

Day had dawned and begun to throw gray light through the unblinded windows in the north and west, when the company assembled and received a father's benediction from our beloved President; and each went forth to seek repose in the more unobtrusive surroundings of home; and the freshest, fairest, gayest, cheeriest walkers, as they sallied forth at the full day-dawn of the "glorious fourth," were the guests of the Grand Union Ball.

#### THE GLORIOUS FOURTH.

The most noisy demonstrations of that day in this altitude, were made at or in the vicinity of Camp Douglas—random firing having been heard in that direction from soon after midnight—rendering night unenviable to those whose physical requirements just then, disposed them to court

"Tired nature's sweet restorer, balmy sleep"

More than midnight orgies in memoriam of George Washington, the Fourth of July, or "any other man." If any of the citizens of Great Salt Lake City were implicated in these out-of-the-time glorifications, we shall recommend them as fitting candidates for Fort Warren, or some other insane institution, if they do not hereafter desist from all such extravaganzas.

At or about day-break a salute of—guns was opened at the Camp, it was presumed in honor of the day, but of which we have received no official notice which, as a "loyal sheet," is unquestionably our due—else the momentous occurrences and doings at this notable military nucleus may pass into a possibly undeserved oblivion. The flashes of the powder as the man-destroying compound, belched forth its thunderous fire from the deep-mouthed cannon, were quite distinctly visible from East Temple street. The noise from it, however, was not so great, when it was re-echoed from the tympanum of our ears,—much of it having escaped to mingle with the "music of the spheres" or otherwise add to the universal combustification of such great occasions.

The time occupied by the report of each discharge in coming to the city was about fifteen seconds—from which data our mathematical readers will be readily able to calculate, without a solar observation, the exact distance from us at which the military have occupied their "commanding position." We might possibly give the figures in this problem ourselves, without imposing the task upon any one else; but time with us at this moment is peculiarly precious; besides, there may be some among us who are more clamorous than we are for definite information on the subject.

The doings on that day within the corporate limits of the Mountain Metropolis were of the most unostentatious character—the "Mormon motto" having been as much magnified as on any previous holiday of which we have any recollection—every one having the inestimable privilege of attending to their own business.

As soon as it was time for rising there was a species of "running" fire of rifles, shot guns, pistols, pop-guns, and of every conceivable projectile whose construction would admit of making a reasonable amount of noise without doing serious damage. Soon thereafter this selectable, gratuitous and indiscriminate burning of powder and derangement of atmosphere ceased, with the exception of an occasional squib of Chinese crackers or a random shot of some luckless wight who, perchance, had overslept himself and, on being awakened, finding that almost every urchin had hoisted, or blown a horn, or fired a gun in honor of the "glorious fourth"—many of them doubtless, knowing as much of the "glorious fourth" as they do of their great-grandfathers—thinking it better late than never essayed to do something, in the common way of burning powder to no purpose—a practice which, it is plain to us, must fall into disrepute, if the war continues. It will become too fierce a mode for ventilating our devotion to the day and the costly combustible will be consumed only where the

"Gory fellows of the cannon's wheels"

mark the maddened tread of contending foes. The time honored custom of parading through the dusty streets of a city, in mid-day, with the noontide sun pouring its scorching rays on the heads of such devoted patriots, we must confess never to have had any great relish for. This may not in the passing green-eyed, pigmean generation, with the

rampant majority be regarded as an eminently patriotic feeling; but we cannot help it more than the solemn unforced conviction of our own mind, that some other mode might be devised, which would be equally as demonstrative, patriotic and rational as that of a population patrolling the streets in noon-day procession, when the heat of the sun in the shade would be almost insupportable—the mingling dust and perspiring drops not greatly adding to the luxury of the jubilant perigrinations.

We have cause to congratulate ourselves in the peaceful, quiet, orderly and fraternal manner in which passed off the eighty-eighth anniversary since the presentation and signing of that great Ordinance of Freedom, the Declaration of Independence. Though as a people we have not assumed to be very blatant aspirants for large representative honors in the national arena; neither have we as yet contracted the distemper of ever foaming at the mouth with supercilious and swaggering professions of loyalty and patriotism, nor do we specially plead the untarnished record of our history to vindicate our high claims to regard for unflinching and uncompromising fealty; yet we have the soul-montier within us, each one, speaking in louder tones than all these of our truth, constancy, incorruptibility and manly support and defense, at all times, of whatever is constitutional, law-abiding and just, as a people.

Though it may be altogether vain and void of force just now, to avow an unflinching worship of the great principles which were laid down as the corner-stones of our Temple of Liberty, we do not entertain a doubt that a time will soon arrive when such an avowal will meet an appreciable response and merited reward from men who have proved themselves faithful adherents to constitution and laws and true friends of liberty and equal rights.

