THE NEW YORK HERALD.

WHOLE NO. 7046. SUNDAY MORNING, FEBRUARY 15, 1852. PRICE TWO CENTS.

NEWS BY TELEGRAPH.

PROCEEDINGS IN THE LEGISLATURE.

THE CANAL LETTINGS.

THE IRISH RIOT IN OHIO.

POLITICAL ITEMS—MARINE DISASTERS,

&c., &c., &c.

The Latest from Albany.

THE COMMISSIONERS OF EMIGRATION—THE NEW YORK COLORED HOME—THE CANAL LETTINGS—RAILROAD TOLLS—THE COMPTROLLER AND THE ASSEMBLY—THE SHAKERS, ETC.

SPECIAL CORRESPONDENCE OF THE NEW YORK HERALD.

ALBANY, Feb. 14—7½ P. M.

There is evidently to be a flare up in relation to the Commissioners of Emigration. The report of the committee who sat in a back room, in Wall street, last summer, is very unsatisfactory. Their annual report, signed by Gulian C Verplanck and others, was received in the Senate this morning, when Senator Jones instantly moved for a Select Committee to examine it. Mr. J. Rose, of the House, introduced a bill for the election of the commissioners by the people, with a salary The appointment of shipowners will no longer be tolerated.

The Colored Home, in New York, has applied for a appropriation of ten thousand dollars The opposition which it met with to-day shows that it is doubtful whether it can be obtained.

Every person expected a report from the canal fraud committee this morning, as promised. Mr. Hatch called for the reasons, but no satisfactory reply was given. Mr Moss, of the committee, stated that a report might probably be made next week. A man named D. Abell, who was subpoenaed three weeks since, has gone to Canada to be examined as a witness. This man was brought into public view by John Young. The excitement in relation to the letting increases every hour. The delay of the committee is not approved. There are several disappointed contractors who are waiting the result of the mandamus case before Judge Cady. Should the application of Mr. Yates be successful, hundreds of others will follow in his wake. The canal board have employed Judge Bronson to appear in their behalf

An effort will certainly be made, not only to restore tolls on railroads, but put them on the Northern and New York and Erie. A bill for the latter was introduced to day

The Comptroller having refused to pay the letter postage of members, a resolution was introduced this morning, requiring him to report all laws which place the action of the Assembly under his supervision, together with a statement of the extent of his powers over that body

An effort is being made to investigate into the private affairs of the Shakers, but the Legislature will be baffled, as they often have been on previous similar attempts The leading Shakers are among the most intelligent and shrewd citizens of the State. W.

NEW YORK LEGISLATURE.

Senate.

ALBANY, Feb. 14, 1852.

MEMORIALS, ETC.

Mr. BEEKMAN presented the memorial of the officers of the Ladies' Depository, New York, for an act of incorporation.

Mr. McMURRAY presented a memorial for the confirmation of the grant to C. Vanderbilt.

Mr. COOLEY presented a remonstrance against the confirmation.

Nothing further of interest transpired prior to the adjournment.

Assembly.

ALBANY, Feb. 14, 1852.

REPORTS ON BILLS.

Mr UNDERWOOD reported favorably on the bill relative to the North American Fire Insurance Company.

Mr. MILLISER reported favorably on the bill to cede to the United States jurisdiction over lands in Sackets Harbor.

Mr. J. ROSE reported favorably on the bill to exempt a Mint in New York from taxation or assessments.

Also, on the bill to elect Commissioners of Emigration in New York, by the people.

Mr. BERRY reported favorably on the bill relative to Cemeteries in Kings and Queens counties.

THE CANAL FRAUDS—NO REPORT YET.

Mr. HATCH called for the report of the Committee on the canal frauds.

Mr. MOSS said it was impossible to say when the committee would be ready. As at present advised, they might report next week. Two witnesses were beyond their jurisdiction; one was Mr. Abell, of Genesco.

THE CANAL FRAUDS—NO REPORT YET.

Mr. HATCH (dem.) of Erie, called for information from the joint committee on Canal frauds, as to when they would report, as the last of this week was the extreme time they had set for making the report

Mr. MOSS, (whig) of Niagara, said, that in answer to a resolution of the House, the committee had reported that they should probably be able to report finally during the latter part of this week. But there was testimony in progress of being taken of State officers, and others, which was not completed. There were other witnesses, whose testimony had been represented as important, and such persons had been summoned. It was impossible for the committee to say when they should be able to report.

Mr HATCH wished to know if the testimony already taken could not be reported to the House.

Mr. MOSS said it could be, if both Houses should order the committee so to do; but he regarded it as improper, from the fact that the testimony of one day might implicate State officers and others, which might be cleared away by the testimony of the next. In this way, if portions of the testimony were made public, great injustice might be done. The committee, however, would cheerfully respond to the wishes of both houses.

Mr. HATCH wished to know if the committee could say when they could report.

