

[REPORTER.]
DISTRICT COURT, 2ND JUDICIAL DISTRICT.

PROVO, MONDAY, March 14, 1859,
10 a.m.

Minutes of Saturday (12th) were read by the clerk.

Court proceeded to the naturalization of persons wishing to become citizens of the United States.

Mr. C. M. Smith asked the court to continue the case of the United States vs. Moze and Looking-Glass, Indians, till Tuesday, the witnesses for the defence being absent.

The continuance was granted.

Mr. Wilson said that the grand jury seemed anxious to have all the evidence necessary in the cases before them, which he conceived right and proper. The Territory was so large and the witnesses were scattered in so wide a field that it took a long time to get them, and he was desirous not to pass upon any bill until he had the proper evidence. Mr. Deputy Marshal Williams was out with subpoenas for a large number of witnesses, and they would be there to-morrow.

Court took a recess till 4 p.m.

4 P. M.

Grand jury came into court, and the foreman presented the following:—

"The United States of America vs. John Cazier. Indictment for procuring and enticing a soldier to desert from the service of the United States."

Mr. Isaac Morley, jun., was excused from further attendance on the grand jury, on account of sickness in his family.

Several persons were naturalized.

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

TUESDAY, 10 A. M.

Mr. Wilson stated that the trial of Moze and Looking Glass, Indians, was appointed for that day, but the grand jury had some important cases under consideration, and he presumed they would require his services. He would, however, leave it with the court to decide whether he should go on with the trial, or attend upon the grand jury and the trial be postponed.

The court postponed the trial till next Monday, the 21st inst.

The traverse jury were adjourned till Monday, 21st.

It was mutually agreed that the trial of John Cazier be called up on Monday next, the 21st.

Court engaged in giving naturalization papers till 11.30, and announced a recess till 2 p.m.

2 P. M.

The court declined issuing the final papers of citizenship to an applicant, on the ground that the declaration papers were issued in the St. Louis Criminal Court, which was not a court of common law jurisdiction.

Mr. T. S. Williams said he thought it was the duty of the court to ask each person, who presented himself for naturalization, whether he had been engaged in bearing arms against the United States since he made his declaration of intentions, and if so, he wished the court to require him to make a new declaration.

Judge Cradlebaugh replied that persons applying for naturalization did not generally employ counsel, but, as a member of the bar, Mr. Williams might examine the witnesses, if he wished; and at a proper time the court would examine the question presented by the attorney, and ascertain what the probable effect on such persons would be, and would decide whether the parties having borne arms against the United States, since they made a declaration of intentions, would disqualify them for taking out their final papers.

Mr. Miner observed: If the court please, I would simply suggest that the law does not specify that any such requisition shall be made, neither does it say that parties applying for naturalization shall be liable for having borne arms. There is no act of Congress that works corruption of blood, and there is no act of Congress that prohibits any alien from becoming a citizen, except for the offence of treason, and not then when the alleged acts of treason have been pardoned. The gentleman wishes to bring before your honor matters that the law does not specify nor anticipate, and matters which your honor cannot take judicial cognizance of, because they have been passed upon by the highest tribunal in the country. Such being the case, we shall object to those questions being put to the parties applying for naturalization.

The Judge remarked that the court had no right to suppose that any persons had been guilty of treason, but if such a thing were proven, the court would then decide upon the question. The law is that "the court shall be satisfied that the person has lived," &c. The question that would be presented was whether the person applying had behaved himself as a person of good moral character, and was attached to the Constitution. It was a simple fact, and when that fact was established the court would decide the question.

Mr. James Parker next presented himself to be naturalized.

The Judge asked the witnesses the usual questions, all of which they answered satisfactorily; he then proposed the following question: "Have either of you known Mr. Parker bear arms against the Government of the United States?"

The question was answered in the negative, when the court turned the witnesses over to be questioned by Mr. T. S. Williams.

Mr. Williams asked the witnesses the following questions, among others:—Do you know of his having, at any time, enlisted into the service as a minute man? Do you know anything of his having borne arms against the United States? Was he engaged in the late rebellion against the Government? Was he out in Echo Canyon one

year ago? What do you know about his bearing arms in Lake City?

Mr. Williams then said he would let that case pass and Mr. Parker was permitted to become a citizen of the United States.

Mr. Williams occupied himself in like manner, while about twenty persons were made citizens. Court adjourned till to-morrow at 10 a.m.

WEDNESDAY, March 16, 10 a.m.

The Clerk read the minutes of Tuesday.

