

a telegram which Holladay had ordered him to send to Gen. Hughes; but which had not been sent. The defense at first objected, and the court saw no necessity for the telegram to be stated; but on the counsel stating that he claimed it as of great importance, that he had heard that Holladay had actually ordered a telegram to be sent to the gentleman named, as he wanted him here for his counsel in the defense of a crime that he had not yet committed, there was great sensation in the court-room, and the counsel for the defense begged the court to have the witness tell the contents of the telegram. The witness then stated that it was simply Holladay's opposition to the free passage of the gentlemen referred to. The prosecution was satisfied.

Drs. Anderson, Reid, Williamson and Field, John Miller and William Miller were sworn at the request of the defense.

Mr. Cook examined: He was Assistant Treasurer of the Overland Mail Company. The counsel for the defendant showed by this witness that the "pass" of Ben. Holladay to any person would be authority to any agent or employee on the Mail Line east, to pass the person possessing it. That the acknowledgment of that "pass" to the gentlemen referred to by Joseph Holladay, the night preceding the assault, and the said Holladay's repudiation of it after his being assaulted was the most absurd thing that any agent of a public conveyancer could be guilty of. The inference, of course, being that Holladay was demented at that time.

Mr. Deppy examined: He was the "messenger" that left by the stage on Thursday morning. Saw Greenleaf at the office. Understood him to say that he would pay his fare when he returned from Weber. Greenleaf and Holladay did not see each other on that occasion.

Drs. Field and Anderson were next examined as the defendant's physicians; their testimony showing that the defendant had been seriously injured in the head, that he was not yet out of danger, and that the injuries might terminate fatally. Dr. Field testified that the outer plate of the skull was fractured. Dr. Anderson being called upon in the evening, did not think it judicious to examine the skull, owing to the agony of the sufferer. Both testified that the injuries were of a nature to cause temporary or prolonged loss of reason.

Drs. Reid and Williamson, surgeons at Camp Douglas, were called, and testified that they had listened to the description of the blows received by Holladay, and to the statements made by his physicians, and were satisfied that the injuries were sufficient to cause "inflammation of the brain and temporary mental derangement." During the examination of these gentlemen, much valuable testimony was elicited with regard to the effect of blows upon the skull, showing that they were generally productive of mental alienation. Dr. Reid had been for several years the chief physician of the California State Asylum, and Dr. Williamson exhibited a very familiar acquaintance with different phases of insanity. The scientific testimony of those gentlemen, drawn out by Mr. Fuller was deemed of value to the defense.

Mr. Miller examined: Was an employee in the office of Holladay; testified that Greenleaf was refused a passage by the stage on Thursday morning because he only offered to pay on his return from Weber. He now waited upon Holladay and reported him "flighty and wild-like." Mr. Janney was here recalled, and stated that Joseph Holladay had no authority to grant Greenleaf a pass. This closed the testimony for the defense.

Counselor Miner here read the affidavit charging Holladay with murder, and upon which he had been arrested and was now under examination. He stated that the evidence produced could not sustain the crime as alleged in the affidavit. He desired the attention of the court to a point of law—that when the defense set up insanity or duress, the prosecution must make out their entire case, and cited the authorities of 24th Pickering, 2d Metcalf and 5th Cushing in support of his position. He then endeavored to show that Holladay had done nothing previous to the attack by Greenleaf to provoke the assault, that no difficulty had existed between them, and, therefore, that the subsequent action of Holladay, in shooting Greenleaf, was not the result of any old difficulty or outstanding disagreement, which Holladay then sought to settle under the pretence of the morning's provocation; but was the direct result of heated

blood from the wounds received. He alluded to the testimony of Drs. Field and Anderson to show that Holladay's wounds were of such a character as to produce temporary insanity or aberration of intellect, and during the interim of the attack upon him in the morning, and the shooting in the afternoon, Holladay's actions manifested insanity. In his first relation of the assault committed upon him to his attorney, he stated that he had been beaten with a "slung shot," while he must have known at the moment of the attack, that he had been beaten with a pistol. The fact that his attorney had to urge him to go to the police station, to attend the examination, was also evidence of no intention on Holladay's part to commit murder; that he had taken the pistol with him simply as a means of defence, laboring as he certainly did under continued fear and apprehension of a renewal of the attack, and that he had used his pistol on meeting the first glance of the enemy he dreaded. After dwelling some time on the temporary insanity of the defendant, counsel then went on to show that independent of all the testimony relating to such insanity, the evidence tended to establish that the crime—if any, was not murder as alleged in the affidavit; but manslaughter in the lowest degree, and supported his position by citing the authorities of Blackstone, Wharton, Starkey, Beck and Greenleaf, and, therefrom, claiming, that if the Court did not deem all the testimony of the defense sufficient to warrant an unconditional discharge, that His Honor would certainly admit to bail.

