DESERET NEWS:
WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - - Dec. 2, 1874.

HOW IS IT?

YESTERDAY, (25th) application was made by the attorney of Hon. Geo. Q. Cannon, delegate to the present Congress and delegate elect to the next, to allow him to give bail for his appearance in this district court after the close of the Congressional session in March, 1875. This very reasonable request was refused by the Court, and Mr. Cannon was held to appear before the court in December, if required, to answer to the two indictments which have been found against him.

As these indictments charge him with acts the nature of which is much and viciously misrepresented, so far as he may have anything to do with them, truly and entirely a part of his religion, and which everybody knows to be the case, the public at large cannot help but look upon the action of the court as a part of the crusade inaugurated some time ago with the purpose of breaking up the "Mormon" community and destroying the "Mormon" religion. In connection with this view of the case a good many questions are being asked by different people, something like these—

Since his indictment, Mr. Cannon has been daily accessible to the court, therefore why is his right of early trial denied, and why has his trial been persistently put off until the time of the meeting of Congress, so as to prevent him going there to represent the people who elected him?

Mr. Cannon has been ready and waiting for trial, he has asked for it, but he has been refused, and he is now held to wait daily upon the court's pleasure in the coming December, the month in which Congress meets. Is this designed purposely to prevent his attendance in Congress?

If this action of the court is thus designed, is it not a deliberate, uncalled for, and purely gratuitous insult to the 20,000 voters who elected him, and the 150,000 people whom these electors represent?

Is this refusal to leave Mr. Cannon free to attend Congress, as his duty as delegate requires him to do, designed to prevent the people of this Territory from having any person authorized to represent them during the coming session?

Is this attempt to exclude the delegate from Utah from all participation in the deliberations of Congress, part of a nefarious attempt to have smuggled through that body the coming Winter some more infamous special legislation, proscriptively affecting his constituents and his co-religionists?

Is this the way republican judicial representatives gag the elected representative and drown the already very limited voice of the people of an entire Territory in Congress? If so, and the party approves of such policy, the sooner that party is dead and utterly condemned, the better for American freedom, for civil and religious liberty in the republic of these United States.

There is another question in this connection that is by no means minced by the public, and this is one of the shapes which it takes—Can it be possible that this attempt to keep the delegate out of the Congress in which it is his express duty to sit, is impelled by the ineffably mean and sordid desire to have his bond broken and forfeited, so that there may be $5,000 more good and legal tender of the United States procured to run the courts with, and so far save them from impecuniosity?

JUDICIAL DIGNITY IN UTAH.—The St. Louis *Globe* thus comments upon what most people consider was a recent judicial farce in Commissioner Toohy's court in this city—

"This substantially ended the strange proceeding, and the editors of the *Herald*, being informed that they were at liberty to depart, went their ways, considerably bewildered by the new phase of the administration of justice. This method of obtaining a vindication is so original and striking, and at the same time so easy and effective, that we shall be greatly surprised if it does not immediately come into favor among the multitude of politicians and office-holders, who are always hungering and thirsting to be vindicated from one charge or another. If Judge Cullen, for instance, has not had the spirit crushed out of him by the patent compress of the Common Council, we shall expect him to have hostile editors hauled up and sworn at until they hide their heads in shame. We would hardly dare to venture an opinion as to whether Hutch might be vindicated by this novel process; but there may be courts enough, if rightly selected, to accomplish even that feat, to the great glory of Hutch and the utter extermination of his enemies."

BROTHEL CHAMPIONSHIP.

ARE the courts becoming the champions of brothels? The city authorities, in accordance with the local law to that effect, did abate a place which was considered a brothel, and did it in accordance with the petition of neighboring residents, who felt scandalized by the "goings on" in connection with the above establishment. Now comes along the Chief Justice, and, with that obliquity of mental vision which is his distinguishing characteristic, gives the jury to understand that he considers there is no difference between acknowledged prostitution and Scripture marriage, and the jury, perhaps without fully considering the consequences of their verdict, *evidently take the side which the Judge has taken.*

No clear-sighted, unprejudiced man can regard the Judge's argument as anything better than the sheerest sophistry, as flimsy as gossamer, and weighing no heavier to those who use the scales of justice and common sense to test it with. Perhaps he considers that anything is fair in law when "Mormons" are to be mulcted. If he does, sometime or other he will be undeceived, and in a manner that will rather astonish him.