Mr. MOSS said, as at present advised, he thought they should be able to report next week The committee labored under some difficulty in procuring testimony. Two individuals, who were deemed important witnesses, had been summoned to appear, but had not appeared. A marshal had been sent after them, but one was understood to be without the jurisdiction of the State.

Mr HATCH asked the gentleman's name who had gone out of the State

Mr. MOSS replied that it was Mr. Abell, of Geneseo. It would be seen, therefore, that the committee labored under considerable difficulty in procuring testimony, which materially delayed their action.

THIRD READING OF BILLS.

A bill to change the name of Geneva College to Hobart Free College Passed.

A bill in relation to the grades of streets, &c., in the the city of New York. Passed.

BILL TO PREVENT THE EMPLOYMENT OF ANTI TEETOTALLERS ON RAILROADS.

Mr. GALE (dem.) of N. Y., called up the resolution instructing the Committee on Railroads to report a bill preventing the employment of those using intoxicating drinks in running railroad cars, tending switches, &c.

Mr. SNOW, (whig) of N. Y., said he was glad his colleague had called up the resolution. There were abundant reasons for its adoption. Accidents were constantly occurring on railroads, many of them caused by the employment of men who are rendered incompetent for the discharge of their duties by the use of intoxicating drinks. It required at least men of cool nerve habits to run the cars and tend the switches, in order to secure the safety of passengers.

Mr. GALE thought there was no reason for this kind of legislation. He read some statistics from railroad reports in relation to accidents, coming to the conclusion that any special legislation on this subject was not called for.

Mr. CRAMER (dem.) of Tompkins, as one of the Railroad Committee, would say that he had been shown a bill by the chairman, in which was a section such as called for by the resolution. It would be reported to the House whether this resolution was passed or not.

Mr. SNOW, with this explanation, moved that the resolution be laid upon the table. Carried.

RAILROAD TOLLS—MAP OF BROOKLYN.

Mr. CLARK, (whig) of Montgomery, brought in a bill to compel the New York and Erie Railroad Company to pay tolls

Mr. BERRY, (dem.) of Kings, brought in a bill to alter the Commissioners' map of the city of Brooklyn.

THE SHAKERS.

Mr. SWEET, (whig) of Albany, called up the resolutions offered yesterday, in relation to the Shakers

Mr. VAN SANTVOORD, (dem.) of Columbia, offered a substitute, providing for the appointment of a committee of three, to inquire whether the annual value of the real property acquired and held by the society of Shakers, under the act of 1839, incorporating the said society, exceeds five thousand dollars, as limited by said act?

Mr. MONROE, (whig) of New York, wished for some reasons why these long and unmeaning resolutions should be passed? He could not see any object in thus wrongling and frightening these poor deluded people.

The resolutions were laid on the table.

MORE INFORMATION WANTED RELATIVE TO THE CANAL CONTRACTS.

Mr. CLARK offered the following resolution, which was laid over:—

That the Canal Commissioners report to this House, within three days, the names of all persons forming the firm of J. B. Rice & Co., as named in their proposals for work on the recent canal lettings; also, what work was awarded to said firm of J. B. Rice & Co., and the names of the parties in the contract so awarded to them; also, whether it is within the knowledge of said Commissioners, or either of them, that the parties to the original contracts have sold any portion of the same, and if so, to whom, if in the knowledge of said Canal Commissioners, or either of them, and who are now the parties to said contracts.

THE TAXING OF MINISTERS.

Mr. RICHARDS, (whig) of Warren, brought in a bill to amend the Revised Statutes excepting ministers of the Gospel from taxation.

THE POWER OF THE COMPTROLLER.

Mr. WEBB (whig) of Madison, offered the following resolution, which was laid over:—

Resolved, That the Comptroller be hereby requested to prepare and report to this House: first, a digest of the laws which place the action of this Assembly under his supervision and control; second, a statement, as far as it can be expressed by words, on the extent of his power over this body.

The Assembly then adjourned.

The Irish Riots at Steubenville, Ohio.

PITTSBURG, Feb. 14 1852.

The riots between he Corkonians and Fardowners still continue at Steubenville. The military are all under arms. An armed party of Corkonians had prepared to leave Pittsburg for the seat of war, but were prevented. A number have, however, left by steamboats for Steubenville.

Kossuth at Cincinnati.

CINCINNATI, Feb. 14, 1852.

Kossuth addressed the Hungarian Fund Association this evening, at Smith's and Nixon's Hall. One thousand persons were present, and many offered high prices for admission, but the number was limited. He made no set speech, but promised to do so next week, when it is expected he will address all the friends of Hungary, at the Hamilton Railroad depot.

It is understood that the banquet is to come off and that Kossuth will be present to make a few remarks at least.

From the South.

TENNESSEE WHIG CONVENTION—LAND FOR THE INDIANS IN TEXAS—CONSTITUTION OF LOUISIANA—SAILOR DROWNED, ETC.

BALTIMORE, Feb. 14, 1852.

The Tennessee whig State convention has adjourned *sine die*, after a harmonious session. The delegates appointed to the national convention were instructed to vote for Fillmore for President, and J. C. Jones for Vice President.

