

THE EVENING NEWS.

PUBLISHED DAILY, SUNDAYS EXCEPTED, AT FOUR O'CLOCK.

DAVID O. CALDER,
EDITOR AND PUBLISHER.

Thursday, Dec. 10, 1874

NEWS OF THE DAY.

Church and chapel burned at Bridgeport; loss \$50,000. Rolling mill burned at Montreal; loss \$30,000.

Utes from the White River Agency, Col., are said to be riding upon the Snake River settlements.

The Governor of Mississippi has, by proclamation, commanded rioters to disperse, and has called an extra session of the legislature.

Ezra Cornell died yesterday.

Telegrams have been received stating that the observations of the transit of Venus had been successful in several places.

The trial of Count Von Arnim commenced yesterday.

The trial of the Proctor-Moulton libel case has ended, with a complete triumph for the plaintiff.

Rev. H. C. Potter, of N. Y., has been elected Episcopal bishop of the diocese of Iowa.

The King of Hawaii reached and left Omaha yesterday.

The British government will send a commissioner to the Philadelphia Centennial.

The American minister to France yesterday presented the grandson of the Marquis de Lafayette the watch presented to the latter by Washington, and stolen from the Marquis when in the U. S. in 1825.

Fighting between the Carlists and republicans, with victory to the former.

Mr. Maetier of Baltimore, and Miss Brooks of New York, were married in London yesterday.

A man named Davis suicided in San Francisco, this morning.

In the U. S. Senate, this morning, notice was given that a bill introduced last session, in reference to the U. P. R. R., would be called up on Friday of next week.

Nine thousand men have left the Trades Union in New York, the last year.

The American astronomer at Nagasaki, Japan, were successful in observing Madame Venus visit the Sun.

A dozen vessels were wrecked during the storm yesterday, in British waters.

Mr. Moran, for many years Secretary of the American Legation at London, has been appointed U. S. Minister Resident in Portugal.

The specie in the Bank of France has increased twelve million francs the past week; in the Bank of England, the increase in the same time is \$335,000.

Noisy pipe works burned; loss \$35,000.

Negotiations are pending between the U. S. and Mexico, for a piece of the Texas territory on the Mexican side of the Rio Grande.

The democratic senators will vote solely for Thurman, for President pro tem.

A farmer named Kleen was murdered and robbed, on Monday night, on the turnpike, not far from Scranton, Pa.

THAT ARTICLE ON JURIES.

As our readers are aware, in our issue of Tuesday evening, an article appeared under the caption "Juries," in which we endeavored to briefly explain some of the rights as well as the duties of both judges and juries in the trial of cases. The views then enunciated were chiefly drawn from the writings and opinions of men eminent in the law, in fact of some who are regarded in all English-speaking countries as among its most brilliant expounders and professors. So far as these latter are concerned we presume they will be received and pass among all members of the legal profession, whether lawyers or administrators of the law, as current coin of sterling worth; and as for any opinions that we may have expressed individually on this subject in the article referred to, we certainly have nothing to retract, believing that justice and equity and a correct construction of the maxims and axioms of the science of law itself would fully sustain the position we assumed.

We should not have referred to this subject again, at all events at present, had it not been for a circumstance which occurred yesterday in the Third District Court, when a prominent member of the anti-Mormon ring hereabouts, and we believe, one of the principal counsel against this city in a notorious harlot case now pending in the Third District Court, took occasion to call the attention of the Chief Justice to our article on juries, and asked permission to read it to the Court. Permission was granted and the article, or such portions thereof as were required were read by the gentleman, who, we are informed, expressed the opinion that the design of the News in its publication was to induce juries to disregard the instructions and to act independently of the Court in finding verdicts; and as a consequence of the publication he should decline to have the case, the one mentioned above, tried by a jury.

As to the gentleman's opinions concerning our motive in publishing the article in question, he has a perfect right to them, and we are indifferent as to their character; but for the purpose of correcting him we will say, *en passant*, that, in writing and publishing it, we had neither the design nor the desire to influence or induce juries to act independently of, or to disregard the instructions of the court in finding verdicts. We will now, however, proceed to explain the motive which prompted its publication.

It is conceded that a public journal is one of the most efficient instruments in educating the popular mind, and one of the main objects of a journalist who honors his profession has in view, is to lay the truth and nothing but the truth before the people, and will not be dissuaded by threats, that in the selection of juries, no particular regard is had to their educational qualifications, anything material being upon by the law, in Utah, so far as this is concerned, is that they shall be of legal age and of sound mind.

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glash language. It is not a supposition that all who possess these qualifications, and who may be accepted to serve on a jury, are fully posted as to the rights, duties and privileges of jurors; and to our mind, no further proof need be given on this point than the fact that juries, not unfrequently, return verdicts of guilty or not guilty, for or against, according to the *ipse dixit* of a judge, who constitutes himself jury, or sole judge of the facts as well as of the law, and orders a verdict accordingly, which, in our judgment, no judge has the right to do, for a so-called trial by jury is thus rendered a mere farce and mockery.

And in penning the article which appeared in the News of Tuesday evening we but carried out what we consider to be the legitimate exercise of our functions as journalists, in endeavoring to instruct or educate the people—from whom juries are drawn—upon a few points regarding the rights and duties of those who may be called upon to act in that very important capacity, and we entirely disclaim any other motive whatever.

