

DESERET NEWS.



ALBERT CARRINGTON.....EDITOR.

Wednesday, December 1, 1858.

The "DESERET WRITING BOOK" for sale at this office. Price 25 cents.

Advertisements, to insure insertion in the current issue, must be handed in previous to Tuesday morning.

THE Business and Delivery Office of the Deseret News is removed to the north-east room of the Council House, up stairs, where the "News" will be delivered, henceforward.

WOOD and HAY wanted at the Deseret News Office.

ERRORS AND REVISIONS.—In the charge to the Grand Jury, (published in No. 38, Vol. VIII of the 'News', and set up from what was politely furnished to us as a faithfully correct copy of the charge read in Court, except in making the capitalizing and spelling of certain words uniform, the punctuation more in accordance with common usage, and changing 'probably' to 'probable',) we find the following typographical error:—"exoribus" instead of "uxoribus". We regret that a single typographical error, even though one so unimportant, occurred, for compositors and proof readers took great pains in following copy; but all printers are aware that it is rather difficult to entirely avoid minor typographical errors, when the copy is manuscript.

In another copy of the charge, said to have passed under the Judge's revision, we find the following variations from the 'News' copy:—(The paragraphs are numbered as printed in the 'News'.)

Par. 7, 'respectively' for 'respectfully'; 'bear' for 'bears' in line 4, par. 16; 'intended' for 'extended' in line 8, par. 17; 'of' for 'or' in line 6, par. 24; 'this' for 'the' in 1st line of par. 26, and 'of treason', in 1st and 2nd lines of same paragraph struck out; 'transmitted' for 'transmittible' in line 13, par. 30; '673' for '573' in last line of par. 32; the , between 'uniform' and 'clothing' in line 5, par. 33, struck out; 'these' for 'those' in line 4, par. 34, and '105' for '115' in last line of same paragraph; 'and whipped not exceeding thirty nine stripes', in lines 8 and 9 of par. 55, struck out; 'these' for 'those' in line 7 of par. 42; 'or' between 'bet' and 'wager', line 3, par. 45, struck out; 'Mr. Justice' struck out of line 1, par. 50; in paragraph 54, 'proper' for 'due to history' in lines 5 and 6, 'this Court' for 'the world' in line 7, 'Then let the responsibility attach to those to whom it legitimately belongs' struck out of lines 11 and 12, and 'then' inserted in 13th line between 'Territory' and 'desires'; 'let it go to the world' in lines 2 and 3, par. 55, struck out, and 'respecting Polygamy' added after the last word 'end' in the same paragraph; 'for' inserted between 'act' and 'the', line 4, par. 56; 'more' for 'so', 'or' for 'and', 'than' for 'as', line 3, par. 59; and 'afforded' for 'offered', line 2, paragraph 60.

Any one wishing to note the effect of the above revisionary changes, can easily do so by numbering the paragraphs in the charge, as printed in No. 38, and marking the alterations, which, if done with pencil, will not materially disfigure the paper.

It has ever been the course of the 'News' to print all matter precisely as the author wishes it, or to decline printing it. And in this case, not suspecting for a moment that a charge carefully prepared and read in open Court required aught but care in following copy, great pains was taken in reading and correcting proof, which resulted in the immaterial error of 'exoribus' for 'uxoribus'.

As the charge was read in open Court, it was deemed, whether right or wrong, public property; and the 'News' was naturally anxious to gratify the public with its perusal at the earliest date. To accomplish this, so far as we have yet been informed, we used none but legitimate and strictly honorable measures.

Notwithstanding the lack of any true requirements upon us to that effect, so far as we know, still we should with pleasure have submitted a revised proof to the Judge, had not the previous hindrances prevented our doing so and coming to time with last week's issue, for, as it was, we fell slightly behind time.

City Creek Afloat!

Winter is again upon us, and, to avoid, as far as possible, muddy streets and sidewalks, we suggest to all owners and occupants of lots in this city that they take measures without delay, to effectually prevent the water from flowing beyond its legitimate bounds.

We have noticed, since the frosty nights commenced, that the side-walks and streets in many places have been rendered almost impassable from the water overflowing the sects.

