

DESERET NEWS: WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - JAN. 26, 1876.

SOME INTERESTING INQUIRIES.

An "Inquirer After Truth" writes from Tooele county, Dec. 28, as follows—

"Editor Deseret News:

"Will you please answer the following questions?"

"Question 1.—Does not the first article in the Amendments to the Constitution of the United States state that 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof?'"

"Q. 2.—Are jurors bound by their oath to find a verdict of guilty when a person is tried for what the Constitution justifies all men in practicing; that is, the free development of their faith in practice?"

"Q. 3.—Does not the Constitution tolerate plural marriage as well as single or monogamic marriage?"

"Q. 4.—Does not the Constitution deny or prohibit Congress from any interference in religious principles?"

"Q. 5.—Did not Congress, when it passed the law forbidding plural marriage and prescribing imprisonment and fine for those who practise it, positively break the Constitution?"

"Q. 6.—Is not Congress impeachable for a violation of the people's rights in passing a law to prohibit religious freedom?"

"Q. 7.—God having by revelation to this people commanded plural marriages, and Congress forbids plural marriages, shall or ought this people to obey God or Congress?"

"Q. 8.—Is a jury responsible for a congressional breach of the constitutional amendments, or of the Constitution?"

"Q. 9.—If progressive intelligence is in advance of bad laws, should not a representation of the people in juries inform the nation by their verdict that the laws should be either repealed or amended, that harmony may exist between progress and law?"

"Q. 10.—Are jurors guilty of a breach of true principle when they acquit the slayer of the seducer, notwithstanding the law designates such slaying murder in the first degree?"

"Q. 11.—Is not a jury seriously at fault when it gives a verdict of guilty against any person for practicing plural marriage, knowing that the Constitution approves the act?"

"Q. 12.—Does not the Constitution give the same privilege to a polygamist to marry any number of wives, as it gives to a monogamist to marry but one wife?"

"Q. 13.—Are progressive men in practicing their knowledge of truth, or is popular prejudice made manifest in opposing truth, at fault?"

"Q. 14.—Is plural marriage in harmony with celestial and natural philosophy, or is it condemnable?"

"Q. 15.—Have not all attempts in past ages by tyrants proved unsuccessful to stop the march of progress, and, furthermore, degraded themselves in the estimation of sound and progressive-minded persons, so that their names will be despised throughout all time?"

Answer 1.—Yes.

A. 2.—Jurors are bound by their oath to find a verdict according to the law and the facts—the law as expounded by the judge, the facts as the jury may determine their value. The Supreme Court of the United States, in cases appealable to it, is the final arbiter of the constitutionality or unconstitutionality of any law, to which arbitration all citizens must submit, or take the consequences, which are not pleasant. Conscience is not usually supposed to have any influence over a jury, except as regards the law and the facts in the case.

It is held that it is the prerogative of the court to judge of the nature of the law in the case, and the prerogative of the jury to determine the value of the evidence adduced. The jury are expected to return a verdict according to the court's view of the law and their own view of the evidence. If the jury bring in a verdict inconsistent with the judge's view of the law in the case, he may instruct them in the law, he may send them back to reconsider their verdict, he may set aside their verdict and treat them severely, he may discharge them, but he cannot actually compel them to return a verdict to suit him. In civil suits we believe it is universally the case that the jury do not judge of the law, and it is generally the case in criminal trials, though in some of the States it is assumed that in these latter trials the jury shall be judges of the law as well as of the evidence, and statutes to that effect have been enacted. In a few extreme cases, in criminal trials throughout the Union, juries sometimes constitute themselves practically judges of the law as well as the facts, as elsewhere instanced. However, a conflict between judge and jury is always unhappy and to be deprecated.

A. 3.—We believe it does, at least where the marriage is a religious affair.

A. 4.—Yes, virtually. But it makes no difference if Congress does not, as every man can hold what principles he pleases, and both the Constitution and Congress are powerless to prevent him.