#### SUPREME COURT.

The annual sitting of the Supreme Court commenced and closed on Monday last. There were present on the occasion: Chief-Justice Kinney and Associates Drake and Waite; Aurelius Miner and James Ferguson, Esqs., Attorneys; Isaac L. Gibbs, Esq., U. S. Marshal; Mr. James D. Ross, Bailiff, and Mr. Patrick Lynch, Deputy-Clerk.

The presiding Judge took his seat about half-past eleven o'clock, and invited the Associates to take their places on the bench with him; Judge Waite complied, but Judge Drake said he was very comfortable where he then sat, which was at the attorney's table, with in a few feet of the identical spot occupied by His Honor at his (in)famous habeas corpus hearings, hence his attachment to the dignified (?) position.

The court was opened by proclamation by the Marshal.

The first important item was presented by Judge Waite, who objected to Mr. Lynch acting as clerk—first, because he did not like him, and secondly, on the ground that Mr. Appleby had no right to appoint a deputy. This, of course, was regarded as a bit of new revelation, and every soul present seemed to be astonished at the discovery. After learning, however, that Mr. Appleby was suffering with inflammatory rheumatism, this enlightened (?) jurist submitted to the old-fogy notion of the clerk of a court having a deputy, and without further argument on so grave a question, Mr. Lynch was permitted to take his seat as Deputy-Clerk. This display of Solonic wisdom appeared to annoy the Chief-Justice, who remarked that he never heard the right of a clerk of a court to have a deputy questioned before.

There being no business before the Court, this great jurist, who is so anxious to see the law magnified, but who has neither held a Court nor visited his district, then commenced to argue that the Supreme Court had original as well as appellate jurisdiction, and that therefore it would be a good thing to keep the court open a week to give those who might have business an opportunity of appearing. There might be, he said, some one on his way to that court with important business, who might be detained through sickness, or having a poor team could not get there as early as desirable.

Such a specimen of learned (?) lore as this, of course, had to be replied to, and therefore Judge Kinney remarked:

I hold that this court is purely, both by precedent and by law a court of appellate

jurisdiction; it is a court for the correction of the errors of an inferior tribunal, by a bill of exceptions taken from the court below, and that in no case can it exercise original jurisdiction, and that as there is no business before this court from any of the courts of the Territory, and no writs of error or appeal, I hold that there is nothing before the Court. I hold that it is important that there be a judgment from the Court below in order to give this Court jurisdiction, and that that judgment must appear on the record. Such have been the rulings of Supreme Courts, constituted as this court is.

It is impossible, in my opinion, for this court to exercise original jurisdiction. The act of Congress organizing the court, has made it purely appellate, and by the laws of this Territory there are but two methods by which the decision of an inferior court can be reversed in the Supreme court. One is by writ of error upon bills of exception to the ruling or decision of the District court, and the other by appeal. In each the record of the judgment of the District court must be properly certified to this court, and upon review of the record the judgment is affirmed or reversed. Affirmed in case no error appears of record, or reversed in case the error is apparent. Hence this court cannot assume original jurisdiction, or try and determine cases *de novo*, but only upon appeal or writ of error. No jury trial is allowable in this court nor can witnesses be examined touching the merits of the case heard and determined below, but it is only a court to try cases as presented by the record of the courts below. There have been but two District courts in this Territory since the sitting of the last Supreme Court. I have held both of those courts, and neither appeal or writ of error was taken or sued out from any decision or ruling of either of those courts, and as the last Supreme court concluded all the business that was before it, it follows, and the clerk so states, that there is no case of record to try or examine. Therefore, as we cannot take original jurisdiction, or hear and try a case in this court until it has been first determined or heard in the court below, I am in favor of an adjournment *sine die*.

Judge Waite then remarked that Supreme courts in the States exercise original jurisdiction. The Chief Justice then said, that such instances were very rare, and only allowed when the constitution and laws of those states conferred such jurisdiction, as was the case with the traveling Supreme court in Ohio, under the old constitution.

Judge Waite still insisted that the Court should be kept open, as some person might be on the way with business and be detained by sickness. The Chief Justice remarked that as no case had been taken up from the District court and as they could not entertain any original business that such was impossible, and he did not think it comported very well with the dignity of a Supreme court to sit there from day to day and fish for business. That if there was anything to present to the Court, as this was the day fixed by law for the holding of the court, then was the time to present it, and in the absence of any business, he, as a member of the court, was in favor of an immediate adjournment; also that he was opposed to keeping the court open at an expense to the government of from \$30 to \$40 a day, in these times when the government had need of all its funds. Judge Waite said that he did not wish to incur any unnecessary expense. The Chief Justice then asked Judge Drake what his opinion was in relation to an adjournment.