Land Patents.

U. S. LAND OFFICE,
Salt Lake, Nov. 28th, 1874.

The following A. C. Script location patents have been received in this office—

Registers & Claims No.		Script No.
211	Thomas Tockier,	215
178	William Knight	133
421	Timothy S. Hayt	487
567	James Q. Powell	945
485	Jas. S. Tanner	979
486	David S. Tanner	985
283	Marter Sorensen	838
225	David Crocket	860
257	Samuel S. White	863
234	John Nelson	874
248	Hans Jesperson	889
194	Joseph Howard	210
394	Ira Nebeker	331
392	Julius A. C. Austin	334
397	Aaron Nebeker	335
390	W. Perry Nebeker	337
391	Baylus Sprouse	338
312	John Warr	1133
321	Joseph Everett	1139
331	Richard R. Birkbeck	1167
335	Ezra H. Curtis	1175
514	Ely Whittear	1321
378	Frederick C. Sorenson	221
405	Parshall P. Terry	237
406	David H. Caldwell	250
258	John J. Slaugh	317
430	Henry Hughes	322
264	Bengt. Nelson	327
568	Andrew I. Stewart	610
566	Sally Ann Pendleton	611
560	Thomas Durham	612
551	Andrew J. Stewart, Junior	625
502	Thomas Allsop	1213
565	Charles Y. Webb	1214
512	Eli Kilburn	1220
520	Walter Legge Bretherton	1237

WILLITE POTTENGER,
Register.

Dull November.—Much has been said of dull and gloomy November and its sad and melancholy days, but any people who have had a pleasanter November to enjoy than the present one here, have much to be thankful for.

Local and Other Matters.

FROM WEDNESDAY'S DAILY, NOV. 25.

Fine Residence.—Mr. Le Grand Young has had a fine residence built on South Temple street, a short distance east of the Eagle gate. It is a good, substantial building, and well situated. The enclosing wall in front of it, on a line with the street, is in course of being lowered.

More Sneak Thieving.—Day before yesterday the Wardrobe Brothers, carpenters, were at work on the new residence of Mr. David P. Kimball, in course of erection, on the bench, north-west of City Creek. They left the building a short time while it rained; they left a quantity of tools under some rustic siding, but when they returned their tools had vanished. A sneak thief had been there while they were away.

Conspicuously Exact. — This morning a deputy U. S. marshal presented himself before an individual with a subpœna, requiring him to appear as a witness in a case pending before the Court. The document was read, but the seal of the Court not being upon it, the person thus summoned said he would not budge until that part of the judicial endorsement was obtained, and the marshal had no alternative.

Fine "Murphies".—This morning we saw a sample of potatoes, raised by Brother Perigirne Sessions, of Bountiful. We had the curiosity to weigh a couple of them, which the party bringing them to the office said were the average size, and found that each of them turned the scale at two pounds. They were of two kinds, the Neshannock and the Chili, which had been raised on the same ground for fifteen years successively.

City Council.—The regular weekly meeting of the City Council was held last evening, Mayer Wells presiding.

A petition of W. H. Hooper and others, asking for the revocation of the right granted to A. M. Cannon and others, to place weighing scales on Second East street, or have their location changed, was referred to the committee on streets and alleys, as was also the petition of W. C. Staines and a large number of others, asking that South Temple street, from First to Sixth East street, be graded, and improved for driving, the committee to whom the latter was referred being also instructed to act in the matter.

A committee report, recommending that Third West street, between South Temple and First South streets be repaired, in accordance with the petition of the Sierra Nevada Lumber Association and others, was adopted.

The Supervisor was instructed to put down a couple of wooden crossings at the intersection of South and East Temple streets.

