

DESERET NEWS: WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - - Mar. 17, 1875.

MATTERS GUBERNATORIAL.

SINCE the advent of the present incumbent of the gubernatorial office in this Territory he has committed a number of unpardonable crimes, that is, in the eyes of the flagitious and mendacious ring which aspires to the reduction of the people of the Territory to its own slavish rule.

We have spent a little time in endeavoring to collate and catalogue some of these high crimes and misdemeanors imputed by the above-indicated intriguers to the present Governor, as committed by him during the very few weeks which have elapsed since he assumed the functions of his gubernatorial office, and here is the wonderful, the startling result—

1. He has expressed his belief that governments were instituted for the good of the governed, instead of for the advantage of a narrow ring of conspirators, and that governments derive their just powers from the consent of the governed.

2. He has expressed his belief that the inhabitants of the Territories and of this Territory have some rights which all men should respect.

3. He has expressed his belief in free discussion and a free, not defamatory, press.

4. He aims to be governor of the people all the people of the Territory, not of a section or a clique merely.

5. He has sought to become acquainted with the people, instead of holding himself aloof from them.

6. He wishes to discharge the duties of his office without respect to religious creed, or petty party or paltry clique bias.

7. He has not shut himself up in the bosom of an intriguing clique, and looked superciliously and disdainfully upon the people, but has held himself accessible to all.

8. He has declared himself in favor of equal laws, and their just, equitable, impartial administration, for all.

9. He has commissioned three notaries public—one, an old public servant, and a notary public for years; another, a school teacher, of good reputation where he is known; the third, a young lady of intelligence, ability, and education.

10. He has given a certificate of election to a respected citizen, as Delegate to Congress, elected thereby to an overwhelming majority of the legal voters of the Territory, according to the following express provision in the Organic Act—

"The person having the greatest number of votes shall be declared by the governor to be duly elected, and a certificate thereof shall be given accordingly."

11. He has not declared himself the bosom friend of the *Daily Desereter*, and the sworn foe of the people at large.

How any audacious official, guilty of such horrible crimes, such monstrous sins of omission and commission, as these, can presume to expect to retain his official head, in these times of universal official probity, surpasses our finite comprehension. It must be one of those inscrutable things which "no fellow can find out."

THE NATURAL INFERENCE.—The Omaha *Herald*, speaking of the operations of that unscrupulous ring in Utah, says its members "have begun their attacks upon Governor Axtell, though he has been engaged in his official duties but little over a month. These attacks establish his reputation as an honest official at once."

The Catlettsburg (Va.) *Enquirer* is profoundly impressed that Catlettsburg needs one of two things—"a little more of religion or a chain-gang."

Local and Other Matters.

FROM WEDNESDAY'S DAILY, MAR. 10.

Found.—A leather satchel. The owner can call at this office and get it.

Information Wanted.—William Pickup wants information from or about George Pickup, who left Philadelphia in 1841, and when last heard from, twenty-three years ago, was in Salt Lake City. Address William Pickup, 1134 Somerset St., Port Richmond, Philadelphia, Pa.

Wants Help.—A man with his arms seriously injured as by scalding, is going around town, soliciting alms. He says he was hurt by an explosion of kerosene oil on the barque *Rival*, on the west side of Cape Horn, Dec. 30, 1874. He says he wishes to obtain means to go to St. Joseph, Mo.

Information Wanted.—Mr. W. J. Young, of Seward, Seward County, Nebraska, writes to postmaster Moore to ascertain the whereabouts of his son, Charles W. Young, who is believed to be somewhere in this Territory. Information should be addressed as above.

City and Territorial papers are requested to copy this notice.

School Composition. By William Swinton, A. M. This is the third part of "Harper's Language Series," and consists of advanced language-lessons for grammar schools. This treatise is divided into five parts—

"1. The Construction of Sentences."

"2. Variety of Expression."

"3. Simple Composition Exercises."

"4. Style; or, How to Write good English."

"5. Practical Composition."

Also, "Explanation of Terms."

The work contains 150 pages, and is a most useful text and exercise book for students of English grammar and Composition.