Counselor Fuller then addressed the court and said, that after such a brief examination of the evidence in this case, as the counsel for the defence had been able to make, they arrived at the conclusion, in which conclusion it was hoped His Honor would concur, that the prisoner was laboring under insanity or aberration of intellect at the time of the commission of the act, and, on the established principle that an infant, an idiot, or a person of unsound mind is incapable of crime, they should ask the unconditional discharge of the prisoner. It clearly appeared in evidence, that on the morning of the 12th instant, the prisoner was beaten upon the skull with a heavy and deadly instrument of steel or iron, wielded by the deceased, an athletic person, to such an extent as to impair his intellect, and to deprive him of reason; and that the act of killing which followed, was committed while the prisoner was in a condition of insanity induced by the blows which he had received. Every iota of testimony offered by the scientific experts, goes to show that severe blows upon the skull must induce mental derangement. A description of the blows received by the prisoner had been listened to by the physicians, and they had unanimously decided that they were sufficient to induce either temporary or permanent insanity. The attending physicians had also testified that the prisoner's wounds and injuries were of that severe and dangerous character which might be expected to occur from such a beating as he had received. Dr. Field had testified that he was first called to the prisoner, that he had probed his wounds and discovered a fracture of the outer plate of the skull. Dr. Anderson, who had not probed the wounds, testified that such blows would be very likely to occasion a fracture of the skull. But although the fracture indicated terrible blows, and aberration would be likely to result from them, it was by no means necessary to induce inflammation of the brain, or a suspension of the reasoning faculties, as a very slight blow upon the head had been found sufficient to produce insanity, and even death.

He endeavored to meet the charge that there had been "cooling time" between the assault and the shooting, stating that inflammation follows all wounds, and inflammation was antagonistic to cooling, and while that existed there was "no cooling time." The law might judge of the effects of passion and insult, but not of blows like these. Physicians could not even tell. He very eloquently discoursed upon the powers of an unclouded intellect, and portrayed sympathetically and with much feeling, the intellect that was marred by accident or "man's inhumanity to man." He referred to numerous instances of the effect of blows upon the skull, where injuries of that nature had given the greatest celebrity for crimes, brutality, tyranny and vice to persons who, otherwise, would scarcely have lived beyond their day and generation. He concluded his argument

by demanding an unconditional discharge of the prisoner.

The counsel for the defence having done every thing that could be done for the prisoner in a preliminary examination and concluded their arguments, the Prosecuting Attorney addressed the Court, claiming that there was deliberation in Holladay's acts, that he evidently took the pistol from his office with the intention of committing murder, that he deliberately carried out his design; he, therefore, asked of the Court that the prisoner be committed for trial on the charge of murder.

The Court stated that in the preliminary examination the burden of proof rested with the defence; that Mr. Holladay was not there on trial and if there was *prima facie* evidence that a crime had been committed, then there was ground for a trial. The plea of insanity had been set up by the defence, but before the Court could accept that plea the fact of insanity would have to be proved beyond the possibility of doubt. From the testimony before him, he considered it his solemn duty to commit Mr. Holladay for trial on the charges in the affidavit.

The trial was set for the 9th of March next and the witnesses for the prosecution recognized in the sum of \$500 each, for their appearance at that time.

The examination had occupied seven hours and a half without a recess. At the conclusion every body seemed well satisfied to adjourn for dinner.

DEATH OF NATHANIEL V. JONES.

It is with peculiar feelings that we announce the death of Elder Nathaniel V. Jones, who departed this life at one o'clock, on the morning of Sunday, the 15th instant, at his residence in this city, in the forty-first year of his age.

Deceased was born in Brighton, Monroe county, New York, Oct. 13th, 1822. Of his early history we have but little knowledge. He became a member of the Church of Jesus Christ of Latter Day Saints about the year 1841, and from that time his life was devoted to usefulness, having been, in the fullest sense of the term, a laboring man, never failing to undertake the performance of any required duty for the salvation, temporal or spiritual, of the human race in the various spheres of action which have fallen to his lot to operate in or to fill.

