

disarmed by the only two able-bodied men at the post, all the rest being away in the mountains. "By G—," exclaimed the men, "if we had known that before!" "Yes, but you didn't know," responded Brother Grover, "and that is how we took you." They then commenced to praise the matchless bravery of Brothers Smith and Grover, and said if they would give them their liberty they would enlist under the Major and defend the "Mormons," and that they would consider it an honor to fight under such a man.

We kept them prisoners for three days, until Col. West returned from his reconnoitring trip to the mountains, when he took them to Salt Lake City, where they were kept for some time and finally permitted to proceed on their journey, promising to leave the country at once, which they are supposed to have done."

When I subsequently related this incident to President Young, he seemed to be much pleased and said it would take only a few such men as Major Smith to outwit and whip a whole army. ANDREW JENSON.

BRIGHAM CITY, May 1, 1891.

GRAND JURY REPORT ON THE MAFIA CASE.

NEW ORLEANS, May 5.—After a six-week's investigation the grand jury completed its labors in the Italian case and this afternoon presented a voluminous report to Judge Marr. The report recites the killing of Chief of Police Hennessey, the trial of the Italians, etc., and, referring to the verdict rendered, says:

We cannot be mistaken in the assertion that the verdict was startling and amazing, a bitter disappointment, shocking to public opinion, and provoking repeated accusations that some of the jury had been unfaithful to their office.

THE ACTION OF THE JURY.

The report goes on at considerable length to speak of the comments made on every side before the trial touching the action of some of the members of the jury, the remarks dropped in and about the court room, the quarrel in the jury room, etc. A careful observer, it says, testified with special reference to the marked inattention of the jury as the witnesses submitted their evidence, conduct most unbecoming and fraught with the gravest consequences when the momentous import of the issue is considered.

We are led to conclude that the jury undertook to try the case, when it was submitted, by their own estimate of the value of the statements made by parties not called as witnesses. With a strange unanimity they dwelt upon what they knew by reading and hearsay of certain incidents of the assassination prior to the trial, and made these the basis of powerful reasons for giving the accused the benefit of a doubt, and concluding their deliberations in their favor. We take occasion to say that it was not expected to obtain any evidence of undue influence from the members of the jury, for those who were uncorrupted had nothing to reveal, while the others would not make themselves particeps criminis, yet in their numerous statements

much was obtained having direct connection with and supported by the great volume of testimony elicited during the inquiry.

It is clear, it is brought out by the evidence of the jurors that, as affecting three of the accused, Politez, Scaffedi and Monasterio, the jury were engaged in deliberation four or five hours, and on

REPEATED BALLOTS

stood six guilty and six not guilty. This is clearly defined in the citation of the conviction of the jury as to three of the accused. It forces the conclusion that the evidence was sufficient to justify the six jurors who stood resolute and determined for a verdict of guilty making it well nigh impossible to reach any other conclusion than mistrial. The three accused named above were probably unwilling actors designated by the leaders of the conspiracy to execute the villainous part, in which they had neither personal motives nor interest.

Following this investigation it was quickly learned that talesmen had been approached in various manners, the vile work even being carried forward in the courtroom during the trial. One favorite expression was that big money might be made by going on the jury and doing right. There is no doubt that such attempts were made by various parties in the service of the defense, entertained by some of the talesmen and scornfully rejected by others. In some instances a rebuff was met with the answer that it was a joke, but surely it was a well-directed joke of deep significance, when a leading part is enacted by the counsel of one of the accused awaiting trial, now under indictment for attempting to bribe a juror.

ANOTHER CLASS OF TALESMEN

took special care to deny any knowledge of the evil work and showed a remarkable deficiency of memory, causing us to conclude that they were silent from fear, or had been cautioned about incriminating anyone. A number of witnesses most emphatically denied having been approached or spoken to, even after telling it to their friends, who informed us. Among the talesmen a number of our citizens have come forward, relating their experiences, furnishing some of the missing links in the chain of circumstantial evidence drawn around the organized gang of jury bribers.

It is not to be questioned that the work was systematically executed after careful preparation, and had to be done quickly. The necessity was imperative for a complete list of the talesmen, and the grand jury knows that list of talesmen was in the office of O'Malley & Adams at 10 o'clock Sunday morning, February 22nd, though the trial judge had issued special orders that the list was not to be made public or given to the counsel of either side until Monday. It is not shown by whose hands the list was secured, but enough is shown to confirm the secret and powerful influence of the so-called private detective agency and Counsel Adams to handle the machinery of the court.

THE EVIDENCE

shows that the lists of names were tampered with when drawn from the jury wheel and before they reached the jury box in court. O'Malley was put in

possession of the lists almost immediately after the names were drawn, and before they reached the district attorney's office. Influential friends alone could accomplish this, but it was secured in the person of one of the jury commissioners, lately removed.

It is further learned that in the office of the detective agency is kept a book of names and addresses of jurymen. Out of three hundred names for the February panel, thirty-two were on O'Malley's list, and later, as the men were drawn, many more names appeared on that list. Truly the business of this enterprising detective agency was facilitated when thirty-two names of their selection could be drawn on a panel of 300 jurors from a wheel containing 1000 names.

UNRELIABILITY OF DEPUTIES.

The report goes on to speak of the unreliability of some of the deputy sheriffs, about court and at the parish prison, although they were not detected in any act of a criminal nature. When the indictments against McCrystal and Cooney were read in the court room in blank the fact was at once communicated to the indicted men through some subordinate of the court. When these men were arrested in O'Malley & Adams' office, the deputy sheriff reported to the court that the arrest was made on the street.

The report dwells on the sworn statement of Thomas Collins as of great value. He, after entering the employ of O'Malley & Adams, was commissioned as a special officer by the mayor and paid by the city.

His duties while acting in his double capacity were performed with the strictest fidelity, evinced by daily reports of everything seen or heard. Its details are material features, and are so closely connected with the circumstances of the trial, as confirmed by other witnesses, that there is not the slightest reason to doubt the accuracy and correctness of Collins' sworn statement. It unfolds the whole story of

THE INIQUITOUS WORKINGS

of the arch-conspirator and his lieutenants, revealing the boundless power of a man to overcome and defy the majesty of the law in criminal and civil proceedings through the operations of an unscrupulous private detective. The difficulties of establishing the existence of such conspiracies by adequate proof are almost insurmountable. Secrecy is an essential element, and seldom does it happen that any one of the participants will reveal the villainy, either before or after its execution.

BRIBERS INDICTED.

Sufficient evidence, however, was offered by voluntary and reliable witnesses to justify the indictment of six men, as follows: Thomas McCrystal and John Cooney, with D. C. O'Malley, for attempting to bribe talesmen, and Bernard Claudi, Charles Granger and Ferner Armand for attempt by each to bribe three different talesmen. These parties are clearly shown to have been intimate with O'Malley, often in his office, informed of all doings, and were active workers in the jury-fixing business generally.

We are forced to the conclusion that Dominick O'Malley is chargeable with knowledge of and participating in most, if not all, of the unlawful acts in