A bill has been introduced in the Texas Legislature setting apart ten leagues of land for some of the tribes of Indians, who have for a long period been located in the State.

The House of Representatives of Louisiana have passed to a second reading the bill calling a convention to amend the constitution

The Virginia House of Delegates have passed a bill to prevent seine hauling in the river Accomac between the 15th day of May and the 15th day of August.

A severe thunder storm occurred at Annapolis on Wednesday last.

From Boston.

SUSPECTED MURDER—THE ROBBERY OF THE WRECK OF THE BARK MISSOURI

BOSTON, February 14, 1852.

Thos. McGaun, ropemaker, of Plymouth, was arrested yesterday, together with a young woman of Boston, named Ann Minton, charged with murdering McGaun's wife, on Sunday night last. The deceased was hastily buried. This coupled with McGaun's intimacy with Ann Minton, arouses suspicion The body has consequently been exhumed and examined, and marks of violence discovered upon it

The case of Captain Dixey, of the bark Missouri, and mate, charged with stealing $20,000 from the wreck of that vessel, has commenced before Commissioner Hallett. The defence offered is that the natives overpowered the crew, and carried off the specie.

Consolidation of the City of New Orleans.

NEW ORLEANS, Feb 13, 1852.

The Legislature has passed a bill consolidating the three municipalities of this city into one; also, annexing the city of Lafayette to New Orleans, by a large majority.

Loss of Life at the Portland Fire.

PORTLAND, Me., Feb. 14, 1852.

This morning the dead body of Joseph Linscott, of Brunswick, was found among the ruins of the American Hotel. It is feared another man was also killed.

Sailor Drowned.

BALTIMORE, Feb. 14, 1852.

James Hall, mate of the brig Brookline, of Eastport, while wrestling, pushed John Moore, a sailor, overboard yesterday, and he was drowned.

Capital Punishment in Rhode Island.

PROVIDENCE, February 14, 1852.

Governor Allen has signed the bill abolishing capital punishment, and it has now become a law.

Loss of the Ship Shanunga, of Philadelphia.

NEW BEDFORD, Feb. 14, 1852.

The ship Shanunga, of Philadelphia, 21 days from New Orleans, for Boston, with 1,823 bales of cotton went ashore on the south side of Nantucket, on the morning of the 11th inst. The weather was very thick at the time, and the wind strong from the south About 200 bales of cotton had been saved, and the balance will probably be recovered damaged. The ship will be lost. The crew and passengers have been saved.

The following are the insurances on her here:—

The Boylston Office, $23,000; American, $25,000; and Alliance, $16,000, on the cotton.

The Neptune, $11,000, and Washington, $11,000, on the vessel

The Merchants', $4,000 on freight

The Constantine, ashore on Fire Island, is also insured here for $29,000.

P. S.—When the steamer left Nantucket yesterday, three hundred bales of cotton had been saved from Shanunga, and there was six feet of water in her hold.

Navigation of the Ohio River.

LOUISVILLE, February 14, 1852.

The weather at this place is fine and business brisk. There is sufficient water on the Falls for boats of the largest class

Meteorological Observations.

BY MORSE'S TELEGRAPH, OFFICE 16 WALL STREET.

SATURDAY, Feb. 14, 1852.

BUFFALO 9 A. M.—Barometer 29 60. Thermometer 22 Wind north.

8 P. M.—Barometer 29.64. Thermometer 18. Clear and pleasant day and evening.

ROCHESTER, 9 A. M.—It is a fine morning, but cold. Wind west. Thermometer 10.

8 P. M.—It is a very clear and beautiful evening. Thermometer 25. Wind northwest.

AUBURN, 9 A. M.—It is a clear, cold morning. Sleighing good. Wind west. Thermometer 18

8 P. M.—It is a clear evening, but cold night. Wind west. Thermometer 18.

SYRACUSE, 9 A. M.—It is a fine, pleasant morning; rather cold. Sun shining brightly. Wind east. Thermometer 14.

8 P. M.—It is a clear, starlight evening. Wind east. Thermometer 18.

UTICA, 9 A. M.—It is clear and pleasant. Wind north Thermometer 24

8 P. M.—It is clear. Wind northwest. Thermometer 15.

ALBANY, 9 A. M.—About two inches of snow fell last night Cloudy morning. Wind northwest. Thermometer 21. Barometer 30. 10. Mercury 70.

3 P. M.—It is a fine, clear evening. Wind northwest. Thermometer 24. Barometer 30 80. Mercury 73.

TROY, 9 A. M.—Thermometer 17. About an inch of snow fell last night The river is clear at this place. Cold, blustering morning. Wind west

8 P. M.—Thermometer 17. It is a clear, beautiful evening. Wind northwest.

MONTREAL, 9 A. M.—It is a beautiful morning. Wind north. Thermometer 6 above.

TORONTO, 9 A. M.—It is a clear, frosty morning. Thermometer 8.

KINGSTON, 9 A. M.—It is a very pleasant morning Thermometer 8. Wind north.

