

or essentially followed his lead in the way of breeding their own.

His rule was breeding "in-and-in;" his exception, that of finding anything fit to breed to his own stock in the hands of others. He bred for symmetry of form and a high quality of flesh, disregarding all else in his cattle and sheep, while his ponderous cart-horses hauled mountains of coal, and butts of beer, with elephantine carcasses, a development of muscle, and a beauty of form, which, at the present day, are the pride and admiration of the coal-dealers and brewers of London and Liverpool. He established in public approbation, the present metropolitan draught-horse.

Price, also, the most successful Hereford cattle breeder on record, until twenty years ago, whose prizes during his active life ranged in the first lists all the shows where he exhibited, never went out of his own herd for a breeding bull or cow, for forty years, and when he retired, left the best herd of his kind in all England. His breed was not promiscuous, letting all his things run together as in common herds; but, like Bakewell, wanting to perpetuate, or improve certain qualities in his herd, he selected the materials having those qualities of excellence—not defect—which were required, regardless of close relationship in blood, and he used them with entire success. He lost, while perfecting form and flesh, neither constitution, size, nor stamina, but increased them all. His cattle were neither diseased, nor were they idiots or imbeciles, but models for other breeders, who eagerly sought his herds, and, as far as their skill permitted, followed his example.

But enough for this once; and if Mr. Clay, or some other opponent of "in-and-in," shall not speedily demolish me, I will say a little something hereafter about the Collings, and other noted short-horn breeders of the last and present centuries.

A CATTLE BREEDER.

[REPORTER.]

COURT DOINGS AT PROVO.

TUESDAY, 10 A.M.

Four prisoners were brought into court; two of them were the Indians, Moze and Looking Glass, charged with committing a rape at Spanish Fork; the other two, Henry Jenkins and E. F. Jerrold, were accused of stealing government property in the neighborhood of Camp Floyd. The prisoners were ordered to stand up, and while in that attitude his honor thus addressed them:—

You have been charged with the commission of offences against the government, and against the Territory, but while it is the duty of the court to prosecute all offenders and violators of the law within its district, it has at the same time to see that the accused have their rights as guaranteed by law.

As to a portion of you, the grand jury have been discharged without finding any bills against you. Criminals have rights as well as the public, and their rights should be regarded. Crime should be prosecuted ordinarily, but in looking at the constitutional rights guaranteed to you, the grand jury having adjourned, [summarily discharged] the court feels it its duty to discharge you without trial.

One reason that induces the court to do this, is, that there is an attempt to pervert the court from its proper usefulness and sphere. It would seem that individuals in the community would use the court to punish offences, especially if committed against certain persons in this community, while they will not enforce the punishment of their own offenders, who have committed crimes that are far more outrageous than those committed by you.

The court is determined to discharge fully and faithfully its duty, it will not be perverted; therefore the court will discharge the prisoners, and see whether there will be a time when there will be a proper regard for law and the good order of society, and when they will prosecute offences; therefore you are discharged.

With regard to these Indian prisoners they will be kept in the care of the military authorities until they get to Camp Floyd, where they will be finally discharged.

Gen. Wilson said: If your honor please, I am desirous that everything should be done to carry out the law, and that justice should be properly executed upon all offenders charged with the violation of law. As the grand and petit juries have been discharged, I will state to your honor that, if it is your intention to hear cases as a committing magistrate, I will, in my official capacity, as public prosecutor, render your honor every assistance in my power.

I understand your honor is now sitting as a committing magistrate, for the investigation of criminal offences, and I shall consider it my duty to render you all the assistance I can, and will do it cheerfully and effectually.

Mr. Miner suggested that there was no United States commissioner for the 2nd Judicial District, and recommended that an appointment be made of that character.

Judge Cradlebaugh replied: The time is very limited during which this community will be afflicted with the present presiding officer of this district; and the court does not wish to embarrass his successor by the appointment of such an officer. To be sure, he would be subject to removal, but the time is so short that the court thinks it is not important. If I were going to remain, I should probably see proper to appoint one, and perhaps more, if required.

Mr. Wilson suggested that those prisoners who had just been discharged by the court should be required to enter into their recognizance, so that the court hereafter would have a claim upon them, however slight that claim might be; that if another judge should come, he could call for them; he thought it would be proper, under the circumstances, to hold the defendants under bail or at least on their own recognizance, to appear when called for by the court.

The court declined to do that.