Whether the City Water-Master or his deputies in the several Wards assume, during the winter season, any control of City creek and its branches, we do not know. If they do, we respectfully call their attention to this matter. If they do not, every citizen should be sufficiently interested to add his mite towards securing passable thoroughfares. It is fully time something was done by somebody.

There is a stream of water, taken from one of the main sects on the hill, just east of Pres. B. Young's, for a private purpose, which, where it crosses South Temple street side-walk, on the upper side, has torn a wide and deep gap, which, besides being dangerous, especially in the evening, is in direct violation of our city ordinances. The road and side-walk below, on the same street, are also much injured and cut up by this stream, as also the side-walk and road on the street below, (First South street) in the vicinity of Gen. H. S. Eldredge's.

In several places on the upper side of First South street the water, used for irrigation or other purposes, is suffered to flow over and saturate the side-walk, and, in one instance, from the filth of a cow-yard, by which the walk is constantly kept muddy and the water in the sect rendered unfit for use.

These are infringements on the laws and order of our city which, doubtless, have escaped the due consideration of those aggressing; but we take the present opportunity of notifying the public that, by the City Ordinances, any person is finable who permits the water to cross the sidewalk or road adjoining his premises, except in a bridged sect; and trust that these hints will be sufficient.

CROPS AT HEBERVILLE.—From br. Joseph Horne, late from the Southern part of this Territory, we learn that the cotton crop at that locality has been almost totally destroyed by frost.

From 33 acres, planted in cotton, which in mid-summer gave prospect of a yield, if not very remunerative, yet an improvement on the crops of previous years, only 650 lbs. ginned cotton have been realized. It is thought that a few hundred pounds of late cotton may be yet gathered, should the season be propitious, which, of course, will be of inferior quality. It is estimated that the cost per pound to the planter will not be less than \$3.

Br. Horne informs us that the yield of cotton at Washington will also be much reduced, on account of the unusually early frosts.

The Sorghum Sacre crop at Heberville, though not heavy, has given more satisfaction. From about three acres of cane some 200 gallons of molasses have been made. A considerable quantity of choice seed has also been secured, having been matured and grown in fields far separated from broom corn, or any other species with which the Sorghum would mix; and, as, in some of our southern settlements, the Sorghum, thro' carelessness, has become deteriorated thro' mixture with broom corn, it would be well for those settlements to obtain the pure, unadulterated seed from Heberville, and in no case plant that which may have been in the least degenerated.

ARRIVED, Nov. 29, Mr. Ormus with a merchandise train of 13 wagons, by the northern route from California.

[For the Deseret News.]

Kirkham's Grammar Wanted.

MR EDITOR:—

By the suggestions of a number of friends, and also by my own inclinations, I have thought that I would instruct a class or two in the science of English Grammar in this city this winter, provided the requisite number of copies of the above named work can be obtained.

As this Grammar cannot be purchased at any of our stores in this city, I would request all private individuals who may have a copy or copies of this work in their possession and who may be willing to sell or lend them to aid the cause of mental improvement, to bring them forward to me at my residence; and I will purchase them or receipt for them as the case may be. These approaching long winter evenings may be very profitably and agreeably spent by our young men and women in the study of this important and highly useful branch of education.

I hope all may feel a sufficient interest in a school of this kind, to examine their books and see what they may have. Bring them forward and allow them to be used on some terms, and not suffer them to remain "rolled up in a napkin," nor yet, upon your shelves useless and covered with dust.

Respectfully,
ORSON HYDE.

G.S.L. City, Nov. 30, 1858.

Mayor's Court.

G.S.L. CITY HALL, Friday, }
Nov. 26, 1858.

On complaint of John Sharp, Police Officer, a writ was issued by Mayor Smoot for the arrest of Charles A. Kinkead, Wm. H. H. Fall, John Mendenhall, Lieut. Sanders and Dr. E. N. Covey.

The writ was served upon C. A. Kinkead, W. H. H. Fall and John Mendenhall, who appeared in Court. The others could not be found; supposed to have gone to Camp Floyd.

COMPLAINT.

