

It seems from the telegraphic report which appears in another column and which came from Provo last evening too late for our evening's issue, that Judge Strickland is determined to unburden his mind of the load which appears to be resting upon it. He is resolved that the Grand Jury and the spectators at his court, at least, shall know his views; and if he does not have the opportunity of expressing his feelings publicly in this city, he will not suffer himself to be restrained at Provo. It must be a positive relief for him to give vent to his overcharged mind. He was pumped full before he went to Washington, and it was expected that such a torrent of argument, persuasion and eloquence would flow from him when he reached there that Congress would readily adopt any measures he might suggest for the procuring of the \$30,000, which were needed to carry out the programme of the Triumvirate, even if it were necessary to deduct the money from that usually appropriated by Congress to defray the expenses of the Territory. But, unfortunately for him and the caused which he represented, Congress would not listen to argument, persuasion, or eloquence. He had prepared himself in vain, and he had to return with all his thunder still bottled up. His recent trip to Provo is the first opportunity he has had of relieving himself, and who can blame him for improving it? We certainly should not; but this we are compelled to say, he does not confine himself to the truth. He misrepresents the case. By his remarks he would convey the impression that he and the other members of the "Triumvirate" are pursuing the line of duty, and that the officers of the Territory are vexatiously interfering with the courts, and withholding from them and the jurors the pay which legally belongs to them. This is not true, and, to use the mildest language, is a gross perversion and misrepresentation of facts. Judge Strickland knows now, if he did not before his recent trip to Washington, that the course of the Judiciary here is not sustained by the country and by the representatives of the people. He also knows that it is in direct opposition to the policy and practice which have prevailed in the Territories for the last fifty years.

Would there be any occasion for Judge Strickland to allude to the pay of jurors, or to say that there was a quarrel between the Court and the Territory, had he confined himself to law and not attempted to override it? Had the Judiciary followed the statutes, there would have been no necessity for him to have gone to Washington to try and raise money to pay jurors or to defray the expenses of the Courts. Utah Territory is able to pay every just claim against it, to meet every lawful expense of Courts, and then have money left in the treasury. But its officers must know that those expenses are lawful.

The statutes prescribing the mode of procuring juries are plain and simple. The statute of 1859 says:

The County Court in each county shall, at its first session in each year, and at such subsequent session, or other time as a neglect so to do at said first session or as other circumstances may require, make, from the assessment roll of the county, a list containing the names of at least fifty men, residents of the county, eligible to serve as jurors.

Said list shall contain the christian and surname at length, and the place of residence and occupation of each person named therein, and shall be filed with the Clerk of the County Court, who shall keep in his office a box or other safe place of deposit in which he shall deposit the names on the list, having previously written each name on a separate ticket and so folded said tickets that the name thereon does not appear.

The statute of February, 1870 says:

When a District Court is to be held, whether for a District or for a County, the Clerk of said Court shall, at least thirty days previous to the time of holding said Court, issue a writ to the Territorial Marshal, if said Court is to be held for a District, or to the Sheriff of the County in which said Court is to be held, if said Court is to be held for a County, specifying the time and place of holding said Court, requiring him to summon eighteen eligible men to serve as Grand Jurors, and eighteen eligible men to serve as Petit Jurors.

Upon the reception of said writ, the Territorial Marshal, or Sheriff, as the case may be, shall proceed to the office of the Clerk of the County Court of the County from which jurors are to be summoned, and the said Clerk shall, in the presence of the officer, thoroughly shake the tickets previously deposited in a box or other safe place of deposit, and draw therefrom promiscuously, the number of jurors required to be summoned from such County for

Grand Jurors and for Petit Jurors, keeping separate lists, and those drawn for Grand Jurors shall be summoned for Grand Jurors, and those drawn for Petit Jurors shall be summoned for Petit Jurors, which lists shall be signed by the Clerk and officer having said writs, and filed in the office of said Clerk.

The Court shall impanel, out of the list summoned as Grand Jurors, fifteen eligible men to serve as a Grand Jury.

Has Judge Strickland complied with the provisions of these statutes? He has ruled out the Territorial Marshal and declared that he is not an officer of his court. Not content with this, he ignores all the other provisions of the statutes. The law says that the officer (Territorial Marshal or Sheriff) shall proceed to the office of the clerk of the County Court, and there the said clerk shall in the presence of the officer thoroughly shake the tickets previously deposited in a box or other safe place of deposit, and draw therefrom the number of Jurors, &c. Has Judge Strickland ordered the officer whom he regards as legal to take this method of obtaining jurors? Or has he, setting aside the law, usurped the functions belonging to the Legislative Assembly, constituted himself a law-maker, and issued his *ipse dixit* as law? Has he not sent his deputy marshal to select jurors from the people at large, at random, to suit the caprice, design or ends of himself, the officer or the litigants?