Mr. Smith presented a bill for services rendered as an attorney in the case of Moze and Looking Glass, Indians. The court ordered the bill spread upon the records, and the marshal to pay the account.

Court took a recess till 3 p.m.

3 1/2 P. M.

Court resumed its session.

Mr. Miner presented a petition for a writ of injunction, to stay an execution which had been issued from the court in the 3d Judicial District, in favor of Messrs. C. A. & E. H. Perry, and against D. W. Jones, on the ground that there had been no service.

Mr. Smith, counsel for Messrs. Perry, objected, and contended that the party had been duly summoned.

The court said he would hold the question under advisement until to-morrow morning.

Mr. William Parsons applied for naturalization papers.

Mr. Williams opposed the application; asked the witnesses if they had seen the applicant bear arms. Negative answers were given.

Not satisfied with the answers of the witnesses, Mr. Williams asked Mr. Parsons if he had borne arms, or if he knew of any company being raised in American Fork.

Mr. Miner objected to such questions; he said that Mr. Williams might as well ask the witness if the members of Congress got drunk, and that that question would have just as much to do with the case before the court as the other.

Mr. Williams replied, if the community could exculpate themselves from the charge of bearing arms against the government he wanted to see them do it. If it could be proven that there were no ditches dug in Echo canyon, no rocks piled up; if there was nothing of the kind done to repel the army by those who were wishing to become citizens of the United States, he would like to know it.

Mr. Miner said, he was not aware that those persons applying for naturalization had any wish to become "citizens of the army." If Mr. Williams wished to prove that those persons were guilty of any offence, let him accuse them, or some one of them, and send his witnesses before the grand jury, but he contended that an open court was not a proper place to ask those leading questions, which might make the witness criminate himself. If he wanted to find one or more of the witnesses guilty of some offence, he must seek for his finding before the grand jury, and not in open court, nor by those witnesses who had nothing to do with it. Mr. Miner contended that there was no evidence before that court that there was a single individual in Echo canyon, bearing arms, and admitting that there was he would like to know what that had to do with the application of Mr. Parsons to become a citizen of the United States. If there were companies raised at Pleasant Grove and American Fork, he would ask the court what that had to do with the question before them. He contended that he (Mr. W.) was trifling with his witnesses and trying to make them criminate themselves.

The court overruled Mr. Miner's objections, and Mr. Williams was permitted to continue his interrogations.

Mr. Williams asked the court to defer the matter until he could send to American Fork for witnesses to prove that Mr. Parsons was enrolled in a company.

A discussion of two hours duration was had on the question, after which the court said that he did not feel authorized to delay the case for witnesses, but Mr. Williams continued his interrogations till Mr. Parsons became a little warm, and pointing to Mr. Williams, said: "I have been in the United States 19 years, and I have never broken a law yet, and that is more than you can say!"

Court ordered the clerk to issue Mr. Parsons' final papers.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, March 17, 10 a.m.

Mr. Miner presented several other cases and Mr. Williams was permitted to continue examining the witnesses on the Echo canyon question.

The entire forenoon was occupied in disposing of some five of these cases.

The Court refused to grant a writ of injunction on the petition of Mr. Miner, and dismissed the case, and took a recess till 3 p.m.

5 1/2 P. M.

The grand jury having made no presentments, the judge ordered the court adjourned till to-morrow at 10 a.m.

FRIDAY, 10 A. M.

Court met pursuant to adjournment. Grand jury were called into court, and the judge addressed them as follows:—

The court desired that the grand jury should be brought before them for the purpose of laying down a rule that governs in regard to the testimony that is required in a case before a grand jury, to warrant them in finding a bill of indictment. The same testimony is not required before a grand jury that is on the final trial. When put on trial the defendant brings his witnesses there, and the case is tried and the issue is made, but your duty is barely to examine into the facts of the case. I find this laid down in "Archbold's Criminal Practice and Pleading." He then read from the above work some principles and rules of evidence, after which he remarked: The court

thinks that those matters are well put there, that they lay down the correct rule, and the question is whether the grand jury have sufficient evidence to make out a bill. If the grand jury were to adopt the rule that they would examine all the witnesses on both sides, the very fact of the finding would prejudice the defendant himself; therefore you see the reasonableness of the rule here mentioned, that the party should be put upon his trial, and then the evidence for the defence be presented. But it is sufficient in the examination before the grand jury to have that evidence which will warrant you in finding a bill.

The court thought it proper to call you in and explain to you, that you might understand this matter.

