

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, -- Mar. 24, 1875.

A NEW CHIEF JUSTICE.

LAST evening, after we had gone to press, it was rumored on the street that Chief Justice McKean had been removed and a successor to that office had been nominated by President Grant.

By dispatches from Washington and New York, published in our telegraphic and local columns, it will be seen that the rumor was not baseless, but had sufficient foundation to justify public credence.

The new appointee, Isaac C. Parker, of St. Joseph, Mo., is an old circuit judge and member of Congress, a native of Ohio. He is a republican in politics, and a man of ability and character. If he should accept the office and be confirmed by the Senate, it is to be hoped that his judicial administration will be characterized by faithful adherence to constitutional principles, impartiality, and a high regard for the interests of justice and the public welfare, so that he may long merit and enjoy the respect and esteem of the community.

Local and Other Matter

FROM THURSDAY'S DAILY, MAR. 18.

Information Wanted.—By Mrs. E. Fitch, 40, Canal street, Grand Rapids, Michigan, of the whereabouts of her father, John P. Lloyd.

New Telegraph Offices.—The Deseret Telegraph Company have just opened offices at Santaquin and York, on the Utah Southern railroad.

Court Business.—To-day, while Judge Emerson presided in the Federal Court room, Judge McKean heard ex parte motions and attended to the naturalization of citizens in the jury room.

First Appearance.—Attorney George E. Whitney made his appearance in the Federal Court Room this morning the first time we believe since the occurrence of the unpleasantness between himself and Judge McKean.

Another New Chief Justice for Utah.—Our dispatches from Washington this afternoon, tells us that Hon. David P. Lowe, member from Kansas, to the late Congress, has been nominated by the President, for the chief justiceship of Utah, Mr. I. C. Parker, of Missouri, having been nominated to the judiciary for Arkansas.

Sweet Seventy-Seven.—Mr. Robert Carter, the venerable news-dealer and carrier, informs us that to-day is the seventy-seventh anniversary of his advent in this mundane sphere, and as is our custom as the time comes around annually, we heartily commend uncle Robert to the kindly consideration of the reading public. He is always prompt to fill orders for periodicals of all kinds, and he desires us to return thanks for him to his patrons of the past, with a reminder that he will be grateful for a continuation of their favor. We wish Robert many happy returns of the day, although he has already passed, by seven years, the time allotted as a rule to the probationary span of life to man.

Japanese Pea.—If one were to believe certain circulars that are floating around this part of the country, it would be supposed that what is called the Japanese pea is the most wonderfully productive and otherwise excellent of all peas. Whatever may be the good qualities of this pea, when grown in other climates, it is evidently not adapted to the climate of Utah. Last year, Wilford Woodruff, one of the best and most experienced farmers in this Territory, purchased some of the Japanese peas for seed; he planted it on his farm, south of this city, and tended it with special care. Notwithstanding his close attention, only about one-fourth of the seed germinated. It grew all summer, without a vestige of bloom or the slightest indication of fruit, till October, when

the vines were bitten by the frost and wilted. We say this much that others may not get struck after the Japanese pea and be disappointed.

Departed.—Intelligence has been received from Logan, Cache County, of the death at that place, yesterday afternoon, of Major Seth M. Blair, an old and well known resident of this Territory. Major Blair may be said to have been the patriarch of the Utah bar, having been appointed U. S. Attorney for Utah by President Fillmore, and being the first holding that office here. He was a major in the famous Texan Rangers and took part in several battles which secured to Texas her independence. He was a personal friend of General Sam Houston, and a letter written to the latter by Major Blair, published first in the *Washington Star*, and subsequently in many journals throughout the Union, was one of the means of turning the scale of the "contractors' war" against Utah.

The Major was firm in his friendships, and the last time the writer conversed with him after he had had a severe spell of sickness, he said that while ill he had called a portion of his family to him and told them never to go back on "Mormonism," as he knew it to be the truth, and wished them to note that and remember it in case he should drop off.