Our Washington Correspondence.

WASHINGTON, Feb. 12, 1852.

Lola Montes at the Capital.

Lola Montes has met with the most brilliant success here. On the first night of her appearance the theatre was crowded by one of the most respectable audiences yet congregated in the building, embracing nearly all the fashionable ladies in the city, and many of the most distinguished men. The grace and elegance with which she dances—that "poetry of motion"—is appreciated by the refined society here, and far more elegant than the *pas de force* style which prevails in other *artistes*.

Notwithstanding the numerous calls which have been made upon her, by the leading persons here, she has, I understand, declined receiving any one. Her prudence, in this respect, is also highly commended, whilst it also astonishes those who, believing the calumnies which have been written about her, imagined her to be anything rather than the refined, brilliant, though eccentric, woman she really is.

Lola has paid a visit to the different public buildings here, and, with that quick perception which is her characteristic, has passed her opinion on them. She considers them, as a whole, superior to any similar collection of public buildings in Europe; and she learned with surprise, that many of them were constructed of marble. The statue of Washington, by Greenough, does not please her. She confesses it is as a work of art worthy of praise; but deprecates the idea of clothing Washington as a Roman, instead of in his own proper habiliments. He required no borrowed lustre to add to his nobility. Whilst other men may desire dignity from being associated with Roman garments, Washington stands alone as the great ideal of all that is good, just, and noble; and after ages will regard his mantle as conveying the idea of grandeur, which heretofore has attached to the Roman toga. That statue, she continues, is a monument to the sculptor's vanity—not to the memory or honor of the "Father of his country."

There is no disputing it—she is a wonderful woman. She appears the very embodiment of mind, and, truth to say, her conversation but confirms the impression which her appearance gives

It's a pity she cannot go to Congress, for once engaged in politics, she would create a revolution here among the humbugs, only second to her victory over the "Jesuits" in Bavaria.

INTELLIGENCE FROM UTAH.

Improvements of the Mormons at Great Salt Lake.

INTERESTING TRIAL FOR MURDER.

Curious Plea of Counsel for Defence.

THE CHARGE OF JUDGE SNOW.

MORMON TITHES.

Hostility to United States Officers and Licensed Traders.

&c., &c., &c.

We have received intelligence from Utah, with news to the 15th November. The *Deseret News*, published at Great Salt Lake City, contains an account of the present state of affairs among the Mormons at that and neighboring settlements.

The affairs of Deseret (says the *News* of the 15th Nov.) are in a flourishing condition. The companies prepared in October to settle at Salt Creek, and Millard county Fillmore city, are at their destination, and engaged in their improvements. The company destined for Rio Virgin, led by elder John D. Lee, we have not heard from since their arrival, but, from latest date, presume they have arrived and commenced operations. A small company have gone twenty miles north of Weber, commence a fort, and are preparing for farming and lumbering. The settlements are in a prosperous condition, but we have no particulars before us of a late date. The crops generally have been good, so far as we are advised—some unusually good, though the beets and potatoes are rather light. Wheat is cheaper than ever before known in the mountains; but let not our brother farmers be discouraged. The public works are prospering. The foundation of the Tabernacle is laid, and all the hindrance is for timbers, which are beginning to come. The joiners have been in their new shop on Temple block a week or two; more joiners are wanted. The railroad is progressing the grading is completed to a considerable extent; nothing has been done on it since spring, until recently. The public barn, also Presidents Young and Kimball's barns, are enclosed. Many cattle, horses, and other articles have been received at the tithing office, during the past two months, and considerable wheat, though but a small portion of a tenth that has been raised in the valley. The hearts of many are rejoiced that they have learned and done their duty in paying their tithing, and many more will feel the same after threshing. The mail due from Sacramento on the last of October has not been heard from, though a small party left Carson valley on the 10th ult., and arrived here some two weeks since, coming over the desert. The mail from Laramie on the 15th ult. was hindered three days by loss of mules, supposed to by stolen by the Indians; the carrier had to return to Laramie to recruit, which caused a delay, and the mail did not arrive till the 3d instant.

The Mormons are devoting a good deal of attention to their schools. They have established what they term a "Parent School," in which persons of both sexes are to be qualified for teachers in the common schools, or to improve themselves in the higher branches of school education. In this school, astronomy, algebra, and the various mathematical studies, will be taught by a professor of those branches.

Interesting Trial on Charge of Murder.

At the October term of the First District Court of the United States for the territory of Utah, Howard Egan was tried and acquitted of the charge of murder, in killing James Monroe, who, it seems, had seduced his wife.

The case was, according to the *News*, vigorously prosecuted by the U. S. Prosecuting Attorney, Seth M. Blair, Esq., who left no duty in the premises unperformed. We have no report of the evidence adduced.

