

Joseph Smith objected to the question, the doing of the city and referred to the proceedings of Congress to show that all citizens have a right to speak freely on the floor before them and that Congress is not responsible for a plot which was at the heart of the matter.

the Marshal; that the execution of the order could not be done, that the corporation should be the source of the money to pay the order; that the corporation was the poorest and that the city council had not that power; that the city council was not even here for trial; that individuals were arranged for a trial in the city; that the corporation was poor, they were unable to pay the premiums court, and that Judge Thomas had decided that an action could not lie, if no riot had been committed; and

Councillor Bonny said: if the act was committed by the corporation of the city they might show it in justification.

Court decided that the gentlemen arranged, were arranged in their individual capacities, and could not be recognized as a corporation in their official capacity.

Witness said that all he heard the mayor say, was said as conciliator.

Dr. J. R. Wakefield, (of New York)

and he went on, the Hill after the order passed the Council, saw some portion of the Legion collected, walking quietly along as though they were walking to the dead march in 'Saul'; there was no noise or tumult. Higbee asked the Marshals their authority, Marshall stated his authority from the Mayor for abating the nuisance. Higbee set them all at defiance, eleven or twelve men were called out who went up stairs and opened the door, did not know how the door was opened, there was not more than one thump; Marshall Green asked one of the officers if any thing was

destroyed except what belonged to the Press and the officer replied no! All was done in perfect order, as peaceably as people move on a Sunday; was present all the time, all that was done, was done in their official capacity as officers of the city.

Councillor Bonney objected to the les-

Court decided that any knowledge in possession of the Court was testimony in the Court.

E. Wingott, [of Boston] concurred in Dr. Wakefield's statements, was by the doctor when it was made, and knew the

nothing more than a *knee* was put against it; all was done quietly; was present in city council when the order passed; nothing said in council except what was said in capacity of councillor and aldermen,—was by the door all the time when the press and type and things used in

Willard Richards read the resolutions of the city council of the 10th inst. of the

clearing the press; a nuisance &c.; and the Mayor's order to the Marshal to destroy the press; and the Lieut. Generals' order to Major Genl. Dunham, to assist the Marshal with the Legion if needed, to abate the nuisance; and the Marshal's return that the press and type were destroyed, as published in the "Northbrook

Dr. Wakefield was again called upon and heard Marshal tell the officers and men, to hurt no property except the press type and fixtures; and after the abatement Mar-

E. Wingott called again, heard Mr. Foster ask Higbee for the key of the office, and afterwards saw him deliver the key to Mr. Higbee; there was nothing destroyed but what pertained to the press.—

—saw the press and type taken out and burned—saw no other property burned—desk might have been taken away before—should not have seen it if it had been—saw no desk burned,—does not believe any desk was burned.

W. G. Ware called again; saw Charles Foster coming from the office, and go into Foster's house, with books under his arm; looked like accountant books—saw nothing.

but the press ~~and~~ pictures brought in except a chain, and the marshal orders it carried back.

E. Wingott, recalled—stood close the door; could see all that was done, did not believe a desk could be brought in and he not see it.

Dr. Wakefield recalled—Joseph Smith

Joseph W. Coolidge was discharged by the court and sworn; Charles. Foster asked Francis Higbee for the key to the office, Higbee hesitated; Foster said he wanted to get a drink that night.

The counsellor's assistant, who was without plan, and the printer, who had the printer's.