Major Blair was well known throughout Utah, from Dan to Beersheba, or from Bear Lake to "Dixie," having resided, at different times in various parts of the Territory. He was naturally open, free, hearty, impulsive, brave, and enterprising in character. He entered the editorial fraternity in connection with the *Mounaincer* in this city. During his latest years he was afflicted with rheumatism, and became little more than a wreck of his former self.

The People, &c., vs. Thomas E. Ricks.—The Third District Court met at 10 o'clock this morning, Philip K. Emerson, Associate Justice, presiding.

The case of the People, &c., vs. Thomas E. Ricks, indicted for the murder of David Skeen, was called, both sides reporting as ready for trial. District Attorney Carey read the indictment and the Marshal proceeded to draw a jury.

Mr. Adam Patterson, by request of counsel for defense, was sworn to report the proceedings of the case.

The following were drawn as a jury and sworn on their *voir dire*: W. J. Hooper, S. F. Nuckolls, Charles Ellis, Daniel Cram, Jos. Peck, A. W. Davis, Samuel Bringhurst, Jesse West, Frederick Peterson, Joseph Seigel, George E. Bourne and De Witt C. Thompson.

The jurors were examined as to their qualifications by District Attorney Carey.

Charles Ellis had expressed an unqualified opinion regarding the case, and was challenged off.

Frederick Peterson, a Scandinavian, did not possess the qualification of being able to read and write the English language, and had been naturalized subsequently to being drawn on the jury list, and was excused.

George M. Ottinger was drawn, but admitted that he had expressed an opinion on the merits of the case, and was excused.

Robert Camm was drawn. In his examination he stated that he had been naturalized about two weeks since and subsequently to his being selected to serve as a juror. Mr. Sutherland, for the defense, objected to this juror, on the ground that he had been selected without the qualification of citizenship at the time of such selection, which was not in conformity with the law requiring that the clerk of the District Court and the Probate Judge of the county where the Court is held shall select from the tax list the names of 200 male citizens, &c., to serve as jurors.

The District Attorney said the same point had been raised in the Court in other cases and had been overruled.

The Judges said he had already decided in his own court, in the Second District, that the objection was good cause for challenge, and he could not hold otherwise now, so the defense challenged the juror and he was excused.

Michael Holden was drawn, but was excused on the same ground as Robert Camm.

Hyrum T. Shurtliff, M. B. Callahan and Wm. Naylor were drawn and passed.

Wm. J. Hooper was challenged

peremptorily by the prosecution and H. T. Shurtliff by the defense.

At the suggestion of the Court, and by agreement of counsel, each side having fifteen peremptory challenges, twenty additional jurors were drawn from the box to be summoned to appear forthwith, and, pending their appearance, at half-past 11 o'clock, the court took a recess till half past 1. The prosecution being unwilling to let the jurors go at liberty, they were held in charge of an officer of the court.

FROM FRIDAY'S DAILY, MARCH 19.

Zeal Without Wisdom.—The Reese River *Reveille* says—

"It seems to us that Judge McKean is more zealous than just."

Daily Mail.—For the benefit of the public we have been requested to state that a daily stage, for the conveyance of mails and passengers, runs between Nephi, Juab Co., and Richfield, Sevier Co., passing through Sanpete.

Confirmed.—By reference to our Washington dispatches of this afternoon it will be seen that the Senate has confirmed the appointment of Hon. David P. Lowe for Chief Justice of Utah, vice James B. McKean removed.

The Sword of Damocles.—The Sword of Damocles, suspended by a single hair, falls unexpectedly when and where, and sometimes also upon those who least expect it. "Let him that thinketh he standeth take heed lest he fall," is an apt and old proverb.

Summer Vacation.—A short time since, Judge McKean gave as a reason for wanting a certain case heard by a referee, instead of hearing it himself, that there was a great deal of business and he was fully determined on taking a recess during the heated season.

Caught.—Let it no longer be said, "Where is Wiggins?" That notorious monte man having, we understand, been caught at Council Bluffs. That is the last heard of him since he left deputy U. S. marshal Gilbert keeping his lonely watch for him outside the door of a room in this City, while he was supposed to be interviewing Mrs. W.

