

THE MOUNTAINEER

GREAT SALT LAKE CITY SATURDAY, SEPTEMBER 3, 1859.

A VARIETY of subjects are presented for the consideration of our friends in our present issue. We shall give precedence to the judiciary; as, being one of the most important branches of our government, it should have, we think, the first and closest scrutiny. The charge of the Chief Justice in the First Judicial District is before us. With the language and apparent spirit of it we have no particular fault to find. Compared with what we have recently seen accustomed to, it is exceedingly fair. But to judge the intent we must compare the actions with the words. His honor, in his charge, very properly says that, "The place at which the offence is perpetrated determines the venue, and not that of the offender's residence." Now, the first thing we find presented by the Grand Jury is an indictment "against McKenzie for counterfeiting." Of the guilt or innocence of this man we are not the judges. But, so public have the facts become, that we could not possibly avoid being judges of the venue in this case. If McKenzie has been indicted as principal, the offence alleged must have been, and was, if committed at all, committed in the Third Judicial District. It is true the judge, rather craftily, in a former paragraph, alludes to the consummation of the offence, and others acting "in furtherance of the same object in another county." We may be mistaken, but are under the impression that McKenzie was indicted as principal in this case. If this be the fact, how can it be argued that he consummated his own offence in a district which he had not yet visited. If others consummated the affair, they became accessories to an offence committed by some other party, and the venue in their case must be made to conform to that of the principal. But if McKenzie was the accessory, — and upon no other grounds could they be indicted in the First Judicial District, — where are the principals and why were they not arraigned? The peculiar materials of which the Court at Nephi was composed might deserve a passing comment, were it much different to what we have for a while back been used to see. Suffice it to say, Camp Floyd and vicinity appear to have furnished the usual supply of gamblers and camp-followers, for deputy marshals, bailiffs, jurors and witnesses. And this is called for Utah a Court wherein to expose crime and administer justice! To continue the "administration of justice," commenced in that district by Judge Cradlebaugh, Judge Eckels calls for the liberated savages Moze and Looking glass, in order to parade them, we cannot but presume, before the public gaze, make expense to the Government in feeding them and paying attorneys for doing nothing, and again "turn the savages loose upon us," aggravated and madened.

The Territorial Legislature is charged with interfering with the course of justice, through not providing a proper fee-bill. The judiciary have charged this upon them. But look at the facts. Month after month have our sheriffs, after being judicially assigned to the rank of common jailers, been burthened, and our county jails filled with parties charged with crime, at the expense of the citizens; while, instead of attending to their duties and giving the parties a "speedy trial," our Judges are found about their chambers, or in Camp Floyd. What has been the course of the judges to gain the confidence and esteem of the citizens, since they came to Utah? They talk, to be sure, from the bench, of maintaining the dignity of the Court, and their determination to ferret out crime. Some of them, too, make fine eloquent speeches, the nicely rounded periods of which we admire. But do they take any interest in the welfare of the citizens? None, none, but to divide and estrange

them from each other. Beyond their chambers, sater's stores, and the army camp, they are seldom seen. When our own Courts, whose jurisdiction we defy law, logic, or even sophistry tooust, undertake to administer justice, their hands are paralyzed by the "superior" judiciary, and the felof, perchance, escapes. There was a time when the Federal judiciary fearlessly did their duty here, and were respected. Is that day gone by forever?

We could say much more on this subject, but there are some local matters we wish to say a few words about. What is the reason that we can no longer issue a sheet, without a bloody corner is found in it? Whence these nightly riots, and galloping up and down our streets, at bed-time, of drunken horsemen by platoons? Whence this perpetual pistol-drawing, pistol-shooting and yelling through our streets? It is time these things were stopped. To become a common brawler, and drunken rioter is a disgrace to a barbarian, and how much more a disgrace to one who assumes the name and form of civilization, be he Jew or Gentile. No man who has any respect for himself will, either by associating himself with a gang of mounted brawlers, or by horrifying the very air with his pistol-shots and hideous yells, make women and children shiver in their beds, and break in upon the peace and silence of the city. If such there be, who must shoot, who must yell, who must gallop in troops, let them away to the far-off hills and ask the wolves to join their chorus.