The District Attorney felt it to be his duty to make that suggestion, and thought it right if those persons had committed crimes, to hold them over till another term; by doing that there would still be a link, however slight, to connect them with the court.

His honor said that he took the responsibility upon himself to discharge them; they had been in custody some time, and he thought it was his duty to discharge them.

Some discussion took place relative to the legality of allowing testimony for the defence in a case of examination before the judge as a committing magistrate.

His honor said it would be time to determine that question when it came properly before the court.

Mr. Wilson stated that it was the desire of the Parrishes that Mr. Williams should assist in that prosecution, and he was willing, if the court would approve it.

The court was perfectly willing that Mr. Williams should assist.

Dr. Garland Hurt was sworn and examined relative to the murder of the two Parrishes and P. ter.

While waiting for witnesses in the above case, Mr. Wilson called up Timothy B. Pote, who gave evidence relating to a savage massacre by the Indians that took place in Salt Creek Canyon.

The other examination was then resumed. William T. Smith was examined by Mr. Williams as to what he knew of the church authorities in Provo, having in March, 1857, preached about cutting the throats of all apostates, and saying that dead men told no tales?

Mr. Smith testified that he never heard such language; whereupon he was excused from further service as a prosecuting witness.

Court took a recess until 2 o'clock.

At the hour appointed the court resumed its session.

Stephen Nixon was sworn and examined respecting what he heard a certain gentleman in Provo say, at a public meeting, held on the public square, about the middle of March, 1857.

Mr. Nixon knew nothing of the meeting in question.

Mr. Alfred Nethercott testified to having seen human blood, in a state of fermentation, at the place where the murder of the Parrishes and Potter was said to have been committed on the previous evening, but that he knew nothing of a letter said to have been sent to a Bishop.

Mr. Leonard Phillips swore that at a public meeting, held in Provo about the middle of March, 1857, he heard Mr. James C. Snow ask if there was any one in the congregation that would take a letter to Springville, to Mr. Aaron Johnson, and that Mr. Nethercott volunteered to take it.

On this contradiction appearing, Mr. Nethercott was arrested as an accomplice in the murder.

James O'Bannon was examined.

Cross examination by Mr. Stout.

Joseph Allen was examined in relation to a conversation that took place between Mr. Nethercott and Mr. Phillips.

Court adjourned until Wednesday at 9 a.m.

WEDNESDAY, 9 A.M.

Full papers of citizenship were issued to two applicants.

The prisoners were brought into court.

James Gemmell was examined, but knew nothing except hearsay.

Mr. Stout objected to the witness on the ground that, from his own statement, he was not in this country at the time the murder was committed.

His honor said that the witness might state what was the general opinion and feeling when he came back into the country, the object of the court being to see whether the whole community ought to be punished for the murder, or certain individuals only.

The judge proposed to allow the defence to introduce rebutting testimony.

Mr. Wilson, with all due respect to the court, objected, and proposed to submit authorities on the question.

Mr. Stout wished, if the question was to be argued, that the time be set for it, and that they, on the part of the defence, might prepare for the argument.

Mr. Wilson argued that it was not right to examine witnesses pro and con. in a preliminary investigation, for that would be virtually a trial.

Major Blair was willing to submit the question to the court without further argument.

It was finally decided to argue the question to-morrow morning.

Mr. Wilson asked leave to examine a witness relative to the murder of Jones.

His honor remarked that if any person would make affidavit, the court would issue a warrant.

Mr. Wilson said he was there as Prosecuting Attorney, that he was a comparative stranger in this district, knew but little about the offences committed, or any evidence touching them. In the States and older Territories the prosecuting officers were furnished with all the evidence that could be furnished by policemen, from coroner's inquests, &c., and by that means they became sufficiently acquainted with witnesses to enable them to proceed, but his honor was aware that he had no knowledge, or means of ascertaining who might be witnesses, and he desired the co-operation of the court in the matter, that he might bring the offenders to justice.

The judge observed, That is a flattering commentary upon their peace regulations here.

Gen. Wilson suggested that the witnesses' testimony should be taken down in the form of an affidavit.

His honor replied: It is rather extra judicial, but we have no precedents here of any kind.

Orrin E. Parrish was sworn, and testified that he was present at the funeral of Jones and his mother; saw them buried in the "dug-out" in which he saw them living the day before; that they were buried in the clothes in which they were killed; saw blood on their bodies; heard they were shot for horse stealing.—He then signed the paper containing the evidence.