Edward Robinson was admitted a citizen of the United States; Thomas S. Williams, Alex. Williams and Hosea Stout were called as witnesses.

Court took a recess until 2 p.m., when the court resumed its session.

Four witnesses were sworn to testify before the grand jury, and immediately after receiving their tickets, preparatory to going, Marshal Dotson arrested two of them, viz., A. F. McDonald and Hamilton H. Kerns, on a warrant issued by the judge in chambers, on the affidavit of Mrs. Parrish, charging them with the murder of the Parrishes and Potter. This warrant was issued by the judge without the knowledge of the district attorney, or the clerk, and the parties arrested as aforesaid.

Court took a further recess till half-past 4 p.m. There being no business then before the court, it was adjourned until to-morrow at 10 a.m.

About half-past 3 p.m. the U. S. Marshal arrested B. K. Bullock, mayor of the city of Provo, on a charge of being accessory to the murder of W. R. and W. B. Parrish and Gardner G. Potter. This also was done on the affidavit of Mrs. Parrish, and the writ was issued privately.

SATURDAY MORNING, 10 A. M.

Court met pursuant to adjournment; minutes of yesterday were read by the clerk.

The judge asked the District Attorney if the grand jury were or would be ready to report to-day.

Mr. Wilson remarked that they were then consulting upon a case that had occupied their attention for several days; as to the result he could say nothing at that time.

The judge said there were several persons under arrest on bench warrants, that would probably like to have a hearing; and asked the District Attorney if he was ready to prosecute those cases.

Mr. Wilson said he was ready, at the call of the court, to attend to any business that might be before it.

Gen. Blair and Col. Stout announced that they were ready for the examination.

The prisoners were brought into court.

The District Attorney asked if the examination which they were about to proceed with, was relative to the case before the grand jury.

His honor answered in the affirmative.

Orrin Parrish was sworn, and was examined till 1 p.m., when the court took a recess for one hour.

2 P. M.

The examination of Mr. Parrish occupied about another hour. Cross examined by Messrs. Stout and Blair.

James O'Bannon was sworn and examined.

Mr. Alex. Williams was called by the prosecution and examined in the case of Mr. Bullock. His evidence went to prove the innocence of the accused, and Mr. Bullock was immediately discharged.

His honor then adjourned the examination of the other two prisoners until Monday at 9 a.m.

During this week 213 persons have made a declaration of intention, and 42 have received full papers of citizenship.

COLD, JANUARY 10.—Oswego, N. Y., sunrise—Foot of snow. Thermometer 20 deg. below zero. Reported 20 deg. below in the suburbs.

Ogdensburg, N. Y., sunrise—Thermometer 30 deg. below.

Watertown, N. Y., sunrise—Thermometer 36 deg. below.

Fulton, N. Y., sunrise—Thermometer 20 deg. below.

Phoenix, N. Y., sunrise—Thermometer 32 deg. below.

Hudson, N. Y., sunrise—Thermometer 18 deg. below.

Troy, N. Y., sunrise—Thermometer 17 deg. below.

Buffalo, N. Y., sunrise—Thermometer 20 deg. below.

Boston, Mass., sunrise—Thermometer 5 deg. below, and at 10 a. m. thermometer was at zero.

Portland, Me., sunrise—Thermometer 17 deg. below.

Eastport, Me., sunrise—Thermometer 12 deg. below. Snowing and blowing hard.

Bangor, Me., sunrise—Thermometer 26 deg. below.

Burlington, Vt., sunrise—Thermometer 32 deg. below.

Rouse's Point, N. Y., sunrise—Thermometer 38 deg. below.

St. Johnsbury, Vt., sunrise—Thermometer 30 deg. below.

Hornellville, N. Y.—At 7 a. m. thermometer 18 deg. below. Clear.

Port Jervis, N. Y.—At 8 a. m. thermometer 16 deg. below.

Dunkirk, N. Y.—Clear and cold; about 12 inches snow; thermometer at zero.

Elmira, N. Y.—Thermometer 12 deg. below. Wind north.

Newburg, N. Y.—Clear and very cold. Thermometer 8 deg. below.

As the angler said to the fish, we drop you a line.

Across the Atlantic in Sixty Hours.