Judge Drake replied, that he should decline giving any opinion; and being again asked his opinion, he said he did not intend giving any opinion whatever upon any subject. He also said he should suppose however that if any person had business they would be ready to present at least so much of it as to say that they expected to have business.

The Chief Justice then ordered Mr. Gibbs, the United States Marshal to adjourn the court *sine die*. The court was then adjourned, and of course will not meet again until the first Monday in July, 1864.

#### MOUNT PLEASANT AND SPRINGVILLE EXPRESS.

It is well known to all having any knowledge of the geographical position of the several towns and settlements in Sanpete county, that many of them have no postal facilities; that is, they are without Post Offices if not without post roads—a great inconvenience in these exciting times, when all who have any interest in what is transpiring, at home and abroad wish to obtain the earliest information possible relative to the progress of events. Among the towns thus situated are Fairview and Mount Pleasant, the enterprising citizens of which have made arrangements for accommodating themselves, by establishing a weekly express from Mount Pleasant to Springville, by way of Spanish Fork, which will enable them to obtain their papers and other mail matter, if rightly directed, at least five days sooner than they can by Salt Creek, as the mails are now carried, and one day sooner than the mails can reach that valley by the Manti route, connecting with the southern mail line at Nephi.

#### THE CONFEDERATE INVASION.

The reported approach of the Confederates to within a few miles of Washington, as might have been expected, when fully confirmed, created great excitement in Baltimore, Philadelphia, and other principal towns whose security against occupation by the enemy depended upon the safety of the national Capital. This alarm, however, soon subsided, when it became known that the force passing so perilously near the President's house, was only a detachment of the enemy on a scouting tour and with intent, also, if a favorable opportunity presented, of cutting the Washington and Annapolis Junction Railroad, thereby completely cutting off communication from Washington with the North.

Whether this design was effected is not so clear; but that this and other inimical bodies of troops scouted through the country in the immediate vicinity of Washington and Baltimore, is probably as certain as any other report which has been flashed across the continent since Falsehood discarded its seven-league boots and contracted for passage by telegraph.

In the midst of all this panic and distraction prevailing at Baltimore, Philadelphia, Harrisburg, Chambersburg, and all other adjoining towns and intervening country, Washington was reported reposing in undisturbed felicity, although apparently a point at which the first and most stunning blow of the enemy would be directed, at the earliest opportune moment.

It was soon distinguishable, however, that neither Washington nor Baltimore were the present points of attack. The divided columns of the enemy were leaning towards Harrisburg or Chambersburg. Gettysburg, Pa., about thirty miles south-west of Chambersburg, was occupied by a considerable force, who were reported fortifying, as if for permanent occupation. Several other minor towns in the same section were also occupied—from most, or all, of whom heavy contributions were levied. In one instance the amount required reached three hundred thousand dollars—thirty thousand of which was paid in cash, and for the payment of the balance the Southerners generously granted the inhabitants twenty days' grace.

Harrisburg, the capital of Pennsylvania, was thrown into total confusion, as the enemy were reported again advancing in that direction. On the 27th they re-occupied Carlisle with an estimated force of ten thousand, occupying the barracks just the evening previous evacuated by Gen. Knipe, who had been placed there to contest their advance, but retired, saying that his force was insufficient to meet the enemy.

Pittsburg, for a week past, had been in a feverish mood—all business suspended—and the citizens turned out to erect fortifications. Up to the 26th, excitement was unabated.

On the 28th the invaders were reported within three miles of Harrisburg. All the militia and other forces were in position on the south bank of the Susquehanna awaiting an attack, confident of their ability to repel the enemy. At 6 p.m., same day, the enemy commenced throwing shells.

All the citizens of Harrisburg were armed and were to move cross the river on the morrow.

Previous to this all the archives and State papers were removed to some place of safety.

At Carlisle, large amounts of Government stores fell into the hands of the Confederates.

CONCERT—This (Wednesday) evening at the Thirteenth Ward Assembly Rooms, Messrs. Margetts and Bowring intend giving a Grand Concert, consisting of comic and sentimental songs, recitations, scenes, etc.—To assist them these gentlemen have engaged the services of several other gentlemen and ladies of undeniable declamatory, oratorical and musical ability—and, from the printed programme before us, we pre-judge the performance worthy of general acceptance and anticipate for them a full house.

We are informed that, on Friday and Saturday evenings other entertainments will be presented by the same company, with an entire change of programme and the professional aid of several additional gentlemen and ladies of enviable reputation in their peculiar line. The home stars are in the ascendant.

The war situation on the Mississippi remains without material change.