Subpenas were ordered to be issued for Joseph Hancock and James Pace.

Court adjourned till to-morrow at 9 o'clock.

THURSDAY, March 24, 10 A.M.

John Rosa, a native of Austria, sergeant in the detachment of the U. S. Army now investigating the court house, applied for his final papers of naturalization, which were issued by the court.

Mr. Wilson read the record of the inquest held on the bodies of the Parrishes and Potter, at Springville, March 15, 1857. He also read the record made at the court of inquiry held on the 16th, before the justice of the peace, in and for that precinct, as evidence.

After fully arguing and considering the subject, the court decided to hear testimony on both sides.

Major Blair asked for a copy of the warrant on which Mr. Nethercott was arrested. In behalf of Messrs. Nethercott and Daley he demanded a hearing. Two of the witnesses were leaving for Camp Floyd, and he wished the prosecution instructed to fetch them back and detain them, until they could be cross-examined relative to Mr. Nethercott's case.

Some little altercation took place as to who should send for the departing witnesses, after which his honor said: It is desirable that the court should make itself understood upon that point. Two persons are upon trial here; witnesses are examined upon the case before the court, and during the progress of the case such facts are developed that warrant the court in issuing its warrant for the arrest of Mr. Nethercott, but he is not upon his trial, though the circumstances seem to connect him with the case. The testimony already produced cannot go to the detriment of Mr. Nethercott, unless the witness who has connected him with the murder be detained. I will say that I will bring my notes and read to the witnesses, and ask each one if those are the facts, and will take this course until we get to where we are now with those two who are upon their examination.

Mr. Blair again asked the court to discharge Mr. Daley, as there was no evidence before the court touching him in the least.

Court adjourned till to-morrow at 9 a.m.

FRIDAY, March 25—10 A.M.

Mr. Wilson had had subpenas issued for persons from Lehi, but none of them had arrived.

Adjourned until to-morrow at 10 a.m.

SATURDAY MORNING, 9 A.M., }

March 26, 1859. }

John Winn and Justin J. Merrill, of Lehi, relative to the death of Jacob Lance, late of American Fork, were examined.

Report says that the man Lance committed a rape on a Danish woman, near Lake city; that he was afterwards taken into custody by a police officer, conveyed to Lehi, where he underwent an examination in part, but that before the day to which the examination was adjourned arrived, a woman, or small built man, in female apparel, rushed into the room, while part of the guard was absent, split open Lance's head with an axe, and disappeared immediately.

Nothing of importance was elicited from the above witnesses, further than that Lance was, on the evening that he received the fatal blow, in the custody of Alonzo P. Rhodes, George Coleman and ——— [Name of the third person not heard by reporter.]

Mr. Ainer M. Hollinshead, of Piontown, was sworn and examined respecting his knowledge of the murder of Henry Jones and his mother. He testified to his having heard a noise on the night of the murder; did not know who the parties were that made the noise, or were engaged in the affair. Witness was not acquainted with Jones; never saw either him or his mother; did not see their dead bodies.

Mr. Williams said that Mr. Hollinshead was not the witness he wanted; it was his father that he intended to have had, but not knowing the given name, the son had answered the subpoena.

SATURDAY, 10 A.M.

Mr. Stout asked the court to discharge John Daley, nothing having appeared in evidence against him.

Mr. Williams said that so far as he was concerned, he was perfectly willing that Mr. Daley should be discharged, for he had learned nothing against him.

His honor examined the evidence that had been given by Orrin E. Parrish, by which it appeared that Daley had been a "Teacher" in Springville, and that just prior to the murder of the Parrishes, he had gone to enquire into the religious views of Mr. Parrish.

Mr. Wilson remarked that so far as he had heard, whether before his honor or elsewhere, that was all the evidence there was about Mr. Daley.

Mr. Williams stated that at that time there was a great revival, and it was customary to go and enquire of every man about his religion, but so far as the murder was concerned, he believed Mr. Daley was innocent.

The judge replied: He appears to have been

one of the officers at that time; he was found as a Teacher and then as a policeman, and this murder appears to have been committed by the authorities who held office at that time; therefore the court will wait until the examination is over, and then determine whether Mr. Daley is innocent or guilty.

Court adjourned till Monday morning at 10 a.m.

From the 21st inst. to this date inclusive three persons have been naturalized, and forty-two have made a declaration of intention to become citizens of the United States.