Geo. A. Smith, counsel for the prisoner, addressed the court and jury at considerable length. He urged, as argument in favor of his client, that the prisoner had acted in accordance with "Mountain Law," and the United States law was not applicable to this case. In relation to Mountain Law, he says:—"What is natural justice with this people? Does a civil suit for damages answer the purpose, not with an isolated individual, but with this whole community? No! It does not! The principle, the only one that beats and throbs through the heart of the entire inhabitants of this territory, is simply this—'The man who seduces his neighbor's wife must die, and her nearest relative must kill him.'"

* * * * * * *

Now we see that the laws of England only require a civil suit for damages in a case of seduction; but are these laws to be applied to us who inhabit these mountain heights? The idea is preposterous. You might as well think of applying to us the law of England which permits the sovereign lady, the Queen alone. I will apply it, and with much better sense—"To seduce the sovereign lady, the Queen, is death by the law." I will say, here, in our own territory, we are the sovereign people, and, to seduce the wife of a citizen, is death by the common law. The counsel also claimed that precedents existed on the records of the courts in the United States, where the avenger of a wife's or sister's honor had been acquitted of murder. He said:—I will refer to the case of New Jersey vs. Mercer, for killing Hibberton, the seducer of his sister. The circumstance took place upon a public ferry boat, where Hibberton was shot in a close carriage, in the most public manner. After repeated jury sittings upon his case, the decision was, not guilty. We will allow this to be set down as a precedent, and, if you please, call it American common law. I will refer to another case; that of Louisiana vs. Horton, for the killing of the seducer of his sister. The jury in this case also found the prisoner not guilty. This is the common practice in the United States, that a man who kills the seducer of his relative is set free. A case of this kind came under my own observation, in Kentucky. A man, for taking the life of the seducer of his sister, was tried and acquitted, although he did the deed in the presence of hundreds of persons. He shot him not more than ten feet from the court house. * * * Why, men are under the necessity of respecting female chastity, when a seducer is no more secure abroad than the dog is that is found killing sheep. Female virtue is not protected by those old governments; but they are corrupt institutions, which prostitute and destroy the female character and race If Howard Egan did kill James Monroe, it was in accordance with the established principles of justice known in these mountains That the people of this territory would have regarded him as accessory to the crimes of that creature, had he not done it, is also a plain case. Every man knew the style of old Israel, that the nearest relation would be at his heels to fulfil the requirements of justice. God said to Cain, I will put a mark upon you, that no man may kill you. I want the crocodile, the hyena, that would destroy the reputation of our females, to feel that the mark is upon him; and the avenger upon his path, ready to pounce upon him at any moment, to take vengeance, and this, that the chastity of our women, our wives and daughters, may be preserved; that the community may rest in peace, and no more be annoyed by such vile depredations.

We give the charge of Judge Snow to the Jury. It will be read with interest as the first judicial charge which has come to us from that part of the country:—

JUDGE SNOW'S CHARGE TO THE JURY.