It is not our purpose to refer in detail to the principal acts of his life during the last twenty years, for we have not the data, if disposed, to enable us so to do. His connection with and service in the "Mormon Battalion" in the Mexican war, his mission to India—for which he took his departure from this city in connection with many others in September, 1852, and from which he returned in the fall of 1855, his late mission to England, together with the many other duties he has satisfactorily and honorably performed, are so closely connected with the history of the people of Utah, that his labors will not soon be forgotten.

Soon after his return from his European mission, deceased, acting upon the counsel of President Young, turned his attention to the manufacture of iron in Deseret, which has not, to any considerable extent, been thus far accomplished, and his energies were directed towards the accomplishment of that desired object. His explorations, researches and experiments were extensive, and to him so entirely satisfactory that he was confident of success beyond a doubt.

Mr Jones' last sickness was of short duration. He attended the annual Mormon Battalion party, on the evening of Friday, the 6th inst., and participated with his old comrades in the festivities on that occasion, although he felt somewhat ill and depressed in mind. The next day he was taken violently ill, and soon expressed a firm belief that he should not recover, which his family and friends were unable to eradicate from his mind. Every available means which could be devised was resorted to for his restoration to health, but to no purpose, and at one o'clock on Sunday morning, he quietly fell asleep.

The funeral ceremonies were performed on Monday afternoon at the Fourteenth Ward Hall. President Young delivered a short practical address suitable to the occasion, followed in brief by Presidents Kimball and Wells. There was a large concourse of people in attendance to pay their last respects to

the memory of the beloved and honored dead. Captains Thomas' and Pitt's brass bands preceded the procession, composed of about forty carriages, which followed all that was mortal of the deceased, to its resting place in the City Cemetery.

NOT A NOVICE IN CRIME.

Soon after the establishment of Camp Douglas and the locating of the California Volunteers there by Colonel Connor, commanding the Military District of Utah, a small gang of thieves, at the head of which was, as alleged, an old practitioner by the name of Ray, who followed Colonel Connor's command from California, commenced stealing government mules, intending, no doubt, to do a driving business in that line during the winter. The band was, as stated, regularly organized, and each had, as usual in such co-partnerships, his part assigned, some to "steal, take and carry away," and others to do the hiding, or "shading" as it is generally called by novitiates not far advanced in the rudiments of that profession.

Although the arrangements of the party may have been considered perfect by the principal operators, they had not proceeded far with their thieving operations before a couple of the novices were caught and required to give security by Judge Kinney for their appearance to answer further in the premises at the next term of the District Court to be held on the 9th of March next, in default of which one of them is now confined in the jail of Great Salt Lake county. The catching of the two "shaders" subsequently led to the arrest of another of the gang, one Matthews, a more experienced hand in the business, who has since been furnished with free lodgings because no one has been willing to become responsible for the payment of the required sum if the accused was not on hand at the time and place indicated, to be dealt with according to law.

The imprisonment of Matthews opened the way for the apprehension of Ray, the reputed leader of the gang, whose bonds, on examination, were fixed by Judge Kinney, as we have been informed, at one thousand dollars. No bondsmen could be found, and the reputed chief mule-thief was incarcerated in jail with his comrades, where he remained for some time, and till a female friend of notoriety, who followed the army from Nevada, as stated, deposited money and approved securities to the amount of the required bonds, and thereupon Ray was set free for the time being, and until the sitting of court.

Since his release, it has been ascertained that while in prison he made an unsuccessful attempt to cut his way out through the double iron grating, and had severed one of the inner bars with a saw which he had concealed under a false sole in one of his boots. The breaking of his saw prevented the accomplishment of his purpose, which he would otherwise have effected, and on failing in his design the dismembered bar was so adroitly repaired that the gap made by the saw could not be detected by the eye of the jailor.

Ray is evidently an old hand at the business, and would not have obtained his liberty so easily as he did if the facts in relation to his arrangements for breaking jail had been made known to the judge before the money was deposited. The bonds will, of course, be forfeited, and the money deposited soon find its way into the national treasury after the ninth of March, and should the grand jury find true bills of indictment against him for all his alleged offences within the limits of the Third Judicial District, he will doubtless consider that his escape from the fangs of the law was obtained at an exceedingly low price.

THE PRINTERS' FESTIVAL.

The Deseret Typographical Association held their Annual Festival at the Social Hall, on the evening of Friday the 18th inst., at which were present a goodly number of the craft and many invited guests, all of whom, with one or two exceptions, participated in the dance and, judging from appearances, there was not an individual present who did not enjoy the festivities of the evening to the fullest extent ever witnessed on such occasions. Those who were in attendance, not of the craft, will not consider us egotistic for repeating what was expressed by not a few of them, that the entire managements were creditable to the Printers.