For sale at Dwyer's.

A Little Boy Hurt.—Yesterday afternoon, at or near five o'clock, a little boy, about five years old, who was playing a short distance west of the Valley House, was ill used by something like a man, who, with two others, was driving along in a coal wagon, the ruffian, without any provocation whatever, throwing a piece of rock of some kind at the child, which inflicted a severe cut on his forehead, causing the blood to flow copiously. Such an outrage, wantonly inflicted, deserves severe punishment, and if the child's father will call at this office he can obtain the name of the guilty party, it having been sent here with a full account of the occurrence by a gentleman who witnessed it. The child's name was unknown to the writer of the note, but he said that he lived at the Cliff House.

City Council.—Regular weekly meeting last night, Mayor Wells presiding.

The following business, among other matters, was done.

Jesse W. Fox had an appropriation made to him of \$49.25 for repairing streets.

Alderman Pyper presented his report of police business for February. It showed that 88 cases had been before the court; \$538.50 cash fines and \$433 labor fines had been collected.

In accordance with report of committee on streets and alleys on the matter of the petition of Evan Evans and others, asking that 7th West street, between South Temple and First South streets, and other parts in the same vicinity, be repaired, the prayer was not granted.

The City Watermaster was instructed to enforce the City water system of regulations.

The Kimball Monument.—Some time since we noted the fact that a monument in memory of the late respected President Heber C. Kimball was in course of construction by Messrs. Morris & Evans. It is now completed, with the exception of the inscriptions, and can be seen at the stone yard of those gentlemen. It is probably by far the finest and most handsome thing of the kind ever produced in Utah Territory. It is in the gothic style, illuminated, and square, and stands on a granite base, with subbase buttresses and caps of Prove Valley stone, polished. The four panels are of marble and cusped. The upper base and spire are also of marble and

very highly polished. The panels are to receive the inscriptions of the Kimball family, and the monument will be erected on the Kimball property. It stands thirteen feet six inches high.

"Kate Flint vs. Jeter Clinton et al."—Empanelling the Jury.—Just before a recess was taken by the Third District Court yesterday, Geo. M. Ottinger, a juror, was challenged by Mr. McBride for cause, on account of his being a member of the "Mormon" church. On the re-assembling of Court, the defense having objected to grounds of challenge, Mr. McBride argued in favor of his position. He introduced a publication purporting to be a compilation of a series of pamphlets, published by Elder Orson Pratt, at Liverpool, in 1851, for the purpose of reading extracts therefrom.

Mr. Sutherland, for defendants, objected to the reading. He understood the attorney's object in reading the matter was to show the nature of "Mormonism," and yet it had not even been proved that the author himself was a "Mormon" or that he had any authority to state what were the tenets of that organization. The court could not take cognizance of the language of O. Pratt, it being merely the language of an individual, and not affecting the competency of the juror, and could have no bearing on the latter's bias. Being printed also, it had no ear-marks of genuineness.

The Court said, in effect, that attorneys were frequently in the habit of making quotations from various authors by way of embellishing and illustrating their argument. As for instance, in slander cases attorneys have exclaimed, "He who steals my purse steals trash, but he who robs me of my good name, etc." In fact they had quoted from Sheridan, Pitt, Demosthenes and other authors; they had been known to say, "Truth crushed to earth will rise again, etc." and even had thrown in, by way of variety, a few passages of Scripture, but it was never thought of for the courts to stop them in this indulgence. The Court concluded not to prevent Mr. McBride from reading from the pamphlets adjudged to, so the attorney read somewhat copiously from those parts of the work tending to show that earthly governments were inferior to those of a divine origin.

Mr. McBride, with the same object in view, also desired to read from a pamphlet by Elder John Taylor, entitled, "The Government of God," but Mr. Sutherland moved to strike out the reading, and the motion was sustained by the Court.

Mr. Sutherland wished to know if the affidavit read by Mr. McBride was to be considered as proof that he desired an opportunity to answer it. He said that the only legal proof of a juror's bias was his own statement under oath, and the statements of witnesses. The juror, Mr. Ottinger, had stated that he had no bias for or against plaintiff or defendants, and plaintiff had offered no evidence that this statement was incorrect. The statute prohibited the discharge of any juror for any implied bias not sustained by proof.