GENTLEMEN OF THE JURY:—The Grand Jury called and sworn on behalf of the United States, having presented an indictment against Howard Egan for the murder of James Monroe, it becomes our duty to proceed with the case and if he should be convicted or found guilty of violating the laws of the United States in this behalf, to pass sentence against him For the purpose of determining the facts, you have been empanelled and sworn to give a true verdict according to the evidence which should be given you in Court. You will readily see that your duty is important. It is the right of the United States—the right of the citizens of this Territory, and the right of the defendant, to insist that you shall now discharge that duty without fear, affection, or partiality. It is the right of us all to insist that, when a crime has been committed, the offender shall be punished by due course of law, but not otherwise. We have no right to punish a person for a real or imaginary wrong except with the authority of law. The safety of ourselves individually, and of society, depends on the correct and faithful administration of good and wholesome laws. No one ought to be punished unless he be guilty of an act worthy of punishment, nor even then, unless that act has been declared to be penal by the law of the land, and the punishment directed, nor until he has had an opportunity of having a fair and impartial trial; for peradventure he may not be guilty as alleged against him. If the law suffered "a person to be punished upon mere rumor, or upon strong circumstances, accompanied with the communication of our best, our bosom friends, without the usual tests of truth which have been established, we might well pause, and wonder whereunto this would grow. Gentlemen, you are the exclusive judges of the facts, and the court is to be the judge of the law when the facts are found by you. Murder may be defined to be the unlawful killing of a human being in the peace of the republic, with malice prepense, or of forethought by another human being who is of sound mind and discretion. In this case, there is no pretence but that the defendant, at the time of the alleged killing of James Monroe, was of sound mind and discretion; so you are relieved of that part of the case. When you retire to your jury room, you will first proceed to inquire, from the evidence, whether or not James Monroe be dead. If you do not find him to be dead, that ends the case, and your verdict must be not guilty. If you find him to be dead, you will proceed to inquire by what means he came to his death; if by violence, then inquire whether or not the defendant gave him the mortal wound. If you find he did not, that ends your inquiries; and he is entitled to a verdict of not guilty. If you find the defendant gave him the mortal wound, you will then inquire whether the killing was lawful or unlawful. In law, every killing of one human being by another of sound mind, is unlawful, except such as the law excuses or justifies. If a person, when doing a lawful act, by accident kills another, it is excusable homicide. If a person kills another on a sudden attack in defence of himself, wife, child, parent, or servant, it is excusable homicide. If the proper officer executes the sentence of the law upon another, by taking his life pursuant to the judgment of a court legally rendered, it is justifiable homicide. If an officer of the law, in the exercise of a particular legal duty, is forcibly resisted or prevented, and without malice kills the one who resists, it is justifiable homicide. If a homicide be committed to prevent the forcible commission of an atrocious crime, such as murder, robbery, rape, &c., it is justifiable; but it is not so if done to punish the offender after the crime has been committed. If you find any of these in favor of the defendant, then your verdict must be not guilty; but if none of these things exist, then the killing, if it has taken place, is unlawful. In that event you will proceed to inquire, in regard to the malice prepense, or malice aforethought. Malice prepense, or malice aforethought, means premeditated malice, or malice thought of before the killing occurred. It may be a meditation for a few moments only, or it may be of long standing—it may be owing to injury, real or imaginary, received from the deceased by the accused. The law does not permit a person to take the redress of grievances into his own hands. Though the deceased may have seduced the defendant's wife, as he now alleges, still he had no right to take the remedy into his own hands If for seduction the law inflicted the punishment of death, it would not justify nor excuse the injured party from guilt, if he inflicted death without a judgment of the law to that effect, nor even with such a judgment, unless he be the officer of the law appointed for that purpose. If, as it is contended by the defendant's attorney, he killed Monroe in the name of the Lord, it does not change the law of the case. A man may violate a law of the land and be guilty, and yet, so far as he is concerned, do it in the name of the Lord. If, as it has been contended by the District Attorney, the defendant, before he left the city, formed the design of killing Monroe; or if he so formed the design after he left, and before he met him, or if he formed it while in conversation with him, it was malice prepense or aforethought. If the deceased did seduce the defendant's wife, and beget a child with her, and if for this the defendant killed him, in law the killing was unlawful. Should you be of the opinion in all these things, that the defendant is guilty, then the place in which the act was committed becomes material. This would not, in most cases, affect the general result, provided the crime be committed within the jurisdiction of the court trying the accused. The materiality in this case arises in consequence of the peculiar relationship of the United States courts with the courts of the several States and territories. The jurisdiction of the United States courts is separate and distinct from the jurisdiction of the State courts. But, in the territories, the same judges act in matters arising out of the constitution and laws of the United States as well as the laws of their respective territories. This to me has been the most difficult part of the case. The territorial courts being of a mixed jurisdiction, partly national and partly local in their organization, it becomes important to keep in view these two jurisdictions. When sitting as a court of the United States, we must try criminals by the laws of the United States, and not by the territorial laws; we must look to them for our authority to punish violators of the law. When sitting as territorial courts, we must try criminals by the laws of the territory, and look to them for our authority to punish. If the laws of the United States do not authorize us to punish in a case like the present, as we are now sitting as a United States court, the defendant, for this reason, is entitled to a verdict of not guilty. The United States have no right to pass a law to punish criminals, except in those cases which are authorized by the constitution. These may be said to be national in their character, and to extend to all places under the sole and exclusive jurisdiction of the United States; but they do not extend to those places within the United States where there is an existing State or territorial jurisdiction, unless they are to protect its necessary internal authorities, such as protecting its postal arrangements, its revenue laws, its courts and officers, and the like cases. There is a large extent of country between this city and the Missouri river, over which the United States have the sole and exclusive jurisdiction; and there is a part of this same country within the jurisdiction of the State of Missouri, and another part within the jurisdiction of this territory. It is the right of every American citizen to have full and ample protection in the enjoyment of life, liberty, and happiness; and the duty of the United States, in those places where it has the sole and exclusive jurisdiction, to extend that protecting hand over them; and the duty of the states and territories in their respective jurisdictions, subject to the constitution and laws of the United States, to extend a like protecting hand. By this you will see that the United States, when it established the territorial governments, giving them the right of legislation, created a jurisdiction within its own jurisdiction, but subject to its supervisory control; therefore it has not the sole and exclusive jurisdiction within the limits of the existing territories. By the 3d section of the act of Congress, approved April 30, 1790, chap. 9, it is enacted, "that if any person or persons shall, within any fort, arsenal, dock yard, magazine, or any other place or district of country under the sole and exclusive jurisdiction of the United States, commit the crime of wilful murder, such person or persons on being thereof convicted, shall suffer death." You see by this law, the crime must be committed within the places over which the United States have the sole and exclusive jurisdiction. You will look to the evidence given you in court for the facts of the case. If you find the crime, if any has been committed, was committed within that extent of country between this and the Missouri river, over which the United States have the sole and exclusive jurisdiction, your verdict must be guilty. If you do not find the crime to have been committed there, but in the Territory of Utah the defendant, for that reason, is entitled to a verdict of not guilty. If, on any of these points, you entertain reasonable doubts, you may give the defendant the benefit of those doubts. Reasonable doubts are not mere capricious doubts, but such as reasonable men may honestly entertain We often have painful duties to discharge, but ought not for this reason to shrink from duty. It is better to bear with many wrong acts, than, for the accomplishment of a given object, to depart from the great and well-approved principles on which mainly depends our lives, liberty, and happiness. Gentlemen, the case for the present, is committed to your consideration.