A. 5.—We believe it did.

A. 6.—If Congress is impeachable, who can impeach it? Congress itself possesses the impeaching power. If Congress makes an unconstitutional law, the courts can nullify it by declaring it unconstitutional and void. If the people do not like the acts of Congress, the people, at succeeding elections, can send different men to Congress, as was done largely in electing the present U. S. House of Representatives. There is an extreme way of virtually "impeaching" Congress, and that is by insurrection or revolution, as for instance French revolutions, and the American revolution a hundred years ago. These, however, are among the most hazardous and terrible proceedings connected with human government, and the prospect is not agreeable to contemplate.

A. 7.—Cases of this kind rest with the consciences of men individually. There are some heroic instances on record. The three Hebrew children were cast into a fiery furnace for obeying the dictates of their own consciences in preference to earthly mandates. They escaped harm, and subsequently received exalted consideration. Daniel the Prophet conscientiously disobeyed the law forbidding prayer. He was cast into a lions' den in consequence, but providentially preserved from harm, and highly honored afterward, "and why not every man?"

A. 8. No.

A. 9. Petit juries have little to do with laws, except as they find them existing. If legislatures make bad laws, the people should elect legislatures who will make better laws. "Progressive intelligence" is expected to submit to existing laws. If it cannot do this it must take the consequences, and come out of the conflict in the best manner it can.

A. 10. We do not think they are, at least in flagrant cases. It is not universal, but it is so very general as to have become a part of the unwritten law, in the United States, that in cases, especially aggravated ones, of this kind, juries will not bring in a verdict of guilty, no matter how a judge may charge, or the law may read. In this the juries take the responsibility of their actions upon themselves, and the public sentiment sustains them in it, almost without exception.

A. 11.—It is not considered the business of a jury, but of the Court, to declare whether a law is constitutional or unconstitutional.

A. 12.—The Constitution prohibits Congress from making any law respecting an establishment of religion, or prohibiting the free exercise thereof. Where marriage is a part of religion, Congress is thus

prohibited from prohibiting it. With merely civil marriages it may be different.

A. 13.—An enlightened man and a prejudiced man each often thinks he is right. Of course the one that is in error is so far at fault, though he may not know it, and the difficulty often is to convince him of his error. A fool, even, considers his folly superior to the wisdom of the wise.

A. 14.—We believe that plural marriage, as well as single marriage, is celestial and philosophic. Neither kind of marriage, under proper conditions, is condemnable morally. But either may be greatly abused, and the abuse is condemnable. The Bible says, "Marriage is honorable in all." However, human law and morality do not invariably run parallel. Some human laws condemn plural marriage, and some even condemn monogamic marriage in certain classes.

A. 15.—We do not know the history of all tyrants in past ages. Progress may possibly be checked by that class of men for a time, but ultimate reaction is frequent, and the purposes of the Almighty are sure of accomplishment. Tyrants, whose history is known, are generally, to a greater or less degree, degraded in the estimation of posterity, and their names are despised by it, while the victims of their tyranny are held in honorable remembrance. Many of the primitive Christians maintained their religious convictions and were tyrannically, cruelly, and horribly persecuted even to the death, and now they are honored while the actions of their persecutors are held to be not only indefensible, but worthy of execration. Posterity will be likely to render a similar verdict in regard to the Latter-day Saints and their persecutors.

Local and Other Matters

FROM WEDNESDAY'S DAILY, JAN. 19.

Another Old Citizen Gone.—William Ballan, watchmaker, an old citizen of this Territory, expired at half-past five o'clock this morning.

From Omaha.—The Omaha Bee of Jan. 9, with its annual supplement, is in quarto shape of 16 pages, with a large bird's eye view of Omaha. The Supplement contains a large number of articles, statistical and descriptive, concerning the business of that thriving city, and is embellished with 32 illustrations of prominent buildings in that city, and a map showing Omaha and its railroad connections.

Meetings at Cottonwood.—Two days meetings will be held at South Cottonwood (Bishop Rawlin's) Meeting House, on Saturday and Sunday, Jan. 22nd and 23rd. The 72nd and 73rd Quorums of Seventies will please give their special attendance to the meeting on Saturday at 10 a. m., also the Saints in general.

