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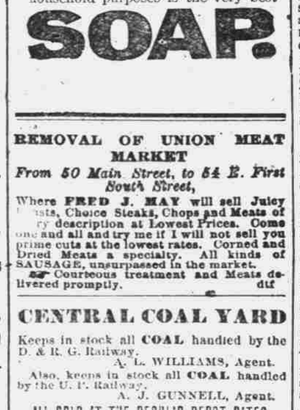

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TO-DAY'S TELEGRAMS

The Last Efforts on Behalf of the Seven Condemned Anarchists.

Elaborate Arguments by J. Randolph Tucker and Attorney-General Hunt.

The General Lee Monument Corner Stone Laid With Impressive Ceremonies.

Jefferson Davis' Triumphal Day and Grand Reception at Macon.

Jay Gould and Russell Sage Charged with Grand Larceny, Etc.

By Telegraph to the News.

THE ANARCHISTS.

Their Case Being Heard in the Supreme Court.

WASHINGTON, Oct. 27.—About one o'clock Mr. Tucker opened the argument in support of the petition for a writ of error in the case of the Chicago anarchists. He said it was not necessary for him to show as a condition precedent to the granting of the writ, that the action complained of in the court below was actually repugnant to, or in violation of, the Constitution. It was only necessary to show that a conflict had arisen. If there is a conflict then this court

HAS JURISDICTION

and if it has jurisdiction then the petitioners are entitled to a writ, as of right. The policy of this court, he said, had been known to deal liberally with petitions for writs of error in civil cases. How much more should it deal liberally with a petition for a writ of error in a criminal case involving the issue of life and death in a case where life was about to be taken away in violation of the Constitution.

Proceeding then to the merits of the case, Tucker said it was not necessary that a law of a state should be absolutely and on its face unconstitutional in order to give this court jurisdiction of the case under it. If the law, seemingly fair and just on its face, should have put upon it by the

STATE COURT

a construction contrary to the Constitution, that was enough to give this court jurisdiction.

Tucker then reviewed the history of the fourteenth amendment and said although it was originally intended to guarantee particularly the rights of the enfranchised blacks, there was no reason why white citizens should not enjoy the benefits of its provisions. Tucker quoted the fourteenth amendment and discussed the meaning of the words "due process of law," and said although it had been held by this court that trial without indictment by a grand jury might be by "due process of law" and might be perfectly constitutional, it never having been held or intimated that trial by a petit jury could be dispensed with, it seemed, he said, to be everywhere conceded that "due process of law" required trial by a jury of

ONE'S PEERS.

It is essential that the jury should be unbiased, unprejudiced and impartial, and that it should not be a class jury.

Tucker then asserted the jury law of Illinois was unconstitutional, in that it provided that the forming of an opinion from reports or from newspaper accounts of certain transactions, should not necessarily disqualify a person having such opinion from sitting in judgment of that transaction as a juror. Even although the law might seem to be fair and just if, by its construction and administration it were made to deny to prisoners the right of trial by a fair and impartial jury, then such a construction and administration constituted law and made it unconstitutional. The construction given to the law in this case

WAS DIFFERENT

from the construction given to it in a large number of other cases in the same state.

He then referred to the objection made by the defense at the trial to the rulings of the court in the matter of challenges; to the refusal of the court on the motion for a new trial to hear evidence going to show that the bailiff had said that "the men he had selected for the panel would be certain to hang," and to various other rulings, and the decision of the trial court, which had the effect of denying to the prisoners a fair trial by an impartial jury.

Turning then to another question raised by the case, which he said was a new one in this court, he quoted the second clause of the

FOURTEENTH AMENDMENT

to the effect that "no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." Among the "privileges and immunities" thus granted by the fourteenth amendment were, he contended, those set forth in the first ten amendments to the Federal Constitution. It has been maintained, he said, that these first ten amendments to the Constitution were limitations of the federal power only, but it was his belief that unless the privileges and immunities were specially said to be merely limitations of the federal power, they were privileges and immunities which came within the purview of the fourteenth amendment and were guaranteed by it.

Chief Justice Waite—Then you would bring

ALL QUESTIONS

to this court. I cannot conceive of any question which cannot be brought here, if the fourteenth amendment makes the "privileges and immunities" to which it refers include all those of the first ten amendments.