We know what was done in this city. After the Territorial Marshal was ruled out of the Court, the officer chosen to perform his duties selected jurors to suit somebody's plan—whose, it is not difficult to guess—and in palpable violation of the law. The cañons were scoured, and men who had been but a short time in the country, and who could not legally sit as jurors, were selected. Some idea of the pains which were taken to get the right kind of a jury may be formed when it is known that sixty-two jurors were chosen, four only of whom were "Mormons," and they were peremptorily challenged. A more gross and flagrant violation of law never was perpetrated in any country than in that instance. Is not Judge Strickland pursuing the same course? The statute was framed with a view to get an honest and impartial jury, but if a jury was to be "packed" who could suggest a better plan than for the officer to go out and select his jurors? Such a proceeding is outrageously illegal and will not bear examination. So thoroughly convinced are legal men of this that we believe there has not a case been tried in this city before the jury of which we speak, to which there have not been exceptions taken!

Is it any wonder, then, that the Courts cannot get the money they want? The Territorial Marshal was the officer in whose hands funds were placed by the Legislative Assembly to defray Court expenses; but he was ruled out, and, of course, he very sensibly concluded that the funds were ruled out with him. No one can be blamed for this, but the Judiciary. The Assembly could not help them, for its sessions are biennial. As to the taxes, to which the Judge alludes, they are all right. The probity and business honor of the Territorial Auditor and Treasurer are too well-known to admit of a doubt upon this point. When the Assembly again meets their accounts will be satisfactory to the representatives, whether they will be to Judge Strickland or not.

This whole difficulty with the courts is traceable to the fact that the Judiciary came to this Territory with the idea that they were to carry out and enforce the provisions of the Cullom Bill, whether it passed or not. This is the fruitful cause of all the trouble in which the Judges are involved. They thought public opinion and the sentiment of Congress would sustain them in pursuing the course which they have adopted. They have boasted as much repeatedly. In this, however, they have been frightfully (to them) mistaken. They can not be sustained in their proceedings of folly and wrong. What impartial man, who understands the law, can place value on the decisions of the Court over which Judge Strickland presides, with jurors impanelled as we have reason to suppose his are? What can be done, then, under the circumstances? There is but one way in which this snarl can be disentangled, and that is for Judges McKean, Hawley and Strickland to resign. They owe this to the country and the Government, whose policy and wishes they have misunderstood and misrepresented.

## HOME NEWS.

PROVO, 3.

The U. S. District Court, for the 1st Judicial District, met yesterday morning as per adjournment, Hon. O. F. Strickland presiding. The venire for grand and petit juries were returned by deputy marshal Paul. The names of the jury were called, when 21 grand and 15 traverse jurors answered. The traverse jury was discharged till 10 a.m. to-morrow, whereupon the court, after appointing William J. Hawley foreman of the grand jury, said:

"I wish to say a few words in relation to the pay of jurors. The government has hitherto paid on their part, and it has been the practice for the Territory to pay on their part until recently. The press of this country has made some wrong assertions in relation to the object of these courts, in that the courts had decided that the U. S. Marshal should receive the funds and pay the jurors for the United States and Territorial business, and that he was the only lawful officer for this purpose. This is not so. This question has never been before the courts, and has not so been decided. The papers have put this before the people in a wrong light, and lately there was a piece in the Salt Lake Herald, headed, 'Another Attempt at outrage,' and referred to my going to Washington to endeavor to procure means through Congress to run these courts in opposition to the people. These are not the facts: I have been to Washington to endeavor to raise money to pay the jurors; but I have made an unsuccessful trip. I went for money to pay jurors who have served the people and should have their pay. They have served the courts as men who are good citizens; their services are very essential among the people. This court has been respected; with your help it shall continue to be. In your deliberations you will consider offenses against the United States, for which you will be paid; and should I detain you a few days on Territorial business, it may be without pay. But I would advise you, on receiving your certificate from the clerk, to put your accounts together and employ an attorney to collect your pay for you. I want you to have your pay, and do not care whether the Government, Territory or the man in the moon pays you, so that you get it; but we shall do all in our power to pay you. It is true that Judge McKean discharged his jury, not wishing to keep men from their work without pay; but these newspaper reports are not true.

Your first duties will be to investigate into matters pertaining to the United States, such as the violation of the common laws, post office laws, etc., in which you will have the assistance of the U. S. Attorney. After this you will direct your attention to Territorial matters, such as murder, arson, robbery, etc.; and I will call your attention to a case reported, wherein two men were arrested in Juab County and, while in custody, attempted to escape and were followed and killed. I am informed these are not the facts. You will inquire into this. Also a case of castration somewhere in Fillmore or other part of the district. Some of the citizens have made me acquainted with matters that I will call your attention to. While East I had a personal interview with President Grant and in speaking about this people, he expressed the kindest feelings towards them, and in conversation said you should be protected in your duties as jurors. He did not care if you were 'Mormons.' We have no prejudice against 'Mormons,' and this feeling is dying out among the masses of the people of the United States; it is only held to by a few crazy persons, but sensible men feel that 'Mormonism' has rights as much as other 'isms.' I am glad to see this. There is no reason why one denomination should be held to account and not others. We desire to give every man his rights and protection, and to punish the unruly only. We desire to make our courts respected on their merits. The clerk will now administer the oath, and you will retire to deliberate. You will appoint one of your number as clerk, and will meet and adjourn from time to time as your duty may require."