We think the proceeding is sufficient reply to the legal gentleman above mentioned, and also to most of the remarks made in reply by the Court. There is one point, however, in the remarks of his honor to which, however much our naive modesty shrinks at the idea, we feel bound to reply, not so much in justice to ourselves as to some of the members of the bar in this city, upon whom we can state positively, so far as the *Deseret* News is concerned, an unfounded imputation was cast by the Court.

His honor said, in substance, that it was not possible to conceive that either of the counsel engaged in the case—that of Kate Flint vs. Salt Lake City—was guilty of writing the News article, or had a helping hand in it; yet it was evident that some other than a layman had something to do with it. In this respect we most respectfully beg leave to assure his honor that he was mistaken. The article in question was neither written, nor in the least degree inspired, by any lawyer. We do not pretend that the ideas there embodied were not the result, in great part at least, of the perusal of legal and judicial literature, but beyond this article in question was an entirely unprofessional production.

As to the remarks of the Court in reference to lawyers who try their cases in newspapers—if such there be in this city or in this judicial district—we consider them worthy of the fullest endorsement by every un-biased and honorable member of the community. Any member of the bar who, before or during the trial of a case, would endeavor to shape public opinion through the columns of a newspaper, is guilty of unprofessional conduct which is deserving of the severest censure; and we would respectfully suggest to his honor the propriety of appointing a committee of members of the bar whose honor and integrity are above suspicion, to investigate this charge, that if there are or have been any guilty of such an unwelcome conduct the censure they deserve may be meted out to them. Such a proceeding, we think, could not but meet the hearty support of every honorable lawyer in the Territory.

As for the course which has been pursued in conducting the *Deseret* News, we can say with all truthfulness, that it has been our aim to refrain from giving place to any remarks in our columns which would in our judgment tend in the least degree to prejudice a case or to influence the verdict which might be rendered; in fact, our uniform course, before or during the trial of a case, has been to preserve a guarded silence in reference thereto except so far as the facts which have transpired in court in its investigation. And in conclusion, we desire to assure our only object is the exoneration of gentlemen of the bar upon the position we assumed.

That the various articles which have appeared in our columns from time to time, which may have seemed to give evidence of some slight acquaintance with the principles of law, have been, in every instance, the productions of the editorial staff of the News—the hands and brains of laymen.

Our Country Contemporaries.

Ogden Junction, Dec. 9.—Eight heavily loaded teams with barley for Salt Lake came down from North Ogden today.

The Evanson Age says Billy Foster and a brother killed a man at that place about a week ago Saturday evening, when Parker shot at the latter and killed him. Parker twice shot going through his hand and the other through his abdomen. Dr. Harrison took out the ball on the side opposite to where it entered, and the bullet yet it will prove fatal.

Mr. James Horrocks presented his claim on the County Court of Weber County for services as Grand Juror, and promptly received an order on the Treasurer for the amount of services under the Territorial statutes. He had previously received pay from the Government for six days' services under the Statutes of the U. S. On presenting his order to the Treasurer this morning, he received his pay in greenbacks.

We read in an exchange some particulars relating to Thomas Ford, the Governor of Illinois, who pleaded his protection to Joseph and Hyrum Smith, and then left them exposed to the murderous attack of a mob with their faces blackened. A lady was invited to attend a Methodist church at Peoria, Illinois, and not being a member of the church, she was refused admittance. She was informed that she was not a member of the church, and was refused admittance. She was informed that she was not a member of the church, and was refused admittance.

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shelard left the "Mormon" church, remembered hearing Elder John Taylor say in Nauvoo, that "Gov. Ford would not let his bones and he would die a pauper."

Beaver Enterprise, Dec. 5.—We learn by letter from Bro. Dame, to his folks at Parowan, that he is confined in the room of the Penitentiary as the one occupied by Col. T. E. Ricks. He says four others (strangers) are also in the same room; that he is in poor health; has engaged the local services of Messrs. Sutherland & Bates in his behalf, and they intend to press for an early trial, which we hope will result, that men like Bishop Dame, who never moved one step out of the way to evade the officers of the law, are not to be feared.

There are two prominent individuals well known to the citizens of Iron County, who, for years spent their time on the Cedar City and Parowan valley ranges and from their boyhood up till to-day have been familiar with every remote spring and watering place, upon which the latter are a herd of cattle and hand of horses.

This band have had their riders and hunters, their spies and herders, by some means, obtained comprised of young boys, and with the lasso, and apprentices at cow, cattle and horse herding for years previous.

Indictments were found against members of this band of thieves by the grand jury of this district court last winter. Two arrests were made, and preliminary examinations resulted in one of the parties being released in consequence of informality in papers, but who was afterwards indicted for second degree grand larceny and is now under bonds for his appearance at this term. The other individual, lacking in every quality of manhood and honor by some means, obtained bonds, was permitted to carry on the business to which he served such a faithful apprenticeship, and, after a while, he was seen in Nevada, till the limited date of his bonds when he should have put in his appearance, but he cowardly hound from justice, leaving his bondsmen in the lurch and disgraced.

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