be in a diminished degree. We should lay these things to heart; we should endeavor to understand our true position, and we should do all in our power to benefit our fellow man and to bring salvation to the nations.

I rejoice that the Lord still holds the door open, that we still have the privilege of sending the Elders to the nations; while this door remains open we shall continue to preach the gospel to the gentile world. When they reject it it will be taken from them and then we go to the Jews, and the ten tribes will come from the north to Zion to be crowned under the hands of the children of Ephraim. And the remnant of the Lamanites who are cursed below all humanity that we are acquainted with; who have been filled with the spirit of bloodshed which they have inherited from their fathers; they will embrace the gospel in due time of the Lord. They are of the house of Israel, and this spirit of war will be taken from them and they will become the children of God, but not until the gentiles have entirely rejected the gospel. Anciently it was preached to the Jews first and then to the gentiles; in the latter times it will be first preached to the gentiles and then to the Jews, the first shall be last and the last first. This is the great work which is laid upon us to-day. We should be true and faithful to-day and then we ought to follow this practice until death, and then shall we be entitled to have a crown of life. Is it not more honorable to do good than to do evil; to try to honor and serve God who is our Father and who has given us every blessing than sin against him? Would not such a course bring more happiness and pleasure to us than to blaspheme the name of God and dishonor ourselves, bringing darkness and condemnation to our spirits?

I pray that God may bless us and save us in his kingdom, which I ask in the name of Jesus Christ; Amen.

PROCEEDINGS OF THE PROBATE COURT FOR UTAH COUNTY.—REGULAR JUNE TERM, 1863.—HON. Z. SNOW, JUDGE.

June 8th, 10 o'clock a.m.

The court was called; present, Hon. Z. Snow, Judge; Howard Coray, Clerk; William B. Pace, Sheriff; George W. Bean, Prosecuting Attorney.

A venire for a Grand Jury having been issued, was returned duly served. On examination it was found that the Sheriff had summoned the jury from the various settlements, giving each portion of the county as nearly equal numbers as the nature of the case would admit.

On calling the jury, all except three answered to their names; these three had sent in their excuses for non-attendance, which were satisfactory, and therefore they were excused.

The jury were then impaneled, and, in due form, sworn and charged. In the charge the Court called the especial attention of the jury to the case of four persons, viz.: Isaac S. Potter, George L. Smith, William H. Burton and Newel Knight, who were under recognizance to appear in court and answer to a charge of larceny. He referred to the situation of the roads, informing them that the County court, pursuant to the authority conferred on them by law, had divided the County into road districts, and appointed Supervisors in the districts; that it became the duty of these Supervisors to collect and apply the poll tax on the Territorial and County roads; that the Grand Jury had a right to inquire into their conduct, and if they found them guilty of nonfeasance, malfeasance or misfeasance in office they might present them to the Court, and if they should be convicted the law imposed a fine; that in like manner if any officer in the County was guilty of nonfeasance or malfeasance in office, he was exposed to an indictment and consequent punishment. The Court further informed the jury that it is unlawful to manufacture for sale, or to sell spirituous, vinous or malt liquors without a license from the County Court; that the County Court had not granted any licenses; that that court, at its March term, having been informed that a few persons were manufacturing and vending liquor, inquired into the facts. The result was that such persons were subsequently fined, but in assessing the amount of fine the Court did not think best to fix an amount beyond what would be a fair compensation for a license, and that unless the County Court or the Grand Jury should otherwise recommend, this Court would hereafter act on a like liberal principle. The jury might consider the matter, and make such report as they deemed right, and the Court would receive the same with becoming respect.

The jury, after being charged, retired to deliberate; Elijah Billingsly, foreman.

The same day the jury came into Court and presented an indictment for grand larceny against Isaac S. Potter, William H. Burton and Newel Knight, and informed the Court that they had no further business before them, they were therefore discharged.

Court adjourned till 10 o'clock the next morning.

June 9th, 10 o'clock a.m.

The court met pursuant to adjournment.

After disposing of sundry unimportant matters of a civil nature, the case of the People, etc., against Potter, Burton and Knight was called up. The defendants appeared, and were arraigned.