The clerk administered the oath to the foreman, and afterwards to the jury, and they retired to the jury room.

The Judge said, "We will now attend to the naturalization of aliens. If there are any present who desire their naturalization papers they will please come forward." Some 50 applicants arose and 23 were admitted. At 12 m. the Court adjourned till 2 p.m. At 2 p.m. the Court resumed its session and admitted some 40 or 50 aliens, and then adjourned till 10 a.m. to-day.

FILLMORE, 3.

The semi-annual meeting of the shareholders of our co-operative store was held May 2nd, at 2 p.m. Officers were elected and a dividend for the last six months, of 44 per cent., was declared, 14 per cent., to be added to the capital, and 30 to be paid to the shareholders.

PROVO, 3.

Judge Strickland is on the rampage. The grand jury were in session this morning but not this p.m. The Judge stopped the naturalization business to again lecture on the compensation of jurors. The jurors are not yet charged on Territorial business. The Judge complained that he could not learn that jurors had been paid, or that the taxes that are duly paid had been properly appropriated. He did not know whether the

jurors before the court could be paid without Congressional legislation, but hoped to be able to pay them by December. He said there is a quarrel between the court and the Territory as to who shall pay the court expenses, and admitted that the law provided for the county courts to pay jurors. He had read the law but could not learn whether jurors had been paid. The facts, in this district, are that Utah County Court did pay all the fees of the jury for the entire district until Judge Strickland, while on the bench, a year ago, said it is unfair that one county alone should pay these expenses, and suggested that there be a division of the expenses among the counties of the district; since which time Utah county has only paid when the cases originated in Utah county. The Judge might have learned these facts if he had breathed a wish to learn the truth of the matter. He is very technical on social matters.

FAIRVIEW, 3.

The weather is warm and pleasant. The people are farming and planting fruit and shade trees now. All our small grain is in and there are no signs of grasshoppers and scarcely any of their eggs to be seen anywhere. Prospecting is going on in the hills around here briskly, and several silver ledges are reported found, which are said to be valuable. A specimen of the quartz has been sent to the city to be assayed. Everything is moving on well here. A co-operative sheep herd was started yesterday, and a co-operative cattle herd will soon. Our store declared a dividend of 25 per cent. for last quarter.

PARIS, Rich Co., April 30,

via FRANKLIN, May 4.

Grain sowing is completed in this valley, with most favorable weather. There are rumors of grasshoppers at the south end of the lake.

A carding and planing machine has been sent for by Gen. Rich & Co., which will be a great benefit to this county, when running.

New settlers are arriving. The roads from the south, via Cache Co., are reported very good. The health of the people is generally excellent.

## Correspondence.

SPRING CITY, April 29, 1871.

Editor Deseret News: Dear Brother.—While engaged, this evening, in family prayer, my mind was deeply exercised about the animosity and bitterness indulged in against the Latter-day Saints by the outside world. By way of comfort, a voice seemed to whisper to me, saying: "Be not troubled about any of these things, My cause, My kingdom and the rights of My people shall be vindicated, and the world shall feel and know that I am God; for they, having rejected My law and My people, must feel the vials of My wrath." Strange and unprecedented will be the doings of men and the Providences of our God. Therefore I would advise the Saints to be humble and faithful to their God, and true to the Royal line of the Holy Priesthood; and I will say to the outside world, it will be more profitable to you to prepare to meet your God than to devise ways and means for the overthrow of the Latter-day Saints. You will not need to wait long for the evidence in the case, for the time is nigh.

To the apostates, I will speak a few words: You may attempt to repudiate that name because of a particular odium that attaches to it; yet, by that name you are known on earth and in heaven. Cease your false representations of the acts and doings of the Saints for your own sakes! You cannot hurt us nor the cause we try to uphold, but you hurt yourselves in many ways. Good men, in the Church and out of it, look with contempt upon your puny efforts. God abhors your course, angels shudder at your temerity and devils laugh to see what dunces they have made of you. Seek repentance with all your hearts, and it may be you will find it. Seek not unto spirits that peep, knock and mutter, though they be ever so familiar; but seek unto the Lord our God and feel after him, peradventure he may be found of thee.

Truly yours in the Gospel,

ORSON HYDE.

## DIED.

At Aberdare, Scotland, April 1, DAVID EVANS, aged 73 years, 2 months and 25 days.

At Grantsville, Tooele County, April 13th, 1871, MARY LISHMAN, wife of James Wrathall, after three days sickness, aged 49 years and 3 months. Sister Wrathall was baptized a member of the Church of Jesus Christ of Latter-day Saints in 1841, at Preston, England. She lived and died a faithful Saint.—Com.