Prof. Steiner, the young American aeronaut, that made an aerial flight from Cincinnati to New York last fall, alighting in a neighboring corn field, has been engaged for some time in attempts to solve the problem of aerial navigation, and, it is thought, has been successful. The Xenia News announces that he is about to make a practical application of the result of his experimenting. The editor of that paper has been shown the plans and specifications of a monster airship, designed to cross the Atlantic in sixty hours, for the construction of which Professor Steiner desires to secure the aid of Congress. The general idea of the plan for its construction is thus given:—

The bottom is to be of thin sheet copper, weighing not more than half a pound to the square foot. It is to be cigar shaped, very much like the Winans' steamer, 300 feet long and 80 feet in diameter at the centre, tapering towards each extremity. Beneath this balloon is to be suspended by wire cables a platform of the same conical shape with the balloon itself. On the central part of this platform is to be placed the machinery of the air ship and the cabin for passengers. The surface measure of the balloon will be 151,425 square feet, and its total weight will be 37 1/2 tons. It will contain 2,874,460 cubic feet of gas, which will support in the air a weight of 86 1/2 tons. The platform, cabin, machinery, etc., are estimated at 18 tons, leaving still power enough to elevate 21 tons passengers, of freight and ballast.

It is proposed to propel this vessel by means of large paddles or fans, to work in the air as the paddles of a steamboat work on the water. There is to be one wheel on each side of the vessel, and at the stern is to be a screw propeller, all of these to be worked by steam engines placed at the centre of the platform. The side wheels have the paddles so arranged as to fold up like a lady's fan as they enter the wheel-house above, and to unfold again as they strike the air in the desired direction. There are to be three small oscillating engines, of five horse power, one for each wheel.

To confine the balloon to a given height above the water, it must be evenly ballasted, attached to a copper float in the water connected to the platform underneath the air ship by a coil of wire rope. An ingenious contrivance, which cannot be satisfactorily explained on paper, is attached to the platform, whereby the balloon is as certainly steered as a vessel in the water.

Prof. S. thinks he has effectually overcome the two great difficulties encountered by all experimenters in aerial navigation, viz: the expansion and contraction of gas, and the difficulty in exhausting the common air from the balloon with rigid sides, without having it crushed. The means used to obviate these difficulties we have not the space to explain; but, suffice it to say, the process seems wholly practicable and effective.

It is calculated that, with head winds, a speed of 40 miles an hour can be obtained with this air ship, and with favorable gales the speed would be increased to 100. Prof. S. estimates the cost of building such a balloon at \$40,000.

COST OF ROYALTY AT ATHENS.—The royal palace at Athens cost two millions of dollars. For this sum the Greeks have an immense, ugly pile of Pentelic marble, as large as Buckingham, or the Residenz at Berlin. One fourth of the money would have built a beautiful structure, proportioned to the size and means of the country. The king has a salary of one million of drachmas (\$166,666) per annum, which, to his credit, he spends in and about Athens. The court alone swallows up about one-twelfth of the entire revenues.

Then there is a list of salaried and pensioned officials—civil, military, and naval—such as no country in Europe, relatively, exhibits. In the navy there is just about one officer to every two-and-a-half men; in the army, which numbers 9,000, all told, there are no less than seventy generals!

The revenues of the country amount to something more than \$3,000,000 annually; which, for a population of 1,100,000, is a sum sufficient not only for the machinery of government, but the rapid development of the present neglected resources; yet, it is easy to see how, between useless expenditure and official venality, the whole of it is swallowed up. Norway with a smaller revenue and a larger population, supports her roads, schools, colleges, steamship lines, army, navy and police, and keeps out of debt.—[Greece; its People and Government. By Bayard Taylor.]

THE "IRON GATES" OF THE DANUBE.—At Gladowa, we entered the celebrated Iron Gates, where a spur of the Transylvanian Alps, running south-westward through Servia to join the central mountain chain of Turkey, attempts to barricade the Danube. But, like the Rhine at Bingen, and the Potomac at Harper's Ferry, he has cut with his crystal sword the Gordian labyrinth he could not thread, and roars in a series of triumphant rapids through the heart of the terrible hills. Covered with forests of oak, beech, larch and pine, the mountains tower grandly on either hand, while through their interlocking bases the river descends in watery planes, whose slant can be readily measured by the eye. The rocks have been blasted so as to afford a channel for the steamer, which trembles in every timber as she stems the foamy tangle of chutes and whirlpools. Let one of her iron muscles give way, and the river would have his will. A mile and a half slow, trembling, exciting progress, and we have mounted the heaviest grade, but six hours of the same tremendous scenery await us. We pierce yet sublimer solitudes, and look on pictures of precipice and piled rock, of cavern and yawning gorge, and mountain walls almost shutting out the day, such as no other river in Europe can show.—[Bayard Taylor.]