On the indictment being read, Knight pleaded not guilty, but Potter and Burton asked time to consider, which was granted till 10 o'clock next morning.

Mr. James Ferguson and Mr. Joseph A. Thompson appeared as counsel for the defendants.

Mr. George L. Smith's name appearing on the back of the indictment as a witness, and being one who had been in the preliminary examination recognized to appear and answer to the same charge, on motion of Mr. Bean, the Court ordered him into the custody of the Sheriff to be detained as a witness.

Court adjourned till 10 o'clock the next morning.

June 10th, 10 o'clock a.m.

The court met pursuant to adjournment.

The case of the People, etc., against Potter, Burton and Knight was called up, when Potter and Burton pleaded not guilty, and thereupon the defendants, by their counsel, moved for separate trials, and stating that, from the best information they could obtain from their clients, they believed an impartial joint trial could not be had. The Court then ordered separate trials.

Isaac S. Potter being ready, was first put on trial.

In impanelling the jury the following order was observed: the juror's name was called and an oath administered to him that he would true answers make to such questions as should be asked him by the Court or its order relating to the present service. The Court then asked the question to the jurors, "Have you formed or expressed any opinion relating to the guilt or innocence of Isaac S. Potter, the prisoner at the bar?" Each juror who answered that he had was set aside; each one who answered that he had not was held by the Court to be subject to challenge for cause or peremptory by either party, first by the Prosecuting Attorney, then by the defendant. Each party was allowed an indefinite number of challenges for cause and six peremptory challenges.

There were no challenges for cause except such as the Court sustained, and neither party exhausted his peremptory challenges. The effect of this was, that no juror was sworn on the jury except with the consent of both parties.

The case was then tried, the testimony and arguments of counsel were closed, and the jury retired at four o'clock p.m.

No exceptions were taken during the trial to any ruling of the Court.

About eight o'clock in the evening the jury came into court and rendered a verdict of Guilty of grand larceny. Punishment—one year's confinement in the Penitentiary and to pay the costs. The jury were polled, and each said that was his verdict.

The defendant, by his counsel, then asked leave to file a motion for a new trial, which was granted, and he was ordered to enter into a recognizance in the sum of six hundred dollars, or be committed. The prisoner entered into the required recognizance, and the bail justified.

During the time of the deliberations of this jury, the jury in the case of Knight was impaneled, observing the same rules as in the case of Potter, and a part of the testimony given.

Court adjourned till 9 o'clock the next morning.

June 11th, 9 o'clock a.m.

The court met as per adjournment.

The trial of Newel Knight was resumed, and, at half-past twelve, the testimony and arguments of counsel having been closed, the jury retired to deliberate.

In the afternoon Burton was tried. The same proceeding in relation to impanelling the jury was had as in each of the other cases.

The jury, after a short absence, came into court, and presented a verdict of Guilty of grand larceny. Punishment—two years' imprisonment in the Penitentiary and to pay the costs. The jury were polled.

The prisoner then, by his counsel, asked and obtained leave to file a motion for a new trial, and entered into a recognizance in the sum of three hundred dollars.

About eight o'clock p.m. the jury, in the trial of Newel Knight came into court, and presented a verdict of Guilty. Punishment—fine of fifty dollars and costs. This jury was also polled.

The Court, after the last verdict was recorded, remarked that in each of these three trials the testimony had been substantially the same, varying only in slight particulars, showing the part that each of those, jointly indicated, took in the matter, and that added weight to the soundness of the verdicts. Had there been a joint trial twelve jurors would have disposed of the whole matter, now there have been thirty-six.

Court adjourned till 10 o'clock the next morning.

June 12th, 10 o'clock a.m.

The court met as per adjournment.

The Counsel in the case of the People, etc., against Potter and Burton not having filed the motion for a new trial, asked further time, which was granted till 6 o'clock p.m. of the 13th inst.

Newel Knight was sentenced to pay the fine of fifty dollars and costs.

Court adjourned till Monday, June 15th, at 10 o'clock a.m.

June 15th, 10 o'clock a.m.

Court met pursuant to adjournment.

William H. Burton not having filed a motion for a new trial, and, on being three times called, came not, but made default, and his surety also made default, so judgment was entered on his recognizance for three hundred dollars and costs.