Tucker said he would admit it was a new question, but he should like to argue it.

"Now, I make the assertion," said Tucker, "that the right to be exempt from unreasonable searches and seizures, the right of freedom of speech, the right of the citizen against self-accusation and the right of the citizen not to be twice tried by a jury are secured to him by virtue of the Constitution of the United States. Being so, the fourteenth amendment comes in and says: "No state shall make or enforce any law which abridges the rights or privileges of citizens."

Turning to the action and rulings of the

TRIAL COURT,

Mr. Tucker said: The defense were driven to peremptory challenges in order to exclude jurors who should have been exempt for cause and thereby there was a limitation of the right of peremptory challenge which this court has held to be one of the highest privileges of the prisoner. "The last four jurors," said Mr. Tucker, "were put upon us after our peremptory challenges had been exhausted. In one case—Juror Denker—we objected distinctly upon the ground that the ruling of the court was in violation of the Constitution."

Tucker then referred to the seizure of the letters, private papers, etc., and their use as evidence, and said this was a violation of the fourth amendment. In conclusion, Tucker said: "We have the right, in my judgment, to a

WRIT OF ERROR

to be heard on the question whether the Constitution has been violated in order to compass the conviction of these men. It is true they are said to be anarchists, but they are men and entitled to the same protection as I am. I know of no anarchy abroad in the land which the American people need fear except anarchy in the administration of justice. I pray the court will therefore award this writ, for, if I do not mistake, there are evidences in the whole record which will demand a reversal of the judgment."

ATTORNEY-GENERAL HUNT

then addressed the court in behalf of the state and in opposition to the motion for a writ of error.

To warrant the issuance of the writ, he said, it must appear from the record:

First—That there is a federal question involved and

Second—That such a question was raised and decided in the state court.

He was not as well informed as he would like to be in regard to the exact points upon which counsel for the petitioners relied. In the first part of his argument Mr. Tucker planted himself squarely upon the rights which belonged to his clients, under the fourteenth amendment, but in the latter part he

CHANGED HIS GROUND

slightly and insisted that the first ten amendments were declarations of individual rights, and then that they were all comprised in the provisions of the fourteenth amendment. The Attorney General opposed this view, and said so far as the petitioners rely upon anything contained in those amendments, they can have no standing in this court. The fourteenth amendment is equally foreign to any right, privilege or immunity here claimed by the petitioners. The record will show that the complaint is not that the state made or is enforcing a law which deprives the petitioners of any of the privileges or immunities guaranteed by that section, but that they are deprived of their rights by an erroneous construction of the law placed upon it by the trial court of the state.

THE PETITIONERS

did not claim in the supreme court of the state that the Illinois act of 1874 was repugnant to the Constitution, treaties or laws of the United States, nor that the authority of the court was exercised under it, but that the act was constitutional and valid, and that the court exercised its power in violation of that law. The petitioners were tried in the courts of the state under the laws of the state and that constitutes "due process of law." It is not material that this or another court might have ruled differently under the law. "Due process of law" means the law of the land. Mr. Hunt then cited the case of Prosser vs. the State of Illinois, regarding the militia laws of the state. This decision forecloses and

BARS OUT

the contention of counsel that the rights contemplated in the language of the first ten amendments were included in the fourteenth amendment and especially extended guarantees and immunities to citizens of the United States.

Attorney General Hunt then turned his attention to the Constitutional provision that "no state shall deny to any person the equal protection of the laws" and "privileges and immunities" contemplated by the amendment were only those for whose enforcement Congress had provided by subsequent legislation and having acted, Congress has exhausted the subject until it chooses to

TAKE IT UP AGAIN.

Turning to the composition of the jury in the trial court, the attorney-general said he did not see how the personnel of the jury, who tried the petitioners in this case, could properly be submitted to the court or considered by it in the present proceedings. This inquiry must be made as to the constitutionality of the jury law of the state of Illinois and not as to how the State court may have construed that law. The record showed, he believed, that on the challenge of one juror, the suggestion was made by one of the counsel for the prisoners, that there was a provision in the constitution of Illinois, as well as in the Constitution of the United States, guaranteeing to every person a trial by an

IMPARTIAL JURY.