JOSEPH YOUNG,
H. S. ELDRIDGE,
A. P. ROCKWOOD,
JOHN VANCOTT.

ROBERT CAMPBELL, Clerk.

From San Francisco.—The annual edition of the San Francisco Journal of Commerce, eight blank folio pages, contains a map of San Francisco and its commercial connections with the principal ports of the world, and is filled with statistical and other information concerning the commerce, agriculture, and mining interests of California, involving a great amount of labor, and evincing great enterprise and ability. Sixteen thousand copies have been printed.

Eggs.—From information from a reliable source we are able to give an approximate estimate of the amount realized by the producers from the sale of eggs in the following counties—Utah, Juab, Millard, Beaver, Sevier, Sanpete, Davis, Weber (excepting Ogden City), and Box Elder. For 1875, the eggs produced in those counties, we are reliably informed, if sold at 25 cents a dozen, would have netted to the producers \$150,400. If the balance of the Territory were included, the revenue from this apparently insignificant source would not fall far short of \$300,000 a year.

In the Snow.—On Monday morning Hons. Jos. F. Smith, W. B. Preston, J. Rowberry and F. M. Lyman left Logan, when the weather was clear and promising. By the time

the train reached Mendon it blew such a hurricane that it appeared as if old Boreas was trying to burst his jaws. However, an attempt was made to proceed and cross the divide to Hampton's, but after going but a short distance the train had to return to Logan for the snow-plow, when the divide was again attempted, but after Mendon was left about three miles behind, it was decided, from necessity, to go no further ahead, but to return, but the retreat was cut off as well as the advance, by the engine running off the track, so the party had to stay out in the mountains all night, minus blanket or provisions, but made the best of it.

Next morning about ten o'clock this hungry party were delighted on seeing the approach of Bishop Henry Hughes and others in sleighs, bearing baskets of provisions, which soon commenced to disappear as rapidly as if manipulated by Carabara. Yesterday the train got through all right, owing to the praiseworthy and indefatigable energy of the officers and employes of the Utah Northern, and the party reached the City last evening.

Drawing of Jurors.—In accordance with an order of the Third District Court, and the law in such case made and provided, the names of grand and petit jurors, to serve at the January term of the Court, were drawn, in the manner prescribed by law, to day. The numbers occurring before the names indicate their position on the original list selected by the Clerk of the District Court, and the Probate Judge of Salt Lake County, the odd numbers having been chosen by the former and even by the latter—

GRAND JURY.

186 Mark Hall	1
52 Thomas Corless	2
18 Wm B Cole	3
189 Henry Sipper	4
50 John Wayman	5
62 T H Woodbury, sen.	6
9 W G Golligher	7
110 Wm Peck	8
20 S M Lovendahl	9
181 Alex Rogers	10
112 Ethan Pettit	11
165 J K Morrill	12
67 C F Smith	13
23 P L Shoaff	14
179 Malcolm Graham	15
103 J M Joelson	16
180 David Stoker	17
160 Grandison Raymond	18

PETIT JURY.

81 J R Nichols	1
74 Stephen Crompton	2
96 Edwin Harmon	3
93 A Leventhal	4
88 H J Faust	5
68 F K Benedict	6
164 Thos F Rousche	7
2 John T Conk	8
169 George Higgins	9
193 George A Mearns	10
114 Wm Spicer	11
84 Bolivar Roberts	12
154 John Welch	13
72 Isaac Pierce	14
106 Charles Kimball	15
157 T C Armstrong	16
101 Julius Jordan	17
170 T B Clark	18
79 Louis Ordner	19
166 Thomas Rogers	20
162 Geo W Hudson	21
89 John L Hall	22
118 W C Neale	23
16 W S Covert	24
98 Isaac Hunter	25
173 J J O'Reilly	26
200 Robert Hazon	27
99 J L Latey	28

City Council.—Council met last evening, Mayor Wells presiding. Petition of G. W. Townsend, for remission of job wagon license; referred to committee on license.