Isaac S. Potter, by his attorneys, Ferguson and Thompson, having filed a motion for a new trial, the case came on for argument. The causes assigned were:

1st. Misbehavior of jury. The alleged misbehavior was that, during their deliberation there was conversation among them not relevant to the case.

2d. That Nelson Bebee, one of the jurors, prior to being summoned as a juror, had expressed an opinion as to the guilt or innocence of Potter.

The affidavits of Charles Kennedy and Joshua Davis were introduced. Kennedy swore that on the 11th, the morning after the trial of Potter, he heard Nelson Bebee say if Potter had had a joint trial he would not have been convicted.

Joshua Davis swore that before the summoning of the jury he heard Nelson Bebee express an opinion contra to what he swore before the court, without giving the words of the juror.

After argument, the court held that affidavits, when they will admit of two or more constructions, must be taken strong against the party prosecuting them; that the affidavit of Joshua Davis did not show any conversation in the jury-room, nor did that of Kennedy show anything except an opinion of the juror that, if a different course had been pursued, a different result might have been arrived at. That the affidavit of Joshua Davis, not giving the words of the juror, but calling it an opinion, it might have been an opinion that he was not guilty; in that event Potter could not have challenged him for cause, had he objected to him before being sworn; and that this affidavit did not even call for an exculpatory one on the part of the juror. The motion was, the court overruled.

The case of the People, etc., against Isaac S. Potter, tried at the last term, was pending on a motion for a new trial. The cause assigned was that the jury rejected an affidavit Potter made to obtain a continuance, in which he swore that he purchased the property alleged to have been stolen from an Indian named Dick, and that said dry-named persons would swear to it, etc. The Prosecuting Attorney admitted the affidavit as the testimony of these persons. To sustain this motion he introduced the affidavit of Seely Owens, one of the jurors who tried the case. Owens swore that in the jury-room nine of the jurors refused to act on this affidavit, and three were of a different opinion, but the nine overruled the three, and therefore the verdict was against the evidence.

After argument the Court remarked that on the trial of the case there was evidence, which, if true, showed that this same Indian Dick and another person drove this horse from the range at the procurement of Potter and afterwards secreted it. That subsequently it was sent off and still later the horse was found and returned; that on this state of facts the court charged the jury among other things that they were the judges of what faith and confidence ought to be given to the respective statements of all the witnesses; that if they were satisfied that this Indian Dick and the other person, at the procurement of Potter, drove this horse from the range with the intent to steal it, Potter would be an accessory before the fact, and under our law he must be indicted and tried as a principal, and therefore they must bring in a verdict of guilty. In relation to the alleged purchase of the horse from the Indian the Court said that for an accused person to justify his possession of stolen property by reason of a purchase, the contract must be made in the usual manner and with such attendant circumstances as showed the purchase to have been made in good faith.

The affidavit of Owen, when taken in connection with this charge, satisfied the Court that the jury did consider this evidence and that nine of them did not believe it, while the other three thought it might be true, but finally yielded to the nine. If in this the Court was mistaken, it is not competent for a juror to come into court and by his oath show that he had rendered a false verdict, and thus impose on the Court and his fellow Jurors. Any testimony consistent with the verdict a juror may give, but he cannot impeach it. The Court, therefore, overruled the motion.

There remaining nothing to be done but the passing of sentence, the Court adjourned until the 17th, when—the Sheriff, having made the necessary arrangements—the Court passed sentence upon the prisoner and soon thereafter Potter, in the care of the Sheriff, left Provo for the Penitentiary.

The testimony in these three cases showed that Mr. M. J. Snedaker was the owner of two yoke of oxen; that last fall he sent a man with them to the Southern country; that this spring, on the 24th of April, that man, on his way to Great Salt Lake City, from the South, turned them out for the night in what is called Provo South Pasture, near the city of Provo. The next morning he went for the cattle, but they could not be found. He hunted all that day and about half of the next; then left to go to Great Salt Lake City to inform Mr.