The person at whose challenge that suggestion was made did not finally sit on the jury that tried the case. He would submit that in order to give the parties a standing in court, the suggestion or objection must have been made with regard to a juror who actually tried the case, or that by reason of the exhaustion of their premptory challenges the petitioners were compelled to accept an incompetent juror, and were thereby irreparably damaged. This question was never raised with regard to any juror who actually did sit on that case.

Chief Justice—Was it not raised in Sanford's case. I think it is shown in the memorandum which we have that it was raised

AS TO SANFORD.

Mr. Grinnell (interrupting)—If the court please, the memorandum is not a fair transcript of the record.

After some colloquy the chief justice directed that all parts of the record relating to the question thus raised should be printed and submitted to the court tomorrow.

Attorney General Hunt, resuming once more, referred to the fact that the jury law of Illinois was not attacked by counsel on the other side in the state supreme court. They stated there, he said, they did not think it necessary to attack the constitutionality of the law, because it may be given a construction which would make it objectionable. Mr. Hunt believed it to be well settled and established that this court will not review a decision of the supreme court of a state as to the construction to be given to its own constitution and

ITS OWN LAWS.

He then spoke for some time of the jury law which he said had been the common law all over the United States and always. The laws were substantially the same as those of New York, Michigan, Arkansas, Colorado and Nebraska. The recent changes in the jury laws of the states had for their purpose and object the procurement of a better and a more intelligent class of men as jurors. "Is it possible," the Attorney-General asked, "that the states are to be so bound by the federal constitution that they cannot change their jury laws in accordance with the changing conditions of their social and political life?" He hoped the court would maturely consider the far-reaching consequences of the construction which the petitioners desired to have given to the

FOURTEENTH AMENDMENT.

As to the alleged "unreasonable search and seizure," Mr. Hunt said he would like to know how a criminal instrument of a criminal could be legally taken from him. He knew of no process by which it could be done, if they were his own. The question for the court, however, was not how was the possession of these things obtained, but rather "what do they prove?" The attorney-general cited the recent case of Ker brought back from South America without extradition. The court held that the question was not "how did you get here?" but "are you guilty?"

The attorney-general then took up the case of the prisoners Fielden and Spies. He said he understood it would be urged by counsel on the other side that they

BEING FOREIGNERS,

Fielden an Englishman and Spies a German were protected by treaties between the United States and their respective governments; that they should have immunity because the treaties provided that citizens of England and Germany living in the United States should have all the rights and privileges guaranteed by the law to citizens of the United States at the time the treaties were ratified.

Chief Justice—In what respect is it said that this violates the citizenship of Great Britain?

General Butler—They were to have all the privileges of Americans at the date of the treaties, and among those privileges we contend was a trial by jury under the laws then in force. No law could be passed to

CHANGE THEIR CONDITION

under the organic law, the highest of all laws.

Attorney-General Hunt replied that if this were so, then the prisoners, without being citizens, were privileged persons above the law of the state which they set at defiance.

At this point the hour for adjournment arrived and further argument was postponed until to-morrow.

Richmond's Big Day.

RICHMOND, Oct. 27.—When the procession reached the monument grounds it was raining so hard that it was decided to postpone the reading of the poem and the delivery of the oration until this evening. The corner stone of the

LEE MONUMENT,

however, was laid with an impressive Masonic ceremony. Notwithstanding the disagreeable weather about 20,000 people witnessed the ceremony.

Among the ex-Confederates present who were frequently greeted with cheers and applause as they were recognized by the crowd, were: Generals Wade Hampton, Joseph E. Johnston, Jubal A. Early, Daniel Ruggles, J. D. Imboden, Bradley T. Johnson, Wm. McComb, R. L. Page, Geo. H. Stewart, L. L. Lomax, Robert Ransom, Matt Ranson, Eppa Hunton, C. M. Wilcox, W. D. Callafar, ex-Governor William Cameron, United States Senator John W. Daniel, also, Colonels Charles S. Venable, Walter H. Taylor and Chas. Marshall, of General R. E. Lee's staff.

The hall of the house of delegates was

PACKED TONIGHT,

many being unable to obtain admission. Governor Lee called the gathering to order and introduced General Jubal A. Early to preside. General Early was greeted with thunderous applause. He spoke of the formation of the Monument Association, paid an eloquent tribute to the ex-President of the Confederacy, and regretted his absence on this occasion. He then introduced General Gordon McCabe who paid a growing tribute to the late Captain James Barron Hope, the gifted author of the poem which he then read, after which Colonel Charles Marshall, military secretary of General Lee, delivered the oration of the day.