But murder, cold-blooded—dastardly murder! There is no excuse for it in the volumes of Heaven or earth. And when murder is done, let the holy law, eternal and unchangeable, the law alike of God and man, be magnified, and the murderer pay the penalty, whatever his profession or pretensions. Revenge is esteemed one of the virtues of the barbarian. By civilized man it should be esteemed a vice! To the Almighty belongs the right to avenge. To man, as his agent, he has given wisdom to enact laws for the punishment of crime, and the preservation of the peace and happiness of society. The upright man will honor and not trample upon those laws. Yet for revenge, open revenge, there may be, though not an apology, a merciful palliation. On MURDER, black-faced, glare-eyed MURDER, we set our heavy heel. For it there can be neither excuse nor palliation; and blood, blood only can cleanse the bloody hand!

Fellow-citizens, you have it in your power by lawful means to correct, or remove these abuses. Set to work at it, and the God of peace will help you. Make no distinction of caste or suit. Punish all the guilty alike; and, if difference must be made, let the heaviest penalty fall upon those who having lived here long should be so much the more wise and interested.

COL. CROSMAN'S LETTER.

We promised last week to give our readers some facts in our possession, concerning the forgery case referred to in Col. Crosman's letter. We stated that the facts in the case had been avoided by the Colonel. It is so. Two of the accomplices, he said, had been arrested, but that, although others were believed to be implicated in the affair, he was doubtful of success in their discovery. The facts are, that every circumstance connected with the forgery, went to prove that J. M. Wallace was one of the principal actors. The counterfeit plate was found in his safe, at Camp Floyd. He and Brewer employed McKenzie as their accomplice, and succeeded, in leading him passively along as their tool and catpaw; and perchance, when discovery began to appear possible, they became all at once patriotic and honest. Why this silence concerning Wallace? Was he so notoriously good and honest as to be beyond suspicion? To be sure he was fined for keeping a gambling-house in this city, and the fine was abated by Judge Sinclair. He was indicted for

the same offense in this District; but his patriotism saved him from a Capital, and the next we hear of him he is selected as one of the Grand Jury for the First Judicial District. He is one of those convenient appendages who seem to have been commonly in attendance on the Courts of our Territory, for the purpose of filling up a panel of jurors. Of his private character we have naught to say; only so far as he is before the public. A resident of two districts;—known to be, and fined and indicted as a gambler;—strongly suspected as a counterfeiter, his good fortune finally places him as one of the strong pillars in a Court of Justice. There may be more things connected with this, than do now, or will ever meet the public eye. The influence of the successful gambler is a strong and dangerous one. Strong for self-protection, and self-exculpation, and strong for victimizing and destroying. It glides into the committee rooms, and crawls stealthily and magnetizingly into the halls of legislatures. Often it is found, unseen, turning the scales of Justice on the bench, and brazing desolation the happiest homes, and makes a hell in every corner where it is found. It associates with all the vices, and brings its victim to the grave with infamy and dishonor. Are we wrong in our description of the character that Col. Crosman associated with him in his patriotic efforts, and from whose possession, yes, from the very deposit of his lawless earnings, he received the silent instruments of guilt?

But farther, speaking of the counterfeit, tools, &c., he says, "most of them were found in the Tithing Office of Brigham Young, President of the Mormon Church." That is a misrepresentation as undignified and slanderous, as we believe it to be wilful and intended. Not a millionth part of anything of the kind was found elsewhere save in, and around Camp Floyd, and in the private dwellings of Brewer or McKenzie, or both. But from a room in the Deseret Store, were unwisely taken by the U. S. Marshal, the plates belonging to the "DESERET CURRENCY ASSOCIATION," and a few plates for visiting cards, including, we believe, a neat little pocket bible. Brigham Young is the President of this association, a lawful, useful, and honest association. When these articles were called for, they were given up under protest from Governor Young's authorized agent and clerk, Mr. Caine. After having been packed to and from Camp Floyd, and undergone the interesting scrutiny of all the favored curious ones, they were in our presence offered to be returned. A copper-plate printer was called in, who pronounced them entirely ruined, in which opinion we fully concurred. The finely polished plates were all scratched so that the impression from them would be incorrect. We do not know the precise value of the plates, but presume them to be worth from one to two thousand dollars.