The Court said that the attorney for plaintiff had asked Mr. Ottinger if he was a member of the "Mormon" church, to which he answered, "Yes," and the attorney challenged the juror because of his membership in the "Mormon" church. "The challenge is overruled."

In answer to subsequent questions Mr. Ottinger said he did not recognize any authority outside of the law and the evidence as having a right to control his acting in the case as a juror; he would be governed by the law as instructed by the Court; he considered it his duty to make no distinctions between "Mormons" and non-Mormons. He was in Idaho when the breaking up of plaintiff's house occurred. The juror was then accepted, the defense putting no questions.

S. F. Nuckolls was examined and passed.

George E. Bourne, in answer to questions by Mr. McBride, said he was a "Mormon," but had no bias in the case on that account. As a juror he knew no distinction between a "Mormon" and a Methodist or anybody else. He was accepted.

Hyrum T. Shurtliff was passed, as was also De Witt C. Thompson, all being asked by Mr. McBride whether they were members of the "Mormon" church.

Joseph Seigel was the next. After he was passed by plaintiff's attorneys, Mr. Sutherland asked him if he was not very much prejudiced against the "Mormons," which he answered in the negative.

Daniel Crain and Wm. Naylor were passed.

M. B. Callahan admitted that he had expressed an opinion at the time plaintiff's house was broken up, characterizing the affair as a mob outrage, but he wanted to disclaim any bias, having so pronounced without investigating the merits of the case.

Mr. Sutherland challenged the juror for cause, which was sustained by the court, and Mr. Callahan was excused.

Robert Camm and Albert W. Davis were passed.

Joseph Peck's name was drawn from the box to make up the vacancy made by the excusing of Mr. Callahan. He was examined and passed.

A. W. Davis was challenged peremptorily by plaintiff, and Jesse West was drawn, examined and passed.

Mr. Ellis was peremptorily challenged by defendants, and Michael Holden was drawn, examined and passed.

Joseph Peck was challenged peremptorily by plaintiff.

Frederick Peterson was drawn and, when in his examination by Mr. McBride, he was asked if, being a "Mormon," he would give an impartial verdict, &c., he answered, "Yes, if a Mormon is allowed to do so."

"What do you mean?" said the attorney.

"I mean what I say."

"But you said you would give an impartial verdict if a 'Mormon' was allowed to do so. What do you mean by being allowed?"

"I mean as a 'Mormon' I will give a verdict according to the law and evidence, if a 'Mormon' is allowed to be a juror." He was passed.

Joseph Seigel was challenged peremptorily by defendants.

W. J. Hooper was drawn and examined. He said, in his examination that he had no bias for or against plaintiff or defendants, but it transpired that, previous to the abatement of the premises of the plaintiff, Kate Flint, he had signed a petition to the Mayor and City Council, praying for the abatement of certain houses of ill-fame, on Commercial Street, among them the house of plaintiff. Mr. McBride maintained that the juror's affixing his name to that petition was sufficient proof of his prejudice, and challenged him for cause. The challenge was sustained by the Court, and Mr. Hooper was excused.

William Naylor was challenged peremptorily by plaintiff.

Samuel Brighurst was drawn, examined and passed.

John P. Harlow was drawn and the Court ordered the Marshal to summon that juror to be in Court by 10 o'clock to-day, until which time the Court adjourned.

At 10 o'clock to-day the empanelling of the jury was resumed. John P. Harlow, one of the jurors drawn, not being in town, the name of John W. Lowell was taken from the box.

Mr. McBride desired leave to reopen a challenge on Mr. Ottinger, on the ground of his being a member of the same society, to wit, the "Church of Jesus Christ, of Latter-day Saints," as the defendants, and that he was related to one of them, being brother-in-law to John D. T. McAllister. After remarks and quotations of authorities by counsel on both sides, the Court overruled the challenge. Plaintiff excepted.