Drawing of the St. George Temple.—A few days since, Brother Edward Brain returned from St. George, where he had been at work on the Temple during the whole of the winter. To-day he showed us a couple of drawings he had made of the building, one of the north side and the other of the east front. It certainly is a noble looking, imposing building. The walls are all built up clear to the cornice, a height of eighty-one feet. The east end will be surmounted either by a lofty spire or a dome.

Personal.—We were favored with a call to-day from Mr. C. Y. Woodmansee, the gentlemanly agent of the firm of Wm. Resor & Co., Cincinnati, manufacturers of stoves and stove ware, who visits our City in the interest of this well known and reliable house. Mr. W. states that he experienced very cold weather through the Bitter Creek country and was detained east of Green River several hours by drifted snow. He reached this City by this morning's train, and during his stay will be found at the Townsend House.

Woman's Exponent for March 15 contains "How to be Beautiful," "Don't Marry without Love," "Mozart and the Princess," "Woman's Voice," "R. S. Reports," "Retrenchment Resolutions," "Statistical View of the Woman Question," "Self Knowledge," "As the Twig is bent," "Ordinary People," "In Earnest," "To the Sisters," "Humility," "Faith vs. Form," "Why Some Women Write," "About Drawing," "Peculiarities of Human Nature," "Correct Speaking," "Hints," "Notes," etc.

Returned.—Our general traveling agent, Elder Wm. Bramall, has recently returned from his trip through the southern settlements, where he has been on business connected with the NEWS, in which he has been very successful, having been instrumental in increasing our already extensive circulation by adding a large number of new subscribers, also in collecting outstanding accounts and disposing of a number of various editions of the publications of the church. We tender our sincere thanks to the presidents, bishops, and others in

the various settlements that he visited for the many courtesies and the assistance rendered him in the transaction of his business.

Horticultural Society.—At the meeting of the Horticultural Society last evening, the subject of holding a summer and fall exhibition was favorably considered.

The importance of prompt and efficient measures for destroying the codling moth before they get into the fruit blossoms, elicited a spirited discussion, and resulted in the appointment of a committee, consisting of Messrs. Woodbury, Wallace, and McKnight, to solicit the co-operation of the city and county to aid the Society in adopting those plans already recommended by the best experience and advice attainable to rid the county, so far as possible, of the pests now threatening the complete devastation of our fruits.

Getting a Jury for the Ricks Trial.—On the re-assembling of the Third District Court yesterday afternoon, the work of obtaining a jury was recommenced.

James Eardley was called and passed as for cause.

William Naylor was peremptorily challenged by the prosecution.

Jasper Conrad was called and passed as for cause, and Daniel Cram was challenged off peremptorily by the defense.

A. H. Owen was called, but, on examination, admitted to having expressed an opinion on the merits of the case, and, for this cause, was excused.

A. J. Stevens, not being a citizen, was excused.

Stephen Hunter was passed as for cause, and Jasper Conrad was challenged peremptorily by the prosecution.

W. R. Jones was called and passed as for cause, and M. B. Callahan was peremptorily challenged by the defense.

John Acomb was called. He came to this country under age; understood his father was a citizen, but his testimony on that point being hearsay, he was excused.

George W. Davis was called and excused, on the point of non-citizenship. William Harmon came to this country under age. Understood his father to be a naturalized citizen, but his evidence not being sufficiently definite on this point, he was excused.

Jesse West was peremptorily challenged by the prosecution, and S. F. Nuckolls by the defense, as were also George Bourne by the prosecution, Joseph Seigel by the defense and James Eardley by the prosecution.

Twenty more names were drawn and the parties summoned forthwith.

Abel W. White, Eli Ransohoff, A. Keys, and Emanuel Kahn had formed and expressed opinions on the case, were challenged for cause and excused.

George F. Prescott was called. He said he had not formed or expressed an opinion on the case, and those who knew him and heard him so state, at once formed an opinion of him and his statement on oath. He was challenged peremptorily by the defense.

Ten more names were drawn.

John Quayle was excused, on the ground of non-citizenship, as was also George Whitaker.

Samuel May was called and passed as for cause, but was peremptorily challenged by the defense.