A bill for an ordinance relating to slaughterhouses was reported by the committee on municipal laws, which was passed and became a law.

Bills amounting to $314.35, from the committee on improvements, for articles purchased for the Bath House improvements and alterations were, presented and allowed.

Bill of W. Hyde, for boarding prisoners of the City, during October, at fifteen cents a meal, $337.35, was allowed.

Bill of D. H. Welzs, for lumber used on the Bath House and Insane Asylum improvements, $199.77, was allowed.

Morning Court Proceedings. — This morning the public could not gain admittance to the Federal Court room for some time after the usual time because of the deputy marshal not being able to find the key of the west door, and the spectators had therefore to gain ingress by passing through the marshal's office. The Court showed some symptoms of indignation at this circumstance, and said if Marshal Maxwell could not prevent such an occurence he could and would do so. The Marshal was sent for, but could not be found, when the chief deputy, Mr. A. K. Smith, was admonished about seeing that a recurrence of the circumstance did not take place.

In the matter of the first papers of B. F. Stewart having been destroyed when his house was burned, and who desired to be naturalized on an affidavit asserting that he had taken out his declaratory papers, Prosecuting Attorney Carey stated, after mature reflection on the subject, he had concluded that to grant the final papers of the applicant on the ground stated would be establishing a bad precedent, in which view the Court concurred.

A man, named Forbes, bowed down with the weight of eighty summers, appeared in Court as an applicant for naturalization. He was very hard of hearing, and the Court, in catechizing him, had to step down from the rostrum close to the applicant, and pitch his voice upon a high key. The old gentleman was a resident of Kaysville. When asked if he intended to obey the laws he answered, in his native Scotch dialect, that "it wasna worth while for him tae dae otherwise noo." He hailed originally from Fifeshire, Scotland, but whether it was "Frae the Lang Toon O' Kirkaddy" was not stated.

Some other applicants were naturalized, when Judge Sutherland asked leave to make a plea of abatement in a criminal case, when the court stated that he, Mr. Sutherland, could only be permitted to do so when the prosecuting attorney was present. It was suggested that Mr. Carey was probably in the grand jury room, and a message could easily be sent to him by the Marshal, but it was arranged that the case of Cora Conway *vs.* Jeter Clinton *et al* be proceeded with, and the plea could be heard by the Court some time during the day, after an arrangement had been made between Mr. Sutherland and the Prosecuting Attorney. The trial of the case named was then proceeded with, Robinson and McBride, McCurdy and Morgan for plaintiff; Snow and Sutherland and Bates for defendants.

Third District Court.—In the case of Cora Conway *vs.* Jeter Clinton *et al* yesterday, previous to the swearing of the jury, Hon. Z. Snow, on behalf of the defendants, offered the following challenge to the array of the same—

"*Now come the defendants in this suit, by Z. Snow, their attorney*, and challenge the array of the petit jury returned in this case for the following reasons, viz:

"First, the jury has not been selected, drawn and summoned as provided by the law of the land, nor does it appear that the jurors selected and returned to this honorable court were good and lawful citizens eligible to serve on juries in the Territory of Utah.

"Second, the jury has not been selected and summoned in equal numbers from the counties of Box Elder, Cache, Davis, Tooele, Salt Lake and Weber, as directed by the order of the Hon. J. B. McKean, judge of this court, made and entered on the 6th day of August, 1872.

"Third, the jury has not been selected from the assessment rolls of 1873 and 1874, nor from either of them of the counties of Box Elder, Cache, Davis, Tooele, Salt Lake and Weber, nor from any of the assessment rolls aforesaid.