John W. Lowell, juror, was examined by Mr. McBride. He was passing the house of plaintiff when the abating was being done, had expressed an opinion and argued the merits of the case a hundred times. Challenged by plaintiff. Challenge sustained.

Several names were drawn from the box, those living in town being selected and summoned. They were Claudius V. Spencer, Thomas V. Williams, and Jacob Engler.

On examination the latter admitted, having expressed an unqualified opinion on the merits of the case, was challenged for bias and excused.

Thomas V. Williams, after a scrutinizing examination as to his faith and belief as a "Mormon," by plaintiff, the latter interposed a challenge on the ground of the juror being a member of the "Mormon" Church, and consequently incompetent to sit in a case where

the parties on one side were "Mormons" and the others not. Challenge overruled, plaintiff excepted.

Daniel Cram was peremptorily challenged by defendants.

This exhausted the legal number of peremptory challenges on both sides.

Claudius V. Spencer was the next juror examined by Mr. McBride. In answer to questions he stated that he did not know of any persons having authority to control him in the matter of his duty as a juror. He believed there were men who held authority from God. His obedience to the commands of such would depend on whether he thought the thing commanded to be done was right. If he thought the thing was not right it might be like "calling spirits from the vasty deep," when the latter didn't come. In the matter of duty between man and man the juror knew no difference between "Mormon" and non-Mormon; in the matter of courtesy the preponderance, if any, being in favor of the latter. It was one thing for a person to command, but the obedience of the party commanded depended on his willingness to obey. The juror said his obedience would depend entirely upon whether he thought the thing commanded to be done was right. He saw the *debris* on the street after the abatement.

Plaintiff challenged the juror for cause; overruled.

The panel being full, the following were sworn a jury to try the case—

George M. Ottinger, Stephen F. Nuckolls, George E. Bourne, Hyrum T. Shurtliff, De Witt C. Thompson, Robert Camm, Jesse West, Frederick Peterson, Michael Holden, Samuel Brighurst, Thomas V. Williams, Claudius V. Spencer.

Kate Flint, the plaintiff, was the first witness on the stand. She testified to the destruction of her household property on the 29th day of August, 1872, by defendants, or so many of them as she recognized.

FROM THURSDAY'S DAILY, MAR. 11.

Two letters for Henry Skonbeorg. Apply at this office.

Broke His Leg.—"A. C." writes from Brigham City, March 10, as follows:

"Yesterday Lorenzo Wright, son of J. C. Wright, had the misfortune of breaking his left leg by jumping in the street, in company with others. Dr. Cannon waits on him."

The Kate Flint Case.—In the afternoon, yesterday, a number of witnesses for the prosecution were examined, who severally testified to the destruction of plaintiff's household goods, in pursuance of the writ of abatement issued by Justice Clinton. The trial of the case was resumed this afternoon.

Choir Party.—The Tabernacle choir party, at the Fourteenth Ward Assembly Rooms, last night, was a pleasant affair. There was a large company present, and all appeared to enjoy the social reunion. During the evening, Mrs. Careless delighted the company with one of her beautiful songs, accompanied by Prof. Careless on the organ. Mr. William Foster also sang a song, accompanying himself on the guitar. The choir also sang two of their full and powerful choruses. The company broke up about one o'clock.

A Sad Case.—The many friends of Monsieur Louis A. Bertrand, of this city, will regret to learn that that aged and respected gentleman has become seriously affected in his mind. The cause of affliction has evidently proceeded from some intelligence he received a few weeks since, from Paris, of the serious illness of some members of his family residing there, which has appeared to weigh heavily upon his mind. He manifested no signs of mental derangement, however, until last Monday, when his reason began to give way.

When in full command and possession of his faculties he was a man of superior intelligence, and considerable ability in some directions, having had the advantage of a good education, and withal he was a respectable and unobtrusive gentleman. He is now under the care of the city authorities.

A Missionary Before a Scotch Magistrate.—We learn that Elder Robert Hogg, from Morgan County, Utah, was arrested at Galashiels, Scotland, Feb. 3rd, and taken before a Selkirk magistrate, on a