To A. O. Smoot, Mayor of Great Salt Lake City:—

THE PEOPLE OF G.S.L. CITY

vs.
E. N. Covey, Charles A. Kinkead,
W. H. H. Fall, John Mendenhall, Lieut. Sanders.

John Sharp, of the City of Great Salt Lake, Territory of Utah, upon his oath, complains that E. N. Covey, Charles A. Kinkead, W. H. H. Fall, John Mendenhall, Lieut. Sanders, of said city, together with others whose names to him, the said John Sharp, are as yet unknown, on the 22d day of November, 1858, between the hours of ten and eleven o'clock at night, with force and arms, near the store kept by the firm of Livingston, Kinkead & Co., in the city and Territory aforesaid, did unlawfully and riotously assemble and gather together, to the great disturbance of the peace, and being then and there assembled and gathered together, the said E. N. Covey, Charles A. Kinkead, W. H. H. Fall, John Mendenhall, Lieut. Sanders and the said other persons to the said John Sharp unknown, then and there unlawfully, riotously and tumultuously remained and they, the said E. N. Covey, Charles A. Kinkead, W. H. H. Fall, John Mendenhall, Lieut. Sanders and the said other persons to the said John Sharp unknown, continued together making great noise by brawling and noisy acclamations and committing great violence by assaulting and abusing the Police of said city, who were then on duty, and other disturbances for the space of one hour, to the great terror of the people and against the peace and dignity of the city and contrary to the ordinances of said city in such case made and provided. He therefore asks that the said E. N. Covey, Charles A. Kinkead, W. H. H. Fall, John Mendenhall and Lieut. Sanders may be brought before your Honor's Court to be dealt with as law and justice shall require.

JOHN SHARP.

November 23, 1858.

GREAT SALT LAKE CITY, }
Nov. 23, 1858.

The said John Sharp made oath to the truth of the foregoing complaint before me,

A. O. Smoot, Mayor.

Counselors:—J. C. Little, Esq., for the prosecution, and Kirk Anderson, Attorney at Law, for the defendants.

Witnesses were sworn and examined on the case against C. A. Kinkead. The Court deferred decision until Saturday morning.

J. C. Little, Esq., entered a 'nolle' in the case of J. Mendenhall, having ascertained that he endeavored rather to allay than increase the disturbance.

K. Anderson, Esq., in behalf of Wm. H. H. Fall, wished the Court to adjourn till to-morrow morning, to give them time to summon witnesses, whereupon the Court adjourned until 9 a.m. of Saturday.

9 a.m., Saturday, Nov. 27.

The Court decided that Charles A. Kinkead be fined \$20.00 and pay costs of suit.

K. Anderson, Esq., confessed judgment on behalf of W. H. H. Fall, informing the Court that his client was willing to pay the same amount of fine as was awarded to C. A. Kinkead, and the cost of suit, which the Court assented to.

REPORTER.

District Court.

[Reporter.]

THURSDAY, Nov. 25, 10 a.m.

Court met pursuant to adjournment; gave instructions to the Grand Jury, and informed those present that a recess would be taken until 2 p.m., to meet at that time in the Social Hall.

2 p.m.

The Grand Jury were called, and retired to their room.

A motion to take up Territorial business was made and argued, and the Court decided not to call up, at present, the class of cases included in the motion.

The Court ruled that only the days during which it sat would be counted in the number of days assigned to a term.

Adjourned to Friday, the 26th, at 11 a.m.

FRIDAY, Nov. 26, 11 a.m.

On the question whether the U. S. District Attorney and Marshal should act before the District Court in Territorial cases, to the exclusion of the Territorial officers, the Court stated that the United States District Attorney for the Territory of Utah and the Attorney General of this Territory were at liberty, if they wished, to each associate another member of the bar with themselves. The Court announced that for arguing the question the

U. S. District Attorney had associated C. M. Smith, Esq. with himself, and the Attorney General for Utah had associated Major S. M. Blair.

A written question being propounded by the Grand Jury, the Court replied that, the question being a serious one, they might take a recess until to-morrow at 11 a.m., when he would give them his views.