"Fourth, that on the 23d day of July, 1874, Joseph F. Nounnan, then clerk of this court, and the Hon. Elias Smith, judge of probate of the county of Salt Lake, in this territory, met together at the Court House in Salt Lake county aforesaid, for the purpose of selecting two hundred persons from whom jurors were to be drawn, and preparing a jury list as provided by the act of Congress entitled an 'Act in relation to the courts and judicial officers in the territory of Utah, approved June 23d, 1874.' And they the said Jos. F. Nounnan and Elias Smith then and there alternately selected a male citizen of the United States who can read and write the English language, and, who for six months next prior to said 23d day of July, 1874, had resided in the 3d judicial district of this territory, until they had selected 200 persons; and they the said Jos. F. Nounnan and the said Elias Smith then and there prepared a list of the persons so selected, showing the names and residences of them and each of them, and on the 25th day of July, 1874, filed said list duly certified, with the clerk of this court, which fully appears by said list now on file in the clerk's office—reference thereto being had—without this; that the said two hundred persons so selected were over twenty-one years of age, of reputed sound minds and discretion, who had not been convicted of a capital or infamous crime, nor who had continued to reside in said district during six months next preceding said 23d day of July, 1874, nor that they owned taxable property or paid taxes in this territory, nor that they were not officers of the United States army or persons subject to the military authority of the United States or without it, otherwise appearing that the persons so selected were good and lawful men eligible to serve on juries in the Territory of Utah.

"And that, on the 24th day of July, 1874, the Hon. J. B. McKean, judge of this court, gave public notice that on the 14th day of September, 1874, at the Court House in said Salt Lake County, there would be a court held in which there would be drawn in open court the names of twenty-three men to serve as grand jurors and the names of eighteen men to serve as petit jurors at the then next October term of this court; and afterward on the 14th day of September, 1874, there was held an open court at the Court House in said county, being the time and place mentioned in said public notice, at which the said J. B. McKean, judge as aforesaid, presided, and the said Jos. F. Nounnan, clerk as aforesaid, wrote the names of each person on said jury list on separate slips of paper as nearly as possible of the same size and form and folded the same, and the said clerk placed these slips of paper in a covered box, and thoroughly mixed and mingled them. And afterwards A. K. Smith, deputy United States marshal, proceeded to fairly draw from said box the names of twenty-three persons to serve as grand jurors, and the names of eighteen persons to serve as petit jurors at the present term of this court. And thereupon the persons so drawn were summoned upon a venire, issued in due form of law and the jurors now in the jury box are a part of the persons selected, drawn and summoned as aforesaid.

"Therefore the said defendants pray this honorable court to quash the array.

"Z. SNOW, Attorney for def'ts."

The demurrer of the plaintiff to the above challenge was as follows—

"Now comes the said plaintiff by her attorneys and files her demurrer to the challenge of the defendants to the array of the petit jury and for grounds assigns:

"First, that there is no challenge to the array of the petit jury allowed by law in a civil action in this territory.

"Second, the facts stated by the defendants constitute no sufficient reason in law for the challenge made.

"Wherefore the plaintiff prays that the said challenge be overruled.

"Robertson & McBride and McCurdy & Morgan, plaintiff's attorneys."

The Court sustained the demurrer of plaintiff, consequently overruling the challenge of the defendants, who took exceptions to the ruling.

On the part of the defense Judge Sutherland objected to the drawing of names from the list box to fill the jury because all the names that the law required were not therein. Objection overruled, to which defendants excepted.

Judge Sutherland, on behalf of Hon. George Q. Cannon, applied for new bail for his appearance after March 4, 1875, on the grounds that Mr. Cannon was a Delegate to Congress, that it was time he started for Washington to sit in Congress, and that his duties required his presence there.

The motion was opposed by U. S. Attorney Carey.

The Court overruled Judge Sutherland's motion and ordered Mr. Cannon to give bonds for his appearance at the December term of court.

Another Judicial Scoring.—To-day, during the progress of the trial of the case of Cora Conway *vs.* Jeter Clinton *et al*, Judge Sutherland was subjected to another of those scathing judicial scorings from Judge McKean, to which he must be, by this time, accustomed. During the cross-examination of a witness for the prosecution by Mr. Bates the latter asked for what uses Miss Conway's house was kept, for the purpose, it is presumed, of showing that the place was a house of ill-fame. The opposite counsel objected, while Mr. Sutherland maintained that the question was proper. The Court said the character of the house must be proved by the record. "Bring