Petition of James Dixon, for compensation for sweeping street crossings; tabled.

Petition of J. A. and T. Birmingham, asking that the sidewalk in front of their shop, First South St. rented from the city, be planked; granted, and the supervisor instructed accordingly.

Petition of Atlantic and Pacific and Atlantic Telegraph Company, for remission of license; referred to committee on license.

Petition of Mathieson and Johnson, for the privilege of fluming the water ditch in front of their wagon depot, and to erect over it a windmill for advertising purposes; referred to committee on improvements.

Petition of R. B. Margetts, for the privilege of cutting ice from the slough at the west end of First South Street; granted.

Petition of Deseret National Bank and twenty-nine others, re-

questing that the four crossings at the intersection of East Temple Street and First South Street be raised; referred to committee on streets and alleys.

Petition of J. W. Stephens, for leave to occupy a portion of the street and sidewalk in front of the Nixon property, East Temple St., for piling building material for the ensuing three months; granted.

Proposition from Eastman and Cottier to sell to the City, for \$2,000, the right to use their patent water-closet; referred to committee on improvements.

The special committee who were authorized to negotiate with the Salt Lake City Gas Company with regard to the purchase of stock to the amount of \$50,000, reported the following resolution, which was adopted—

"Be it resolved by the City Council of Salt Lake City, that the Treasurer be and is hereby authorized to receive from the Salt Lake City Gas Company a certificate or certificates in the name of the Corporation of Salt Lake City for 535 shares of \$100 each of the capital stock of said company, at 93 1/2 per cent. of par value, and the balance, sixty-six and two thirds dollars, in cash, in full payment of the said company's promissory notes, amounting to \$50,000, to take effect on the first day of January, 1876. Provided that all interests due on said notes, at 12 per cent. per annum, and all interests in excess of 12 per cent. per annum, and costs incurred by the City in obtaining funds for advancement of said loan or any part thereof, shall first be fully paid by said Gas Company."

It was decided to aid the residents of the 1st, 2nd, and 10th wards in constructing a dam at the mouth of Emigration Canon, by appropriating 2,000 feet of lumber for that purpose.

The committee to whom was referred the petition of Dr. S. B. Young, offering to lease the hospital and insane asylum, recommended that those institutions be tendered to the Territory, on reasonable terms; adopted, and the committee were instructed to confer on the subject with the committee of the Legislature, who had the recommendation in Governor Emery's message on the matter under consideration.

Remonstrance of Auer and Murphy and twenty-nine others, property owners in the vicinity of Utah Western Railroad engine shed, 4th West Street, protesting against the continuance of the shed there, and asking that the railroad company be required to remove it; referred to committee on streets and alleys.

The committee on municipal laws presented a bill for an ordinance regulating the sale of drugs and medicines, and for an ordinance in relation to smelting ores within the limits of the corporation; laid on the table to come up in order.

Adjourned till next Tuesday at 7 p. m.

Bound Over.—A. M. Scott, who stole a span of mules belonging to Mr. Holbrook of Bountiful, and was arrested by deputy sheriff Jones, was bound over to the District Court to-day, by Justice Pyper, in \$1200 bonds, in default of which he was committed to jail. It was a clear case against the accused.

FROM THURSDAY'S DAILY, JAN. 20.

Good.—Now is the time when we have good roads, never better, and without any macadamizing.

Storm.—It did try to snow this afternoon, but the try did not amount to much, and King Sol remains victor.

Implicated.—Another party, named Francis, charged with implication in the stealing of the mules of Mr. Holbrook, of Bountiful, is under arrest, and will have an examination before Justice Pyper on Monday.

Look Out.—Farmers and owners of stock in general, had better look to the safe keeping of their horses, otherwise there will be a powerful prospect of their animals forming portions of numerous outfits for the Black Hills country during the next few months.

New School Desk.—Brother Townsend, school teacher, of Payson, has invented a new and commodious school desk. When closed up it occupies but small space. Each has two round seats attached, which are on brackets and can be turned under