C. M. Smith, Esq. opened the argument concerning U. S. officers acting in Territorial cases before the Court, to the exclusion of the Territorial officers, and was followed by Major S. M. Blair. Mr. Blair being suddenly taken unwell, in the midst of his argument, the Court ordered a recess until 3½ p.m.

3½ p.m.

The Attorney General reported the continued illness of Major Blair, and requested an adjournment until to-morrow at 11 a.m., which the Court granted.

SATURDAY, Nov. 27, 11 a.m.

The Judge informed the Grand Jury that he desired further time to give an explicit statement on their written question, and adjourned them until Monday, Nov. 29, at 11 a.m.

Major Blair concluded his argument, and the Court took a recess until 3½ p.m.

3½ p.m.

Mr. Stout began and closed his argument upon the pending question, and the Court adjourned to 11 a.m., Monday, Nov. 29.

MONDAY, Nov. 29, 11 a.m.

In reply to the question propounded by the Grand Jury, the Judge informed them that they were not to inquire into acts committed in Green River county, but to confine their inquiries to this District; and also informed them that the U. S. District Attorney, Mr. Wilson, would explain to them why he had withheld bills upon the subject mentioned in their note to the Court. Mr. Wilson then assigned the following reasons for the course he had taken in the matter:—

"May it please your Honor—Gentlemen of the Grand Jury:—

By permission of his Honor, Judge Sinclair, I am permitted here publicly to give you the reasons why, as Prosecuting Attorney of the United States for this Territory, I have presented no bills of indictment before you for treason at this Court.

Gentlemen of the Grand Jury, in regard to the subject of treason, as the same has been here given you in charge by the Court, there are certain facts and circumstances of a public character which must necessarily come to your knowledge and govern your action in the premises, as a Grand Inquest, and which must govern my action and circumscribe my duties as the Prosecuting Attorney of the United States for this Territory.

I refer to the Proclamation of the President of the United States to the people of Utah on the subject of treason, dated at the city of Washington, April 6, 1858, which I have here in court as evidence before you. It is here a witness, and that it is such a paper as proves itself, I will refer the Court to 2 Bacon's Ab. 609, where, *inter alia*, it is said the Gazette is evidence of all acts of State. Also to 12 Mod. 216; 8 State Trials 212, and 2 Camp. Rep. 44.

This Proclamation, Gentlemen of the Grand Jury, is a state paper, emanating from the high Executive of the Nation, which, in his wisdom, he has seen proper to publish to the Nation and to the inhabitants of Utah, whom it especially concerned, and of which the Prosecuting Attorney of the United States, in his official capacity in the Territory of Utah, must take notice and by which he must be governed.

This Territory belongs to the United States and is subject to the control of the National Legislature; and the President of the United States, a co-ordinate functionary of the National Legislature, by the powers vested in him by the Constitution and laws, has issued this Proclamation. The Proclamation was brought to this Territory by Commissioners appointed by the same high power, and these Commissioners, in a public conference with the people of Utah, convened here in Great Salt Lake City, in the month of June last, for that special purpose, then and there made its contents known and published them to the inhabitants of Utah. These Commissioners were invested with authority to carry into effect the provisions of the Proclamation—they did it and returned to their homes.

The conditions, expressly set forth in the Proclamation were accepted and acquiesced in by the people of Utah, whom they concerned, at that conference and at subsequent conferences at Provo and elsewhere in the Territory, and that acceptance and acquiescence has been farther fully evidenced by the conduct and acts of the people since that time.

The conditions, as expressed in the Proclamation, are clear and distinct and can admit of no misunderstanding. The language is as follows:—

"Now, therefore, I, James Buchanan, President of the United States, have thought proper to issue this my proclamation, enjoining upon all public officers in the Territory of Utah, to be diligent and faithful, to the full extent of their power, in the execution of the laws; commanding all citizens of the United States in said Territory to aid and assist the officers in the performance of their duties; offering to the inhabitants of Utah who shall submit to the laws a free pardon for the seditions and treasons heretofore by them committed; warning those who shall persist, after notice of this Proclamation, in the present rebellion against the United States, that they must expect no farther lenity, but look to be rigorously dealt with according to their deserts."