# JURY IS DISCHARGED.

Attorney J. H. Moyle Scores a Point in the Rock Case.

TRIAL COMES TO A SUDDEN ENDING.

Judge Norrell Dismisses Panel and Holds That Defendant is Entitled to a Trial With Entire Jurymen.

Attorney J. H. Moyle appears a success, after one prosecution had failed in the Rock-Independence case before the opening day for which preparations were made had dawned, and that the work of the jury when completed would be a model.

Mr. Moyle based his contention on the right of the court to discharge a jury at will. The affidavit of one of the defendants alleges that Rock was committed in July last, nearly two years ago, by Justice Moore, and Mr. Moyle contended that the defendant still had the right to be tried by a jury of twelve.

Mr. Peirce took the position that the objection should have been made when the jury was sworn, and that by not raising the point one way or the other action by the court took the matter out of his hands.

JURY DISCHARGED.

On the conclusion of some line of argument, Judge Norrell decided that Rock was entitled, under the terms of the United States constitution, to a jury of twelve men, and that the entire jury must be discharged. He based his decision on the ground that he could not be forced to try the case with eleven jurymen, and that he could not discharge one juryman without discharging the whole jury.

The argument created an interesting and at times the court took the matter under advisement