We have nothing to say, nor shall we attempt to say anything to interfere with the course of justice. Were it our dearest friend, we would say let the law be magnified upon him, though he pay in chains its dearest penalty. But let all feel its weighty hand alike. The glittering heaps of the fortunate gambler should not place him in the eyes of God or man above the poor mechanic; neither should the gaudy epaulette, whether earned on the bloody field or by the influence of political friends, exalt its wearer above the position in the eyes of the law and public opinion, of the tax-paying citizen.

We should scarcely have noticed the scurrilous letter in the "Bulletin," had it not appeared in the form of an official paper, over the full blazing title of "Deputy Quartermaster General, U. S. A." The army and its officers should, above all others, be free from party prejudice, and be, as they are well paid to be, the protectors of all American citizens alike. We discovered some time ago one

forgery, attributing the basest slanders to an officer in a high position in the army. For the honor of the army we will be glad to learn that this is one too; and that an officer filling the high and responsible position of Col. Crosman, knows his duty better than to turn his official communications out of their proper and legitimate channel.

One question to conclude. Will Col. Crosman please to inform the public, whence the identical form was obtained from which the counterfeit plate was engraven?

OUR CONTRIBUTORS.—We feel sincerely grateful and highly complimented by the number of contributions received from our many friends. We still solicit them. Of course, we shall use our scissors and scratching knife; but no harm meant. Whatever name the writer may please to assume, we shall require his real name in full; and should be glad to have all communications early in the week, unless for the sake of more recent news.

We feel obliged to our neighbors for the following notices of our first race on a new turf:

THE NEW PAPER to which we referred last week, according to our prediction, made its appearance on Saturday last, christened the "Mountaineer," which was considered by the Editors and Proprietors—Blair, Ferguson & Stout, a more appropriate name than "Shillalah," though from their salutatory and other effusions, we are not convinced that our first impressions were incorrect. There may not be as much in a name as some have supposed, but the word "mountaineer," when articulated, conveys to us certain ideas of wildness that we trust our friends do not intend to impute, though they sejour in the mountains.

Without flattery, we consider their first sheet creditable to new beginners, who, though "fearful in the law," have never before displayed any particular sagacity for literary pursuits.

We wish them success in their enterprise and shall expect them to do good service in battling for the rights of man.—[Dra. News.]

THE "MOUNTAINEER."—We have received the first number of the above entitled paper, published and edited in this city by Messrs Blair, Ferguson & Stout. Its leader is clear-headed and somewhat menacing—exhibiting a spirit of docility in alliance with a consciousness of power. The editors "throw down no gauntlet," but, in effect, say—"knock this chip off my shoulder, if you dare!" Considering the haste which, we understand, attended the issue of the first number, and the stated objections which the printers had to contend with, and the fact that it is another fledgling of the Rocky Mountains, we think it will improve.—[Valley Tan.]

ANOTHER PICTURE GALLERY.—Sturges and Taylor offer inducements to the public by furnishing them with an impression of life that will never die. These gentlemen do their work in style, if we are permitted to judge. Call and see them. See advertisement.

C. H. BASSETT & Co., auction and commission merchants, we learn, sell goods daily below cost. These things cannot last long, and we would suggest the propriety of our friends calling and seeing for themselves.

COTTON.—We noticed a day or two since in the garden of E. W. East, three or four rows of cotton, and we would judge from the appearance of the balls, that they would open before frost. Will not some one try the culture of this article on a large scale.

ERRATUM.—"Our FOURTH annual Fair," instead of "our third," as published last week.