Alexander J. Daft, Frank Cisler, John S. Barnes and Thos. H. Woodbury, Jr., passed as for cause.

Isaac Hardman and Geo. Brooks were challenged and excused for cause.

Jonah Croxall and T. B. Jones passed for cause, but were challenged peremptorily by the prosecution.

Ten more names were drawn, venire returnable at nine o'clock to-day, until which time Court adjourned.

TO-DAY'S PROCEEDINGS.

Court met at nine o'clock this morning.

Allen T. Riley was called and passed as for cause, but was peremptorily challenged by the defense.

T. F. H. Morton was called and passed as for cause.

Wm. Wadsworth was called, but was excused, owing to having conscientious scruples about finding a verdict where capital punishment might be involved.

Albert W. Davis was challenged off peremptorily by the prosecution.

Samuel Varney was called and passed as for cause.

Jabez Taylor and Jacob Hunter were called and excused, for cause. James Johnson was called and passed as for cause.

John Tingey was challenged peremptorily by the prosecution.

W. C. Morris called and passed as for cause.

T. F. H. Morton was challenged off peremptorily by the prosecution.

James W. Ure called. Had been in this country since he was two years old. He had been told by Judge Wilson that he was a citizen because his father had been naturalized. The evidence of his father's citizenship being hear-say he was excused.

Ezra Foss was called and passed as for cause.

Samuel Varney was challenged peremptorily by prosecution.

Joseph Smith was called, and passed for cause, but was peremptorily challenged by the prosecution.

William Cunningham was called, passed as for cause, but challenged peremptorily by the defense.

Samuel Woodward was called and examined. Had expressed an opinion on the merits of the case, and was excused, for cause.

Samuel J. Lee was called and passed as for cause, but was peremptorily challenged by the defense.

William Irvin was called and passed as for cause.

Samuel Bringhurst was peremptorily challenged by the prosecution.

Aaron Greenwald was called. He had formed and expressed an opinion on the merits of the case and was excused.

Samuel Levy, not being a citizen, was excused.

P. H. Lannan was called, and, on examination, admitted that he had formed and expressed an opinion regarding the guilt or innocence of the defendant, and was excused.

S. Auerbach was called and excused on the same ground.

Five more jurors were drawn, to be summoned to appear in court at half-past one, until which time a recess was taken. At the time of taking recess the prosecution had exhausted their peremptory challenges save one, while the defense had still five remaining.

FROM SATURDAY'S DAILY, MARCH 20.

Stormy.—It tried to be severely stormy again with wind and snow from the north, for a short time, late last night.

Jurors Excused.—Yesterday afternoon all the jurors not on the panel were excused from further attendance at Court until Tuesday morning, it being expected that the Ricks trial will last till Monday afternoon.

Rehearsal of the "Messiah."—The rehearsal of the "Messiah," in the 13th Ward Assembly Rooms last evening, was well attended, and there was an excellent rehearsal, general good feeling and harmony being the order of the evening. The executants, vocal and instrumental, are now able to render quite a number of the choruses with good effect, and, judging by the prospect last evening, the effort to render this great composition by local talent alone, will prove successful.

Inquest.—An inquest was held by Coronor Taylor last evening upon the bodies of John Strong and Christina Strong, victims of the recent snow-slide at Alta City. The slide occurred at fifteen minutes to 6 a. m., on Tuesday last; they were very much bruised and crushed by the timbers of the house they lived in, he having a leg broken and his wife's neck being dislocated. The people of Alta, as usual, rushed *en masse* to the rescue; but life was entirely extinct before the twelve feet of snow which covered them could be removed.

We understand that he was a native of Ireland, and about forty-five years of age; his wife was a native of Falliter, Denmark, and about the same age.

The Ricks Case.—In the Third District Court, yesterday afternoon, after recess, the work of obtaining a jury was resumed.

Henry Simons was called, passed as for cause, but was challenged peremptorily by the defense.

James McGuffy was called. On examination he said he had not expressed an opinion as to the guilt or innocence of the defendant.

Judge Sutherland, for the defense, said he wished to introduce witnesses to show that the juror had expressed an opinion.