The jury rendered a verdict of not guilty.

The *News* says, in reference to the plea of the prisoner's counsel and the charge of the Judge: "We think they will sufficiently explain the nature of the trial, without comment, and prove a sufficient warning to all unchaste reprobates, that they are not wanted in our community; and all editors who have been publishing that 'the Mormons are a set of lawless debauchees and prostitutes,' may do well to publish said plea, charge, and verdict, for the special benefit of their readers; for it may be the means of saving some of them from a similar fate."

Expulsion of U. S. Officers from Utah.

The United States officers who returned from Utah, have stated that persons were expelled from the territory if they became obnoxious to the censure of the Mormon authorities. The following is a copy of an editorial article in the *News*, in relation to a regularly licensed trader, who it seems was not well regarded by the saints:—"A copy of a license given to Pedro Leon to trade with the Utah Indians, signed by James S. Calhoon, Superintendent of Indian Affairs, dated Santa Fe, August 14, 1851, attested by D. V. Whiting, has fallen under our observation; and we understand the said Pedro Leon was at Manti, in the county of San Pete, on or about the 3d instant, accompanied by about twenty Spanish Mexicans, trading and desiring to trade horses, for Indian children, fire arms, &c; and we are also informed that two other companies, of about the same size, and from the same source, one of whom holds a blank license, dated, "Executive Department, Santa Fe, New Mexico, July 20, 1851," signed by "J. S. Calhoon, Superintendent of Indian Affairs," authorizing said blank holder to "proceed to the Salt Lake country, in the territory of Utah, for the purpose of trading with the Utah Indians in said region." We are also advised that the ostensible object of said trader was to purchase Indian children to take to New Mexico, or Mexico, and also purchase guns and ammunition, to furnish the Navahoe Indians. We have not seen or heard His Excellency, Gov. Young, upon the subject, he being confined to his house by sickness, but we shall speak our own sentiments on this matter; and first, the license given to Pedro Leon, to trade with the Utah Indians, was designed, as we believe, to be confined to the Utah Indians in New Mexico; and that said Pedro has exceeded his license in coming within the limits of Utah territory; and, if we are mistaken in these premises, the next most reasonable conclusion is, that some other person than James S. Calhoon, as Governor and Superintendent of Indian Affairs in New Mexico, has issued said license; and if this be a wrong conclusion, and said Calhoon is Governor and superintendent in said territory, that he ought to try and watch his boys a little closer, and keep them out of other dominions. And, again, if the said J. S. Calhoon is Governor and Superintendent of Indian Affairs of New Mexico, and has issued a blank license to any honest man or secoundrel who may please to put his name to it, and, by the authority of that license, "go to Salt Lake country, in the Territory of Utah, and trade in said country, and in no other place, and with no other than Utah Indians," he has transcended the limits and authority of his office; he has violated his oath, trampled upon the constitution and laws of the United States, and set at defiance every righteous principle that binds together the States and Territories of our Union; but if said blank license be a forgery, and there be any such man as J. S. Calhoon, it belongs to him or his friends to ferret out and expose the forger. Again, the purchase and removal of Indian children from Utah Territory, to any other State or territory, or the removal of Indian children without purchase to any other territory, by any such means or process, as appears to have been contemplated by said men, is kidnapping in the eyes of the United States laws, and ought to be treated so in any United States court. It is well understood that the Navahoe Indians are at war with the United states, and it is strongly presumed that those traders are endeavoring to purchase arms and ammunition for the purpose of supplying the Navahoe Indians, in exchange for horses, mules, blankets, &c. Now, if we are correct in our supposition, for any one to furnish arms or ammunition to said Indians to fight against the United States, would be treason, according to the letter of the constitution; and for any one to sell arms or ammunition to said traders, having reasonable proof of their designs, would be giving aid and comfort to the enemies of the nation, and equally entitle them to a traitor's halter We have no objections to Spaniards, Mexicans, or any other nation in our midst, buying tea, sugar, coffee, or molasses; buying, selling, or swapping horses, mules, or any other animals or property which will tend to the public good; but, from what we have heard of the affair before us, we feel to raise our warning voice to all men within our limits, and especially to the citizens of Utah Territory, to beware how they furnish arms or ammunition to any tribe of Indians whatsoever, and especially to any tribe at war with the United States, or to any man, or set of men, of whom it can be reasonably supposed they have any disposition to furnish munitions of war to hostile tribes. And we further counsel that no person whatsoever be guilty of trafficking in human blood, or of selling Indians or Indian children to be transported out of the territory, or from one part of the territory to another. Our limits will not permit us to say more at present—our feelings would not permit us to say less; should we learn more concerning this matter hereafter, we shall communicate freely.