Snedaker. The next day, April 27th, there was a cattle drive by the citizens of Provo, and these cattle were found North of Provo City and North of the river West of Provo bench and driven back to the city. No person appeared to claim them and there was much talk about them; the general belief was that they belonged in Battle Creek, and that they ought not to have been driven off the range. They were therefore turned out to return to the range and they started North. This was about dark. Mr. Potter then came along, took a Mr. Teeples one side and talked with him a few minutes. The next morning, April 28th, about 10 o'clock, they were seen in a canyon where there was good grass and water, about four or five miles North-east of Provo. Near this place these oxen grazed until the latter part of May. The cattle were frequently seen in that canyon by those who went there for wood and poles and at one time there was an enquiry made as to who owned them. Some one said they belonged to Isaac Potter and the witness believed it was Newel Knight and that he wanted to let them out on shares to haul wood. From that time they were talked of as Isaac Potter's cattle.

Mr. Smith, Mr. Snedaker's teamster, went to Great Salt Lake City and informed him of the loss of the oxen. In a day or two afterward, Mr. Snedaker sent the teamster back to Provo in search of them. At this time he was there several days, but could not find them or learn anything concerning them. When there he saw Newel Knight and the witness having before been acquainted with him, told Knight about the loss of the cattle, giving him a description of them with their marks and brands, and requested him if he saw or heard anything about them, to send word to the city. Knight offered to buy the chance of finding them and said he would give a horse for the chance. After this Snedaker advertised them in the DESERET NEWS.

About the 29th of May, in the forenoon, one yoke of these cattle was found on the public square in Great Salt Lake City, in the possession of an emigrant. On their being claimed by Mr. Snedaker, the emigrant pointed out William H. Burton and George S. Smith as the men from whom he got them.—Burton & Smith had traded them to this emigrant for another yoke of cattle and had got a revolver and three dollars in money to boot.

Snedaker then called on Burton & Smith to know how they came by them. Burton said he got them of Isaac Potter, of Provo, and that Potter was owing him a cow and steer and that Potter wanted to sell these cattle for cash or store goods and that he had kept the steer and let him have the oxen to sell and if sold he was to take the value of the steer out of the pay and return the rest to Potter. He also said that the morning he took the cattle, Newel Knight came along and told Potter he had seen his cattle a short time before and told him where they were. That Potter then agreed with Knight to take Potter's horse and go and get the oxen, and turn them over to Burton & Smith to be driven to the city and that Knight did it and turned over the cattle.

On this being disclosed, application was made to the civil authorities, which resulted in the arrest of Isaac S. Potter, George S. Smith, William H. Burton and Newel Knight, all of whom were recognized to appear in court to answer for the stealing of these oxen.

The testimony further showed that Potter did agree with Knight to drive up his oxen as stated by Burton; that Knight took Potter's horse, went and got the cattle and turned them over to Burton & Smith about ten in the forenoon, some two days before they were found in the city. They were received by them near the Provo bridge.

There was further testimony that when Knight was driving the oxen out of the canyon, a Mr. Bean saw him and inquired of him what he was going to do with them and Knight said they were Potter's and that he was going to send them to Battle Creek to be kept.

AN ELEGANT WOMAN.—There is a person (says Balzac) whose harmonious voice gives to her conversation a charm found equally in her manners. She knows how to speak and keep silence; how delicately to engage herself to you, and use only proper subjects of conversation. Her words are happily chosen, her language is pure, her raillery caresses, and her criticism does not wound. Far from contradicting with the ignorant assurance of a fool she seems to seek in your company good sense or truth. She indulges in dissertation as little as she does in disputes; she delights to lead a discussion which she stops when she pleases. Of an equitable temper, her air is affable and gay. Her politeness has nothing forced in it; her welcome is never servile; she reduces respect to nothing more than a delicate attention; never tires but leaves you satisfied with her and yourself. Attracted to her sphere by an inexplicable power, you find her wit and grace impressed upon the thing with which she surrounds herself; everything there pleases the sight, and while there you seem to breathe fresh air of the country. She is natural. She never makes an effort at luxury or display. Her sentiments are simply rendered because they are true. She is frank, without offending any one's self-love. She accepts men as God made them, pardoning their faults and ridiculous qualities; comprehending all ages, and vexing herself about nothing, since she has enough tact to foresee everything. She obliges rather consoles; she is tender and gay; therefore you will love her irresistibly.