At the conclusion of Colonel Marshall's oration General Wade Hampton made a few remarks in the course of which he said he regarded Lee even a greater man than Washington.

Jeff. Davis in Triumph.

CHICAGO, Oct. 27.—The *News* Macon, Georgia, special says: Yesterday was "Confederacy Day" in Macon. Everywhere throughout the city the confederate flags were flying and everybody wore a dozen badges on his breast indicative of love for

JEFFERSON DAVIS.

A special feature of the occasion was the review of the Confederate veterans by their old President. The procession was to have marched by Davis in review, but when the procession was opposite Davis, the veterans broke rank and swarmed about their chief. The police endeavored to keep them back, but they shouted "All the police of Georgia could not prevent us from shaking hands with Jeff Davis." The enthusiasm reached a climax when some one handed a Confederate battle flag to Davis, who grasped the tatters of the flag and pressed them to his lips. The air was full of such expressions as "God bless Jeff Davis!" "God bless the flag!" and the entire multitude was in tears. Mrs. Davis and children kissed the flag and with each kiss

FIVE THOUSAND HUZZAS

went up. When the flag was handed back to the multitude the men snatched all the available tatters and pressed them warmly to their lips. Pretty soon Davis arose and said:

"Friends and brothers, I am like that old flag, tattered and torn by storm and years. I love it as a memento of what your fathers did, and what I hoped you would do. I will see you again."

Several badges on behalf of the military organizations were presented to Davis and daughter. They bore conspicuously on their face Confederate flags and sentiments.

During the afternoon at the fair grounds various speeches were made by old Confederate leaders, and in the evening there was a great torchlight demonstration and an address by General Jackson, ex-minister to Mexico.

Criminal Cases.

NEW ORLEANS, Oct. 27.—On the request from a planter in Terre Bonne, who complains that his plantation is in the hands of negro strikers, the governor has ordered the militia to the scene of the trouble, to act under the civil authorities. It is hoped the difficulty will be settled amicably to-morrow.

NEW YORK, Oct. 27.—District Attorney Martine, today, presented to the grand jury papers in a criminal case for grand larceny against Russel Sage and

JAY GOULD

brought by the bondholders of the Kansas Pacific Company. The grand jury returned the documents to the district attorney for investigation.

YUMA, Arizona, Oct. 27.—A desperate break for liberty was made at the penitentiary here this morning. As Superintendent Gates was passing through the north sally port of the prison, he was seized by a convict and marched out, followed by seven other convicts. One of the convicts rushed into the office, wrenched open a drawer and seized a pistol. The superintendent called upon the guards to shoot the convict holding him. Riggs, a life convict, secured a pistol from an escaping convict, and

KILLED THE CONVICT

who held and was stabbing the superintendent. Two prisoners were killed, one was mortally and two seriously wounded. The superintendent was badly wounded. There were no escapes.

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AN UNDIVIDED HALF INTEREST IN what is known as the "Farmington Rock Mill," situate in Farmington, Davis County. A splendid investment for a Miller. The mill has just been thoroughly repaired, and fitted with the most improved machinery. Ample water right, and good residence attached. Price, $5000. Satisfactory reason given for selling.
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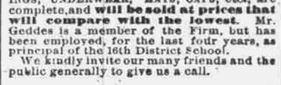
The City Taxes for the year 1887, remaining unpaid on the
31st day of October,
will become delinquent. Unless they are paid on or before the above date, I shall be obliged to collect (with costs) as provided by law.
d5t M. W. TAYLOR, Collector.



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Arrives at Salt Lake City from the East at 4:35 p.m., and leaves for Ogden at 4:40 p.m. arrives at 6 p.m., making connection with the Central Pacific for the West.
LOCAL TRAINS
Leave Salt Lake City for Bingham and Alta at 7.30 a.m., for Ogden, 8.15 a.m. and 4.40 p.m., for Springville, 6.30 p.m.
Arrive at Salt Lake City from Bingham and Alta, 4.25 p.m., from Ogden, 11.05 a.m. and 6.30 p.m., from Springville, 8.15 a.m.
Tickets for all points East and West can be purchased at the Depot Office and City Ticket Office, White House corner, Salt Lake City.
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