[From the Sac. Union.]

Pacific Railroad in the Senate.

JAN. 28 h.

Mr. Gwin, rising to a privileged question, said that he ought not, yesterday, to have expressed the opinion that the legislation in relation to the Pacific Railroad Bill was a farce, for which he was then called to order by Mr. Bell, whose remarks he had misapprehended. He was betrayed into an asperity for which the floor of the Senate was not the proper theater. He now gave notice of his intention to offer a motion for a reconsideration of the subject, which he hoped to revive with such modification as would meet the views of all the friends of the measure.

SATURDAY, Jan. 29th.

The session to-day was set apart for the consideration of business relating especially to the District of Columbia. Previously, however, Mr. Gwin made a motion to reconsider the vote on the Pacific Railroad bill, and prefaced it with a few remarks, stating that his object was to make the estimates to be advertised for more specific, to prevent bids by men of straw, and include in the invitations for estimates proposals for a branch road to Oregon.

Mr. Bell, of Tennessee, said a few words to show that the bill, as passed, is adequate for the purpose.

Mr. Davis, of Mississippi, spoke in support of Mr. Gwin's views.

Mr. Stuart, of Michigan, moved to lay the motion to reconsider on the table, but the vote thereon was postponed till Monday.

HOUSE.—On Jan. 20th there was a hot debate on the slave trade, brought up by the appropriation to pay the Colonization Company for taking charge of the Echo's slaves. In consequence, the General Diplomatic Appropriation bill was defeated, but the next day the vote was reconsidered and the bill passed.

On the 28th, three Territorial bills, for Arizona, Dacotah and Jefferson, were introduced.

Nothing has been done or is likely to be done with the Tariff. A Democratic Senatorial Caucus have by a large majority resolved that it is inexpedient to change the law at the present session.

The President will send in a message showing a deficiency of twenty millions.

The caucus agreed to support an increase of letter postage to five cents.

Mr. Bigler said unless the Tariff was increased by June, 1860, the national debt would be one hundred millions.

Mr. Douglas was desirous that the Democratic party should declare whether specific or *ad valorem* duties were to be its policy.

An effort is being made by the Post Office Committee of the House to abolish the Overland California mails.

Married:

In this city, on the 18th inst., by Bishop John W. Hens, Mr. WILLIAM RIGBY, of this city, and Miss CATHERINE GLOVER, of Farmington.

Died:

At Payson, March 9, SUSAN BINGHAM, wife of Jeremiah Bingham, aged 26 years, 5 months, and 22 days.

At East Weber, March 19, BETSY JANE, daughter of Robert L. and Jane Bybee, aged 2 weeks and 5 days.

March 16th, LYDIA DESERET, infant daughter of David and Elizabeth Sablin, aged one year, 5 months and 16 days.

New Advertisements.

CATTLE FOR SALE.

WE have for sale 150 head of good work CATTLE, in Tooele Valley. Persons wishing to purchase can call on Mr. E. Kelsey, on the premises, or to the undersigned. (4-3) C. A. PERRY & CO.

FOR SALE.

At the General Tithing Store House, a large quantity of red and white BEET SEED; also Onion, Carrot, Parsnip and Turnip Seed, all fresh and of excellent quality. (4-4) EDWARD HUNTER.

NOTICE.

ALL Persons knowing themselves indebted to the undersigned are requested to come forward and settle, and all persons I owe will please present their bills, and I will adjust the same before the 15th of April next. 4-2 JOHN CARMICHAEL, 8th Ward.

LOST, STRAYED, OR STOLEN.

A Red COW, about 6 years old, ewlap cut, branded on left horn S, W H, P T, right horn W H, P T, other flesh brand, not plain. Whoever will bring her to, or give information thereof to William Hudson, or Preston Thomas, Lehi City, shall be rewarded. 4-1

BLACK BEAVER HATS.

THE Subscriber, feeling thankful for past favors, solicits a share of public patronage. He has a good article on hand and will make to order at his factory on East Temple Street, 7th Ward, which he will exchange for cash, furs, wool or produce, but not for PROMISES. Those indebted will do well to call and settle up without delay. (4-2m) LYMAN LEONARD.

WILLIAM CAPENER,

BUILDER and CABINET MAKER, 13th Ward, opposite P. H. Young.

ALL KINDS OF FURNITURE ON HAND,

or made to order.

Produce of all kinds taken in exchange.