COAL.—We were presented a day or two since with a specimen of coal, taken from a recently discovered bed in Chalk Creek, a tributary of the Weber River, by a Mr. Spriggs, who informs us that it exists in large quantities in the bed from whence he took the specimen furnished us, and that he thinks that it can be furnished in this city for fuel at a price much less than we now pay for wood.

FALL WHEAT.—Farmers of Utah, have you not experimented enough to know that fall sowing of wheat is, generally, the best and surest method of securing a good crop? The response, we believe, will be, Yes. Then in a short period from this time, we expect to hear that you have begun to put in your fall wheat. Who will be first? Please report to us.

ARRIVAL.—Frederick Keeler, of the 15th Ward, arrived Thursday evening with the Church train, all in fine condition, as we have learned. Bishop, we extend to you our welcome on your return to your family and friends.

UNITED STATES MAIL COACH FOR THE CAPITAL.—Our enterprising fellow citizen, John M. Bollwinkel, continues to carry the United States mail in stages, got up expressly for the accommodation of passengers between this city and Fillmore; and we feel that we can insure the traveling public a quick trip on this line.

WARM SPRING BATH.—Our old friend John Tobin, proprietor of the Warm Spring baths, offers gratis the use of the same, to emigrants intending to be permanent settlers, on their arrival here. We would recommend to all such, to avail themselves of this kind offer, and enjoy the benefits of the Warm Spring Bath this season—excellent for cleansing the dust and alkali of their long road from the eastern states.

CANNON.—The effect produced by the old and well tried "Cannon," with his artistic skill is yet daily to be seen by life-like likenesses, taken at his old stand.

EMIGRANT TRAINS.—On Tuesday evening, we had the pleasure to learn that our friend Capt. James Brown, of Weber county, had arrived with his company of emigrants from the East, consisting of some 56 wagons; also Mr. James Lemmons' merchandise train on the same evening, in which, as we learn, were also a few family wagons.

We have received the advertisement of our old friends W. C. Staines and John Needham, from which we are pleased to learn that those gentlemen, so favorably known heretofore, have formed a co-partnership to carry on the mercantile business in our city, and we are safe in saying to our friends and patrons that their motto is "low prices and quick sales."

M. L. YOUNG.—We called this morning on this gentleman, who has opened a large and well assorted stock of staple goods and groceries, filling that large and commodious store house, known as the Deseret Store—where we found the first hat that we have seen in the market this season; also a choice article of tobacco, liquors, wines, &c. See advertisement.

LOCAL NEWS.

THE COURT.—We learn from rumor that Judge Eckles discharged both the Grand and Petit Juries on Tuesday last.

BURNT CHILDREN.—We regret to learn that William and John Moody had the misfortune to get a little boy each burnt on Tuesday last, by their having access to some powder and a match, which they took out on the street, and touched the powder off with the match, burning the face of each very bad. Parents, take care of your children.

BWARE OF DEAD CATTLE.—On Wednesday night, Dr. France was called to attend a man, on Kay's Creek, named Lindsay, who had received a slight scratch on his left arm, a little above the wrist, while skinning, and extracting the tallow from a dead cow. The scratch gradually changed into a black spot and the arm swelled; the swelling gradually reached the shoulder, and the man was prostrated entirely. His life was despaired of. But, we are informed by our correspondent, that under the skillful management of the doctor, he had on Thursday evening so far improved as to give good hopes of his recovery. A boy, about four years old, Lindsay's son, received, under the same circumstances, a scratch on one of his little fingers, producing the same effect, but not so great an extent.

A NIGHT ASSAULT AND MURDER.—The house of Mr. Eddy, situated in the rear of a lot on East Temple Street, nearly opposite to Dr. Kay's, was broken open on Saturday, the 27th Aug., about 9 1/2 p.m., by a gang of desperadoes, some five or six in number. The name of Charles M. Drown was called by one of the party. Drown,