Tithing among the Saints.

The following document is published in form of a circular addressed to all persons concerned:—

As much interest is now felt by the saints in relation to tithing—and as mistakes and misunderstandings are liable to occur under the best regulations, and more particularly so where business is extensive and a general system of transactions, understood by all, is not in operation—I have thought proper to issue this circular to the bishops, agents, and all who are, or may hereafter be, concerned in paying or receiving tithing in the Church of Jesus Christ of Latter-day Saints. It is the duty of all bishops and agents for receiving tithing, in all parts of the world, to keep a full and accurate account of all tithing received, of whom received, when received, at what place received; and how, to whom, and for what purpose disposed of; and forward a copy of said account to the general tithing office every year, at or previous to the October conference. The office at Liverpool, and other foreign offices, and agents will not only furnish an annual copy of tithing accounts, by the emigration, or other safe conveyance, but, on the return of every such foreign agent to the place of the first presidency, will furnish a full and complete account of all items of receipts and expenditures, during his agency, together with the names in full, of all persons from whom he has received tithing, and their place of residence, accompanied by a balance sheet in full, for, and during the time of his agency. The brethren are frequently arriving from England, Pottawatomie, and other foreign places, and different valleys of the mountains, and want to see that their tithing is settled in full, so that they can have claim to some desirable blessings; but, unless returns have been made of these bishops and agents to whom they have paid their tithing, or the individual has a certified transcript from the books of his agent or bishop, how can such settlement be made here? Surely it cannot be done. Therefore, if any one wants to settle his tithing in full, let him bring a transcript from his bishop, provided the bishop's books, including his account, have not recently been returned to the general office And further, to facilitate business, and save trouble, let all the bishops in the territory make a semi-annual report of their books and doings at or just previous to the general conferences in each year. We wish it distinctly understood that it is the indispensable duty of all bishops and agents to attend to the above suggestions, as difficulties are daily arising in consequence of such neglect. It is also the duty of the clerks in all the different departments of the tithing office, and foremen on the public works, and all who keep daily journals and records of business and events occurring, in relation to the pecuniary affairs of the church, to make returns of the same every day, before the close of the tithing office, and receive a duplicate book for the use of the day following; and it is the duty of the presiding bishop, and the assistant presiding bishops, to see that all bishops and agents do their duty, and report according to this circular

N. B.—Mistakes frequently occur in consequence of the bishops and others not being careful to get a person's name correctly. If a person has a middle letter or letters in his name, it ought invariably to be inserted, as there are many persons whose names are similar, and there is no distinction only from the middle letter; and this caution we strictly enjoin in relation to all records of baptisms, births, deaths, &c.

WILLARD RICHARDS.

Office of General Church Recorder, G. S. L. City, Nov. 15, 1851.

Salt Lake Poetry.

The *News* announces to its readers that there are many poets among the people, and contributions from their pens are solicited Here is a specimen of the poetical productions of Utah:—

WHAT NEXT?—BY W. W. PHELPS.

What next? They say
There is a spot of real quiet,
Where ne'er an one deth fret and riot;
And yet all flesh is great to shy it,
And would, by wealth or art, defy it—
But ah! they can't.

What next? 'Tis said
The king and courtier, full of treasure,
The priest and people, by long measure,
The judge and lawyer, at their leisure,
Have tried to shun such dreadful pleasure,
But all have failed.

What next? Oh, there
No whisp'ring tongue can speak it,
Or shrinky tub deth leak it;
The vilest one, or purest meek wit,
In perfect peace, lies there a secret—
And will a while.

What next? Oh, tell
Me where is such a place of sleeping;
Where every thing, in perfect keeping,
Is free from pain, and free from weeping
For age, and life for it are leaping—
Among the Tombs.

What next? My friends!
Ye goodly wise, or fools who err it—
The grave takes all by common merit.
For there's no false, contending spirit;
The finest dust "grave worms" inherit—
The Grave is next.

Births and Deaths.

The General Church Recorder, W. Richards, calls upon all Mormons to record births and deaths. He says:—"It is the duty of all parents in the Church of Jesus Christ of Latter-day Saints, to report the birth of each child to their bishop; and the duty of all friends of any deceased brother or sister, to report the same to the bishop of the ward where the death occurs, with the cause thereof; and it is the duty of all bishops to keep a record of all births and deaths in their respective wards, and forward a copy of the same to my office, previous to the 6th of April conference of each year."

Our Curacao Correspondence.

CURACAO, Jan. 17, 1852.

New Year's Day—Naval Vessels.

Since my last, nothing of particular importance has transpired here. New Year's Day passed off in the most amicable manner. Our fatherly Governor, Rammelman Elcorier (whom the inhabitants of this island cannot too highly appreciate for his many excellent qualities) was receiving multitudes of visiters throughout the day, independent of class or color, for each of which he had a kind and consoling word.

At present we have four Dutch men of war in port—the frigate Prince of Orange, corvette Amphitrite, brig Arrow, and schooner Adder;