fearing treachery, refused to go out, when the gang fired into the house; the first shot struck Drown, who fell, exclaiming that he was a dead man. A man named Josiah Arnold, being outside the house, called out, "Murder," whereupon the gang fired a volley at him and into the house. Mr. Arnold returned the fire deliberately, receiving himself a shot in the thigh. There must have been not less than twenty-five or thirty shots fired, as upon examination next morning fifteen bullet holes were discovered on the walls of the house inside. Some of the balls passed close to Mrs. Drown, who was also in the house, as also, we understand, Mr. and Mrs. Eddy. Mr. Drown died early on Sunday. His dying declaration, giving, we understand, a direct clue to the murderers, was taken by Judge Sinclair. At the after-death examination it was discovered that the ball had entered the right side and passed directly through the stomach, out at the left. Internal hemorrhage was the immediate cause of his death. It was supposed that Mr. Arnold's wound would not prove fatal, being only in the fleshy part of the thigh. At the earnest solicitation of his wife, he was removed a little too soon from the house of Mr. Phineas Young, where he had been carefully nursed, to his home some fifteen miles south; and we are informed now that mortification has set in, and before we look up we fear we shall have to announce another cold-blooded murder.

Since writing the above we learn that he is dead!

THE DEATH OF ARNOLD.—An after-death examination was held last night by Coroner Clinton, on the body of Josiah Arnold, who died yesterday at day-break. We are indebted to Dr. France, who and Dr. Anderson were surgeons on the occasion, for the following particulars. The ball was found to have passed between the bone of the thigh and the femoral artery, slightly grazing the former, but not directly injuring the vessels. The age of the man under these circumstances rendered his recovery almost impossible. No symptoms of poison, as insinuated, appeared; but for greater certainty the stomach is now undergoing an analysis by Dr. France.

INDIAN NEWS.—We learn from Mr. Empey, who has just arrived from Bear River, that a few days since, on Sublet's Cut-off, an emigrant train was attacked by the Shoshone Indians, led by Pokotello, who shot and killed one man, and four others wounded, by the Indians. They also plundered and burned five wagons, besides inflicting on the company other injuries of an aggravated nature.

We further learn from the same source that the troops are encamped at Pack's Springs, three miles above the ferry on Bear River, and that they have now in chains an Indian chief, of the Snake or Shoshone tribe, called Pokotello, who came to the camp of Mr. Empey to get a letter written to the commanding officer, informing him that he, Pokotello, was a man of peace. While at Mr. E.'s, a dragon came, and the Indian chief accompanied him to head-quarters, where he was made a prisoner, and is now held as stated.

LATEST FROM CARSON.—We have just been conversing with a gentleman direct from Carson, Mr. Stevens, who informs us that he met Judge Cradlebaugh near Gravelly Ford, and passed Judge Crane at the Sink, the delegate elect from Western Utah, who by the bye, says that Cradlebaugh shall not hold a Court in Carson.—Serve him right; let him come back amongst his friends. More next week on the rebellion and treason in Carson.

FIRST JUDICIAL DISTRICT COURT.

[CONTINUED FROM PAGE 5.]
Gentlemen of the Jury, I have now done nearly all I intend to say to you on this occasion. Let me again ask you to remember the oath you have taken. I have now given you in charge all offences against the laws both of Territory and the General Government. You will also take cognizance of all such as may otherwise come to your knowledge, touching your present service.
If a grand juror shall know of the violation of the law, it is his duty under the oath he has taken to give the information to his fellow jurors and be sworn as other witnesses to testify before them.
There is another class of cases which the Attorney for the Territory will present to you for your consideration. The usual mode of doing this is to send to you an indictment with a list of the witnesses, these witnesses you should examine when you will find the indictment or otherwise as the testimony requires.
If you find if your foreman will endorse on it—"A true bill," and sign it; if not, he will endorse "ignoramus," and sign that also.
Every citizen has a right also to complain to you, and you will be careful to examine such complaints, but you examine witnesses only for the prosecution. It is not your province to examine witnesses for the defence. If the evidence shall be such as that, your verdict rest entirely on the guilt of the persons charged, you should so find; but you should also carefully guard the innocent and see that no one shall be wrongfully charged; twelve of your number must agree before you can find a bill, and then your foreman must sign the bill, whether he be one that agreed to it or not. You are to forever keep the secrets,